Muslim State in a World of Nation-State

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Muslim views on the polity represent the paradigmatic understandings of how Muslims relate citizenry, authority, territoriality, and sovereignty to the overarching influence of the Western nation-state system. Faith or submission to the will of Allah was the main criterion to become part of the group or ummah. However, orientalists regarded ummah as a synonym for tribe, while Arab linguists insisted on a religious connotation. Authority, on the other hand, is ultimately enshrined in the personhood of the Prophetﷺ who is the spiritual leader, executor, legislator, and judicial interpreter of Allah's message. Since in reality the Prophetﷺ is no longer existing, leadership is bestowed on the subsequent followers, and sometimes the ummah may possess leadership status through a social contract between the ruler and the ruled. The manifestation of operationalised authority needs a political space, domain, or place, which is attainable via the notion of territoriality. This is loosely conceptualised as an ummah that has geographical aspects, cultural traits, and a lingua franca. The last concept pertains to sovereignty, commonly understood as "the will of God" and advanced by Islamists in the 20th century. Nowadays, the assertion that symbolises Allah's sovereignty can be found in some modern Muslim states.

Keywords: Islamic international relations, ummah, nation-state, *dār al-Islam*, Muslims, *dār al-Harb*, citizenry, territoriality, authority, sovereignty

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Since the beginning of the subjugation of Muslim societies to colonial powers in the 19th century, multiple discordant Qurʾānic and *ḥadīth* interpretations within and outside the realm of Islam have transpired. Questions on the legitimacy and positionality of Islam within Euro- American modernity have rendered great challenges for contemporary Muslims, particularly over the issues posed by modern democracy, territorial sovereignty (i.e., the modern state system), human rights, and international cooperation, among others. Islam has been subjected to the Othering promoted by Orientalist works that depict Islam in sweeping essentialist claims as undeveloped and static.[1,2] Muslims see Islam not as a simple religion but as a total way of life that governs the entire cosmos of creation. In the theological expression of the "International," Muslim scholars have referred to the Qurʾānic chapter 49 (*al-Ḥujurāt* or The Private Apartments) verse 13:

> ﴾ O mankind! Truly, We created you from a male and a female, and We made you peoples and tribes that you may come to know one another. Surely the most noble of you before Allah are the most reverent of you. Truly Allah is Knowing, Aware ﴿ [3]

Muslims experimented with forms of governance ranging from Persian statecraft, the caliphate, the sultanate, and the imāmate to the modern nation-state system. Of all these polities, the nation-state system has influenced the lives of contemporary Muslims. The succeeding Muslim views draw on their understanding of citizenry, territoriality, authority, and sovereignty as part of an overall view of the very idea of the "polity."

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[1] Nassef Manabilang Adiong, Ideology that Spawns Islamist Militancy. In Frank Shanty (Ed.), *Counterterrorism: From the Cold War to the War on Terror*, Santa Barbara, CA: Praeger, 2012

[2] Edward Said, *Orientalism*, New York: Pantheon Books, 1978

[3] Seyyed Hossein Nasr, Caner K. Dagli, Maria Massi Dakake, Joseph E.B. Lumbard, Mohammed Rustom (Eds.), The Study Quran: A New Translation and Commentary, San Francisco, CA: HarperOne, 2015, p. 1262

Muslim Views on Citizenry

Faith was the main criterion and basis for membership in the Islamic community headed by the Prophet Muhammadﷺ in the 7th century, but according to Ayubi, "it nevertheless subjected the believers to the authority of a certain political leadership."[1] It was through the preaching and leadership of the Prophetﷺ that Arabs formed a politico-religious group beyond kinship,[2] and after his demise, they formally institutionalized their community by borrowing foreign political administrative styles and practices (e.g., Persian treasury and military) as they spread all over the region. Rahman contrasts medieval European cities' patterns of governance with that of Muslim cities— the former being (independent) city-like associations, while the latter typically involved the emergence of familial dynasties (e.g. Umayyads and Abbasids).[3] Isin similarly focuses on the dynastic aspect of Muslim cities, noting that the dynasties are internally fissiparous, divided, and ruled by patrimony where there is the incapacity to build independent associations.[4] Thus, citizenship rights are procured from political junctures, contingencies, and trajectories rather than from full submission to Islam. However, Davutoglu insists that "the socio-political identification of ummah specifies a unique type of citizenship consisting of Muslims who decide to live together to perform their divine responsibility through the realization of a lifestyle originating from an axiological norm …"[5] because a Muslim is one who submits or surrenders him/herself to Allah and fully accepts the revealed messages as final and universal,[6] along with the signing of the Madīnah charter a new ontologico-political membership was defined beyond tribal membership in Arab societies.

1   Nazih Ayubi, *Political Islam: Religion and Politics in the Arab W*orld, London: Routledge, 1991, p.6

2   Gianluca Parolin, *Citizenship in the Arab World: Kin, Religion and Nation-State*, Amsterdam: Amsterdam University Press, 2009, p.26.

3   Fazlur Rahman, *The Principle of Shura and the Role of the Ummah in Islam*. In Mumtaz Ahmad (Ed.), *State politics and Islam*, Indianapolis, IN: American Trust, 1986, p. 88.

4   Engin F. Isin, *Citizenship after Orientalism: Ottoman Citizenship. In E. F. Keyman & A. İçduygu (Eds.), Citizenship in a Global World: European Questions and Turkish Experiences* (pp. 31–51), London: Routledge, 2005, p. 563

5   Ahmet Davutoglu, *Alternative Paradigms: The Impact of Islamic and Western Weltanschauungs on Political Theory*. Lanham, MD: University Press of America, 1994, p.186

6   Imtiyaz Yusuf, "Islamic Theology of Religious Pluralism: Qur'an's Attitude Towards Other Religions", *Prajna Vihara*, 2010, 11(1), p. 125

Therefore, a Muslim citizen is obligated to follow an authority or government that conforms to the principles and demands of Sharīʿah.[1]

Ummah is a concept that defines Muslims as part of a whole community. The contemporary concept of ummah is "a specific kind of social identity"[2] of which all Muslims are automatically a part by virtue of faith. Imām Zaid Shakir reflected on a virtually universal and transnational "cultural ummah" at the height of Muslim rule. He argued that "as a religious community of shared rituals, a shared liturgical language, shared dietary conditions, a common general dress code and unique approaches to art and music, Muslims share a common culture. This shared reality creates an ummah at the cultural level".[3] He demonstrated that Ibn Battuta[4] travelled more than 70,000 miles from Morocco to Indonesia and remained culturally integrated. He even became a judge in Maldives. However, this was in stark contrast with the experiences of Marco Polo,[5] who was only an observer abroad. This so-called "cultural ummah" immediately decayed with the adaptation of the nation-state system by Muslim countries, although some rituals are still widely practiced, including fasting, praying, and standard ḥalāl food, among others.

In scrutinizing the word ummah, Kaka Khel explained that it is "derived from the word *'amm'* (the root), which means 'to aim at' or 'to intend to'. Hence, ordinarily, it means the people who 'intend to' follow a leader or a religion. Moreover, it is used in the sense of the desire 'to belong to' one place or generation, and various kinds of birds".[6] The Qurʾān uses ummah in various contexts; it may mean mother, nation group of people, community, humanity, exemplary human beings, duration of time, era, lifespan, method, or pattern, or be specifically addressed to the followers of the

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[1]   Muhammad Asad, *The Principles of State and Government in Islam*, Kuala Lumpur: Islamic Book Trust, 1980, p. 75.

[2]   Christoffel A. O. van Nieuwenhuijze, "The Ummah: An Analytic Approach", *Studia Islamica*, 10, 1959, p. 20

[3]   Imam Zaid Shakir, "Reflections on the Ummah/Nation-State Divide", published January 2012,
      https://www.newislamicdirections.com/nid/articles/reflections_on_the_ummah_nation_state_divide

[4]   B. 1304, D. 1377

[5]   B. 1254, D. 1324

[6]   Muhammad Nazeer Kaka Khel, "The Rights of Non-Muslims in Islamic State", published in 2013,
      http://www.qurtuba.edu.pk/thedialogue/The%20Dialogue/1_2/5_Dr.%20M.%20Nazir.pdf, p. 8

Prophetﷺ.[1] Ayubi provides a useful introduction to the work of Ibn Khaldun[2] where he uses ummah as a sociohistorical concept and considers its phenomenon longer than a dynasty or state (*dawlah*).[3] He relates it with the term *watan*, which "expresses a certain relationship between specific group and a specific territory." Orientalists regarded ummah as synonymous with "tribe," but Arab linguists insisted on its religious connotation. According to Al-Faruqi, "to claim that, at the time, the only concept of belonging available was the 'tribe' is simply gross historical inaccuracy",[4] because there were strong prophetic traditoons that are non-ethnic and non-tribal. In Al-Faruqi's extensive study of the ummah, he offers ten meanings:

1. Ummah in the direct sense of "path" or "custom" is already used in the second Meccan period.
2. Ummah means the group that embodies a certain tradition or way or follows a certain law.
3. This conceptual ummah of all believers can be seen in the actual groups to which the primordial single ummah gave rise, and which can be further identified by the specific creeds into which the primordial message became differentiated.
4. An ummah is the religious law and tradition followed and embodied by a group, therefore by extension, the group itself.
5. The ummah may comprise many or a few adherents, even no more than one. An individual following Allah's law perfectly and in stark opposition to all people is an ummah on his own.
6. Ummah can mean a tiny group of people devoted to Allah.
7. Alternatively, ummah can refer to a large group of people.

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[1]   Robert A. Saunders, "The Ummah as Nation: A Reappraisal in the Wake of the "Cartoons Affair."" *Nations and Nationalism*, 14(2), 2008, 303

[2]   B. 1332, D. 1406

[3]   Nazih Ayubi, *Political Islam: Religion and Politics in the Arab World*, London: Routledge, 1991, p. 21

[4]   Maysam Al-Faruqi, "Umma: The Orientalists and the Qur'anic Concept of Equality", *Journal of Islamic Studies*, 16(1), 2005, p. 3-5

8. Just as those who follow and embody the ummah are, by extension, identified as the ummah, the word can take on the connotation of the time or lifespan of the community.

9. Each ummah has an appointed term, which cannot be changed. The concept of "time" is integral to that of ummah in the sense of its "age" or "life," which is "one's existence."

10. The meaning of the ideal ummah, is the one that matters most to Muslim theology and identity. In that humankind was created for a single purpose, they are a single ummah.[1]

Now, it is difficult to ascertain if there is a correlation of ummah as an identifying variable with the modern understanding of citizenship because of its ambiguity and ambivalent characterisation. Mohammad Hashim Kamali argues that the discourse and topic of citizenship are very underdeveloped in the literatures of Islamic jurisprudence;[2] thus Islamic scholars would just carelessly associate citizenship with Muslim identity[3] and being a legal member of the abode of Islam (*dār al-Islam*). In fact, citizenship is not recognized in Sharīʿah according to a majority of Muslim commentators.[4] But some would attribute the Islamic equivalence of citizenship to the accord of the Madīnah Charter, where parties to that document were given a set of rights and duties. However, contends that the modern concept of citizenship has no direct Islamic equivalence because "of Islam's rejection of all racial, ethnic and hereditary criteria of distinction, which constitute the foundations of nationalism."[5]

He further states that "the Prophet-cum-head of state himself did not insist on embracing Islam as a precondition of citizenship. The Madīnah Charter acknowledged and declared the Jews of Madīnah to be part of the ummah that the Prophetﷺ organised immediately after hisﷺ migration to Madīnah. Moreover, there is nowhere a requirement in the sources of Sharīʿah to say

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[1] Ibid., p. 28–32

[2] Muhammad Hasim Kamali, "Citizenship: An Islamic perspective", *Journal of Islamic Law and Culture*, 11(2), 2009, p. 121

[3] Aaron W. Hughes, *Muslim identities: An Introduction to Islam*, New York: Columbia University Press, 2013, p. 9

[4] Muhammad Hasim Kamali, *Citizenship: An Islamic perspective. Journal of Islamic Law and Culture*, 2009, p. 122

[5] Ibid., p. 124

that a non-Muslim resident, the so-called *dhimmī*, must become a Muslim first before he or she can become a citizen of an Islamic state".[1]

In addition, there was free mobility of transportation, residency, and employment of all individuals residing in Muslim lands, whether Muslim or non-Muslim, in spite of competing caliphates among the Abbasids (present Iraq, Syria, and Egypt), the Fatimids (present Tunisia), and al-Andalus (present Spain). Thus, the restrictions imposed by contemporary Muslim countries such as Saudi Arabia and Malaysia are an absolute violation of Sharīᶜah where, for example, the right to travel, work, or reside are fundamental, moral, and legal entitlements for all Muslims, but nowadays it has become a privilege for certain nationals depending on their social status in a particular Muslim-dominated country.

What we are witnessing now is an era of exclusivist membership to a certain nation-state (the only granting authority) that expresses itself in "local rhetoric and relies on ethnicity, culture",[2] nationalism, material wealth, language, particular lifestyles, values, and/or belief systems in order for an individual to be labelled as part of an entity in this present world order. This is in stark contrast to citizenship during the Ottoman period. Isin argues that Ottoman citizenship refers to imperial subjects and modern Turks as republican citizens and that the legitimising factor that led to the citizenship law was the *Tanzimat* (reorganisation) reforms promulgated between 1839 and 1876.[3]

With regard to minorities, Islamic scholars refer to them as *dhimmī* (or resident non-Muslims who agree to live and be ruled under a Muslim regime), which is enshrined in the term "People of the Book" (*ahl al-kitāb*), usually composed of Jews, Christians, Zoroastrians, and Mandaeans (Sabeans).[4] Sometimes, according to other contemporary interpretations, the *dhimmī* also extended to Buddhists and Hindus—depending on the

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[1]   Ibid., p. 125

[2]   Ibid., p. 151

[3]   Engin F. Isin, Citizenship after Orientalism: Ottoman Citizenship. In Fuat Keyman, Ahmet Icduygu (Eds.), *Citizenship in a Global World: European Questions and Turkish Experiences,* 2005, p. 31-51

[4]   Muhammad Nazeer Kaka Khel, "The Rights of Non-Muslims in Islamic State", 2013, p. 110-117

historical records of Muslim encounters in Asia—and was seen to have expanded its context to followers of certain ethical principles of higher authority. They were granted freedom of religion (i.e., rituals, practices, and places of worships are fully respected) and fundamental rights to life, property, movement, and sometimes exemption from military service. In return, they were obliged to contribute by paying a sort of poll tax (*jizya*), while Muslims paid the alms tax (*zakat*).[1] With the adaptation of the nation-state system by Muslim rulers, the *jizya* was scrapped, but in the early 21st century, minorities (religious or otherwise) are treated worse in comparison with, for example, the Ottoman period.[2] Currently, blasphemy and apostasy laws are entrenched in most Muslim-dominated countries and places, such as Saudi Arabia, Afghanistan, Pakistan, Brunei, and even the Islamic State of Iraq and Syria (ISIS).

Muslim View on Authority

The concept of authority in Islam is one of the most difficult to assess; political authority is especially ambiguous. Contestation over political authority is the prime reason why political and theological divisions emerged (i.e., Sunni vs. Shi'a), particularly after the death of the Prophetﷺ. The Prophet'sﷺ multiple roles as religious founder, political leader, head of state, and spiritual guide comprised the key understanding of the concept of political authority.[3] Hisﷺ political and diplomatic abilities in concluding treaties, as in the Madīnah Charter and the Hudaybiyya Treaty,[4] are worth emulating. Fazlur Rahman argues that leadership in Islam stems from the Qurʾānic revelation that recites: "Let there be of you a community who calls (people) to virtue, commands good and prohibits evil, these shall be the successful ones."[5,6] Some would argue that "authority belongs to

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1 Nazih Ayubi, *Political Islam: Religion and Politics in the Arab World*, 1991, p. 23

2 Mahmood Monshipouri, Islamic law. In D.S. Clark (Ed.), *Encyclopedia of Law & Society: American and Global Perspectives*, Thousand Oaks, California: SAGE, 2007

3 Muqtedar Khan, Political Authority in Islam. In M. Kabir Hassan & Mervyn K. Lewis (Eds.), *Handbook on Islam and Economic Life*, London: Edward Elgar, 2014b, p. 521

4 James P. Piscatori, *Islam in a World of Nation-States*, Cambridge, U.K.: Cambridge University Press, 1986, p. 49

5 Sūrah *āli-Imrān*, verse 104

6 Fazlur Rahman, *The Principle of Shura and the Role of the Ummah in Islam*, 1986, p. 88

ummah",[1,2] while others contend that authority is only possessed by Allah. Iqbal asserts that authority lies with Allah alone and that laws in Islam have already been legislated through the revealed Qurʾān and the Sunnah of the Prophetﷺ. Thus, the leader of the community or head of state has no legislative power, and if there is a need to alter or modify some laws, he/she must, first, appoint advisers (although their opinions are not binding), and second, subordinate altered laws to the Qurʾān and the Sunnah.[3] In principle and in theory, supreme authority lies only with Allah and not with the ruler of the state.

However, Hallaq insists that "Islamic law derives its authority not just because it is believed to be the law of Allah, for hermeneutically Allah did not reveal a law but only textual signs or textual indications that were to remain empty of legal significance had they been left unexplored".[4] Thus, the agents of interpreting the texts and making it into laws are solely the jurists. They are responsible for the interpretative construction, methodology, and codification of the Qurʾān and the Sunnah into Islamic law.[5] But the legislative activities of jurists are limited to three functions: "(1) to enforce laws in accordance with the Qurʾān and the Sunnah (these are the primary Islamic sources); (2) to bring all existing laws in conformity with the Qurʾān and the Sunnah; and (3) to make laws as subordinate legislation which do not violate the primary Islamic sources".[6] Crone adds that early Muslim government was all about the lawful maintenance of a moral order.[7] The jurists' discursive construction of the texts required constant interpretation and commentary in "which their schools of law were not only elaborated but also expanded and modified to meet the exigencies of

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[1] Tamim Al-Barghouti, *The Umma and the Dawla: The Nation State and the Arab Middle East*, London: Pluto Press, 2008, p. 37

[2] Abdul Kareem Newell, *Accountability in the Khilafah*. London: Khilafah Publications, 2007, p. 7

[3] Javed J. Iqbal, The Concept of State in Islam. In Muhammad Ahmad (Ed.), *State politics and Islam*, Indianapolis, IN: American Trust, 1986, p. 37-38

[4] Wael B. Hallaq, "Juristic Authority vs. State Power: The Legal Crises of Modern Islam", *Journal of Law and Religion*, 19(2), 2003, p. 244-245.

[5] Wael B. Hallaq, *Authority, Continuity, and Change in Islamic Law*, Cambridge, U.K.: Cambridge University Press, 2001

[6] Javed J. Iqbal, The Concept of State in Islam. In Muhammad Ahmad (Ed.), *State politics and Islam*, Indianapolis, IN: American Trust, 1986, p. 49-50

[7] Patricia Crone, *God's Rule: Government and Islam*, New York: Columbia University Press, 2004, p. 286-287

changing times".[1] The identity and authority of their schools of jurisprudence were preserved and maintained through their commentaries, interpretations of Islamic sources, and fiat (or fatwās) that served as forms of dialogue between the past, present, and future generations of scholars in expounding the Qurʾān and *ḥādīths* (sayings of the Prophet Muhammadﷺ). However, their roles and duties were challenged by the emergence of lay interpretations of non-jurists that fragmented their authority.[2] Particularly in the globalised internet age, any individual with proper higher education may have the audacity to solely interpret Islamic sources, even without looking back to classical texts produced by scholars in medieval times.

From another perspective, Arjomand opined that obedience is an important component of authority, as evidently stated in the Qurʾān, that is, "O believers, obey Allah, and obey the Messenger and those in authority among you …"[3] And "those authorities" are entitled to issue commands since Sunni Islam considers a caliph as heir to the Prophetﷺ, and succeeding authorities and subjects are obligated to obey the caliph.[4] The collection of *ḥādīths* of the Prophetﷺ "facilitated a great expansion in the scope and detail of the rules derived from Allah's law" in relation to the duties and responsibilities of the ruler.[5] One may argue that there are two bases of authority revealed in the Qurʾān: the dīn (religion) and the *mulk* (temporal rule).[6] Leadership is associated with another Qurʾānic term, sultan, representing the sole legitimate political authority during the age of empires in Muslim civilisation.

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[1] Muhammad Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change*, Princeton, NJ: Princeton University Press, 2002, p. 38.

[2] Francis Robinson, "Crisis of authority: Crisis of Islam?", *Journal of the Royal Asiatic Society*, 19(3), 2009, p. 345-348.

[3] Sūrah *an-nisā*, verse 59

[4] Saïd Amir Arjomand, Introduction: Shi'ism, Authority, and Political Culture. In Saïd Amir Arjomand (Ed.), *Authority and Political Culture in Shi'ism*, Albany: State University of New York Press, 1988, p. 1

[5] Robert W. Hefner, *Shari'a Politics: Islamic Law and Society in the Modern World*, Bloomington: Indiana University Press, 2011, p. 13-14

[6] Saïd Amir Arjomand, Introduction: Shi'ism, Authority, and Political Culture. In Saïd Amir Arjomand (Ed.), *Authority and Political Culture in Shi'ism*, 1988, p. 1-2.

To Al-Barghouti, the political expression of authority is manifested through the creation of the *dawlah*, a political concept referring to any authoritative political arrangement that is not necessarily associated with supreme power or sovereignty.[1] Throughout Islamic civilisation, the *dawlah* evolved into a caliphate.[2] Sunni scholars elaborated the significance of the elective nature of the leader (imām)[3] as restricted to only having executive power, but Shi'a scholars emphasized the infallible nature of the imām,[4] who has inclusive powers over the government's executive, legislative, and judicial roles.[5] During the peak of the Abbasid dynasty, the leader (caliph) possessed both religious[6] and secular (political) jurisdictions of authority, that is, a combination[7] of an imām and a sultan. However, there is a balance (equilibrium)[8] of designation of powers, and these are distributed among "the caliph as guardian of the community and the faith, the ulama or religious scholars involved in the function of rendering religio-legal advice, and the judges who settle disputes according to religious laws".[9]

In addition, "the influence of religion in all aspects of life in the society thus confirmed the social role of ulama".[10] Before the advent of dynastic families or hereditary political power in Muslim polities, the Sunni tradition of selecting a leader was usually done through rigorous mutual consultations (*shūra*) among selected stakeholders (mostly "senior" scholars) of the community. Next, a binding and consensual (*ijmā*) decision was made, in which the chosen or elected leader took an oath of allegiance while the ruled made a pledge of obeisance through the process of *bayʿah* (or a social contract between them). Some scholars have argued that the

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1 Tamim Al-Barghouti, *The Umma and the Dawla: The Nation State and the Arab Middle East*, 2008

2 Zamir Akhtar Khan, "A Critical Analysis of Khilafat-e-Rashidah in the Modern Perspectives", *The Dialogue*, 4(4), 2009, p. 447–473

3 Tamim Al-Barghouti, *The Umma and the Dawla: The Nation State and the Arab Middle East*, 2008, p. 38.

4 Saïd Amir Arjomand, Introduction: Shi'ism, Authority, and Political Culture. In Saïd Amir Arjomand (Ed.), *Authority and Political Culture in Shi'ism*, 1988, p. 3.

5 Fazlur Rahman, *The Principle of Shura and the Role of the Ummah in Islam*, 1986, p. 92.

6 Gudrun Krämer & Sabine Schmidtke, *Speaking for Islam: Religious Authorities in Muslim Societies*, Leiden: Brill, 2006

7 Sami Zubaida, *Law and Power in the Islamic World*, London: I.B. Tauris, 2003

8 Nazih N. Ayubi, Nader Hashemi, & Emran Qureshi, "Islamic State", *The Oxford Encyclopaedia of the Islamic World*, accessed at http://www.oxfordislamicstudies.com/article/opr/t236/e0394, 2009

9 Nazih Ayubi, *Political Islam: Religion and Politics in the Arab World*, 1991, p. 23

10 Shahram Akbarzadeh, Abdullah Saeed, *Islam and Political Legitimacy*, London: Routledge, 2003, p. 21

process of *shūra* may be binding[1] or not[2] depending on one's take on the concerned Qurʾānic interpretations and *ḥadīths*. It is important to note that the selection or election is done through the judgment of the jurists, scholars, and ulama on the basis that the chosen one is competent and expected to rule according to Sharīʿah.

The juridical authority of the leader, especially the caliph, serves as a political symbol in unifying the ummah, but as the Muslim polity evolves, the basis for this ideological unity is no longer attainable.[3] As the Abbasids declined in the 12th century, the role of the caliph bifurcated into separate realms of the sacred and secular.[4] In addition, the prominent source of legitimate authority became a security issue that referred to the lesser jihad or defending Muslim territories from Crusaders, Mongols, and other foreign invaders. Moreover, the Shi'ite peoples' non-recognition of a caliph as heir of the Prophetﷺ and their belief in occultation[5] symbiotically coexisted with the Persian-style kingship and sultanate systems as temporal rule. Ayatollah Khomeini's *Vilayat-i Faqih* (or rule or guardianship by jurists) later became the central body of contemporary Shi'a political thought,[6] controlled by a guardianship-based political system while recognizing the absence of an infallible 12th Imām.[7] In the modern period and after the demise of the Ottoman Caliphate in 1924, political authority broke into three types: monarchical, dictatorial, and semi-democratic.[8] The power of the ulama weakened with the adoption of the modern nation-state system and was divided into two categories: the official ulama and the non-official (independent).[9] The official ulama are part of the state bureaucracy, while

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[1]   Fazlur Rahman, *The Principle of Shura and the Role of the Ummah in Islam*, 1986, p. 91

[2]   Javed J. Iqbal, The Concept of State in Islam. In Muhammad Ahmad (Ed.), *State politics and Islam*, 1986, p. 39

[3]   Nazih N. Ayubi, Nader Hashemi, & Emran Qureshi, Islamic State, *The Oxford Encyclopaedia of the Islamic World*, 2009

[4]   Dale F. Eickelman & James P. Piscatori, *Muslim Politics*, Princeton: Princeton University Press, 1996, p. 46-47

[5]   Abdellilah Belkeziz, *The State in Contemporary Islamic Thought: A Historical Survey of the Major Muslim Political Thinkers of the Modern Era*, London: I.B. Tauris, 2009, p. 50-52

[6]   Saïd Amir Arjomand, *Introduction: Shi'ism, Authority, and Political Culture*, 1988, p. 3-4

[7]   Ahmed Vaezi, *Shia Political Thought*, London: Islamic Centre of England, 2004, p. 53

[8]   Muqtedar Khan, Islam, "Democracy and Islamism After the Counterrevolution in Egypt", *Middle East Policy Council*, 21(1), 2014a, p. 520

[9]   Shahram Akbarzadeh, Abdullah Saeed, *Islam and Political Legitimacy*, London: Routledge, 2003, p. 14

the non-official are (financially and politically) independent of state control.[1] The non-official ulama are relatively small in numbers, and, at times, the state manages to penetrate their leadership. The nation-state took almost all the powers of the ulama and curtailed their influence among the people.

The only role left for the ulama was administering local family laws, and yet this still fell under the civil law and the supremacy of the state's constitution. Even trainings, tools (such as manuals and technical books), salaries, and proficiency degree programs to become a member of the ulama were directly supervised by the state.[2] In addition, permits to build and manage mosques were also taken over by the state. Moreover, crisis in the authority of ulama may also be attributed to and caused by them as well. There have been increasing numbers of ulama preferring to study Islam in Western institutions such as Oxford and Cambridge, rather than in their own madrasas or universities; thus, most of them have rejected past scholarship of their own traditions. They also halted person-to-person (oral) transmission of knowledge by printing and translating Islamic sources from Arabic to various vernacular languages.[3] Consequently, according to Robinson, "they themselves began to destroy the 'closed shop' which gave them the monopoly over transmission and interpretation of knowledge".[4]

Numerous scholars have discussed what form/s of political authority or government is/are appropriate for the Muslim world in the postcolonial age. Rashid Rida[5] argued for the necessity of a caliphate that will cater to a balance of the worldly and religious interests of the Muslim world.[6] He likened the caliph to the Catholic papacy, serving as a model for emulation. This was refuted by Shaykh 'Ali 'Abd al-Raziq[7], who contended that Islam

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[1] Muhammad Qassim Zaman, The Ulama and Contestations on Religious Authority. In Muhammad K. Masud, Armando Salvatore, & Martin van Bruinessen (Eds.), *Islam and Modernity: Key Issues and Debates*, Edinburgh: Edinburgh University Press, 2009, p. 226-229

[2] Shahram Akbarzadeh, Abdullah Saeed, *Islam and Political Legitimacy*, 2003, p. 23.

[3] Muhammad Qassim Zaman, *The Ulama and Contestations on Religious Authority*, 2009, p. 221-222

[4] Francis Robinson, "Crisis of authority: Crisis of Islam?", *Journal of the Royal Asiatic Society*, 19(3), 2009, 345–348

[5] B. 1865, D. 1935

[6] Anthony Black, *The History of Islamic Political Thought: From the Prophet to the Present*, New York: Routledge, 2001, p. 325-326

[7] B. 1888, D. 1966

did not prescribe a system of government and that there is no mention in the Qurʾān regarding a preferred political system for the ummah.[1] Even the Prophetﷺ did not elaborate any particular polity or provide instruction on ways and criteria in choosing a leader. All hisﷺ political and diplomatic actions were means to propagate Islam. For al-Raziq, the caliphate was a product of a historical moment catering to political needs, and Sharīʿah could also be changed because it was also influenced by specific historical circumstances. Abdullahi Ahmed An-Na'im argues that Sharīʿah principles could not be imposed by the state.[2] He is in favour of a secular society where different groups of peoples or communities share equally the same political space.

Muslim View on Territoriality

The ummah is also essential to an understanding of territoriality. As Derrick points out, it has various synonyms, interpretations, and understandings among Muslim scholars, depending on the context of its usage in the Qurʾān.[3] It may mean Muhammad'sﷺ closest followers, encompassing all living creatures, a mother (in Arabic), a community (in Sumerian, Aramaic, or Hebrew), or a unified Muslim world (in modern discourse). In some respects, al-Farabi[4] referred to it as the gathering of tribes or clans or the structure of a city. He also considered Indians, Abyssinians, Persians, Egyptians, and Syrians as another ummah and differentiated it with the term *milla* (which may mean a way, path, or cult under a divine ruler with a set of views and deeds), because ummah rules the entire life of a certain community, including its physical character, natural traits, and common tongue.[5] The first historical record of an established ummah was when the Prophet Muhammadﷺ became the leader of different communities composed of Muslims, Jews, Pagans, and Christians in Madīnah, cemented by an agreed treaty or charter stipulating articles of collective

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[1]   Anthony Black, *The History of Islamic Political Thought: From the Prophet to the Present*, 2001, p. 330

[2]   Ibid., p. 336

[3]   Matthew Derrick, "Containing the Umma?: Islam and the Territorial Question", *Interdisciplinary Journal of Research on Religion*, 9(1), 2013, p. 2

[4]   B. 872, D. 950

[5]   Nazih Ayubi, *Political Islam: Religion and Politics in the Arab World*, 1991, p. 19

security. According to Mandaville, "this 'treaty' provided an overarching sense of authority for the anarchic settlement. Because it demanded complete loyalty from all factions it also effectively prevented the formation of unstable alliances between clans."[1]

Muhammad'sﷺ ability to demand commitment from all warring factions of Medīnan society made himﷺ an able and efficient political authority. This is because hisﷺ previous successes in wars against the settlers of Mecca had put himﷺ on a pedestal, and neighbouring nomadic tribes relied on and pledged allegiance to himﷺ due to hisﷺ skilful leadership.[2] Thus, the ummah of Madīnah may be described as a conglomerate of numerous communities—be they tribal, confessional, or confederate in nature. The contemporary ummah is represented as an imagined politico-religious community patterned and based on the paradigmatic experience of Muhammad'sﷺ Madīnan society.[3] This type of ummah is envisioned by Islamists (political parties in Muslim states) and jihadists (transnational terrorist organizations such as al-Qaeda and ISIS) with the aspiration of recreating and reviving it in today's world to counter the hegemony of the nation-state system. However, most Islamists have come to accept the current political configuration of their states. Within the ummah, there is a kind of polity mentioned in the Qurʾān called *dawlah* (usually representing the state or country in the modern sense). According to Ayubi et al., the original meaning of *dawlah* as used in the medieval era connotes "to turn, rotate, or alternate".[4] It was even used to describe fortunes, vicissitudes, or dynasty during the Abbasid period. It was only then that it became territorial rather than communal, mainly because of the study done by al-Ṭahtawi[5], who presented the idea of *watan* or fatherland.[6] The first time the

1   Peter G. Mandaville, 2001, *Transnational Muslim Politics: Reimagining the Umma*, London: Routledge, p.36

2   Ahmet Davutoglu, *Alternative Paradigms: The Impact of Islamic and Western Weltanschauungs on Political Theory*, Lanham, MD: University Press of America, 1994

3   Yosef Jabareen, *The Emerging Islamic State: Terror, Territoriality, and the Agenda of Social Transformation*, Geoforum, 61, 2015, p. 53

4   Nazih N. Ayubi, Nader Hashemi, & Emran Qureshi, *Islamic State*, 2009

5   B. 1801, D. 1873

6   Mohammad Sawaie, "Rifa a Rafi al-Tahtawi and His Contribution to the Lexical Development of Modern Literary Arabic", *International Journal of Middle East Studies*, 32(3), 2000, p. 395–410

word *dawlah* appeared to mean "state" was in the Turkish memorandum of 1837.[1]

Territory is "*dār*" in Islamic legal terminology, and etymologically it means "house".[2] It is synonymous with the term *mawdhi* (place), *balad* (land), or *watan* (home or place of residence).[3] The concept evolved through its interrelatedness with the political and legal dominance of the ruler over his jurisdiction. The *dār* was structured as a legal framework in order to distinguish the Muslim political order from the rest of the world.[4] In Qurʾānic terms, it is used to describe a place of residence, final abode, or simply a house. Moreover, it is also a specific territory where the ruling regime and its subjects are Muslims. This sense could be attained if any of the four cases was upheld: "(1) the residents of a territory converted to becoming Muslims; (2) the territory is captured by force but the government allows the Muslims to practice and enforce their Islamic rulings; (3) the non-Muslim residents accept Islamic law under the Muslim protection; and (4) if the territory is conquered through a peaceful agreement where Muslims are allowed to settle and implement land tax".[5] In classical Sunni jurisprudence, the *dār* is basically classified into two divisions: *dār al-Islam* (the abode of Islam or peace) and *dār al-Harb* (the abode of war or the enemy). These are not Qurʾānic terminologies but jurists' interpretations that emerged in the middle of the 8th century (the second century in the history of Islamic civilisation). Ayoub argues that it was the Sunnah (traditions of the Prophetﷺ including its *ḥadīth* or sayings)—and not the Qurʾān—that played an essential role in developing these two categories. He further states that "in their efforts to synthesize this theory, most jurists projected their legal reasoning upon two major events in Muslim history".[6]

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[1] Nazih N. Ayubi, Nader Hashemi, & Emran Qureshi, *Islamic State*, 2009

[2] Anke Bouzenita, "The Principles of Territoriality and Personality in Islamic Law: Is There a Locus Regit Actum in Shari'ah?", *International Journal of the Humanities*, 9(7), 2012, p. 192

[3] Labeeb Ahmed Bsoul, "Theory of International Relations in Islam", *Digest of Middle East Studies*, 16(2), (2007), p. 74

[4] Samy Ayoub, "Territorial Jurisprudence, Ikhtilaf Al-darayn: Political Boundaries & Legal Jurisdiction", *Contemporary Islamic Studies*, 2(14), 2012, p. 2

[5] Ibid., p. 84

[6] Ibid., p. 7-10

First, they relied upon the event of the migration (*hijra*) from Mecca to Madīnah in 622. Second, many of their legal determinations were inspired by the conquest of Mecca in 630.[1] These theoretical divisions became so resounding that most Sunni jurists have accepted them uncritically, especially during the 1255 Mongolian invasion (and even after the last Crusaders were defeated in 1187) of most Muslim lands. Thus, scholars such as Ibn Taymiyyah[2] have adopted it in their works, which are very much cited by both contemporary Islamists and jihadists alike.[3]

Dār al-Islam is a legal construct that has a territorial dimension where Islamic law prevails and, to some extent, a political expression of the ummah is present. In short, it is a politico- territorial manifestation of the Muslim community.[4] This concept has pre-Islamic roots, notably, nomadism (non-sedentary lifeways) and urbanism (non- rural lifeways). This is embodied in Mecca as a religious sanctuary and Madīnah as the first Islamic state that functioned as the centre of trade and commerce during that time. Moreover, it is based on a concept of individual allegiance to the universal Islamic message. Most jurists believed that even if a majority of the people are non-Muslims or nonbelievers, as long as the dominant laws follow Sharīʿah, then it is still the abode of Islam.

Dār al-Harb is also a legal construct that has a territorial dimension, but it denotes a realm that is politically or economically subjugated by a non-Muslim power. According to Iqbal, "Muslims would be left with only two alternatives: either to conduct jihad (struggle) in order to regain their independent status, or to migrate to some Muslim country."[5] It is quite important to understand fully this division, because some jurists, especially the Hanafīs (one of the surviving schools of Sunni jurisprudence), contend that even if the majority of the population are Muslims but the laws and

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[1] Ibid., p. 13

[2] B. 1263, D. 1328

[3] Caterina Bori, "The Collection and Edition of Ibn Taymiyya's works: Concerns of Disciple", *Mamluk Studies Review*, 13(2), 2009, p. 47–67

[4] Manoucher Parvin, & Maurie Sommer, "Dar Al-Islam: The Evolution of Muslim Territoriality and Its Implications for Conflict Resolution in the Middle East", *International Journal of Middle East Studies*, 11(1), 1980, p. 5

[5] Javed J. Iqbal, *The Concept of State in Islam*, 1986, p. 37

security are governed by *kufr* (nonbelievers or infidels), then it is still the abode of the enemy of Islam.[1] Shāfiʿī⁇ coined a third division, the *dār al-Sulh* (territory of friendly non-Muslim nations) or *dār al-'Ahd* (land of temporary truce),[2] where a Muslim territory has diplomatic relations with non-Muslim territories in order to protect the lives and property of both Muslim and non-Muslim minorities in both areas, in exchange for paying (or receiving) tribute. It signifies that Muslim minorities are free to practice their religion even if they are ruled (not protected) by a non- Muslim leader. However, some jurists think that even if there is an armistice concluded between the rulers, this division still forms part of the *dār al-Harb*. Bouzenita argues that this division is not an entirely independent territorial one, because it relies on the conditions of the contract at hand. [3]

Out of all the Sunni schools of jurisprudence (*fiqh*), the Hanafis mostly focused on the study of territoriality, developing a legal concept called *ikhtilaf al- dārayn* (translated in English as "territoriality" as well). The founder, Abū Hanīfa⁇[4], emphasized that the core factors in declaring a place as the abode of Islam or of war/the enemy are security (*amān*), fear, and absence of protection (*isma*). The Hanafīs viewed Muslims and non-Muslims as "two independent legal characters, each having its legal status",[5] where religion is not a determining factor in the legal structure of territoriality. According to Ayoub, there are three main factors in Hanafī's concept of territoriality: "(1) residency; (2) legal status of the individuals; (3) the existence of *al-mārʿa* (secured jurisdiction)."[6] The applicability of his territorial concept rests in two conditions: "(1) the disparity of the legal and physical proximity of two jurisdictions; and (2) the absence of inviolability or protection for people's life or property".[7] However, despite Hanafī's insistence on the personal legal status of peoples within the divisions of

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[1] Samy Ayoub, *Territorial Jurisprudence, Ikhtilaf Al-Darayn: Political Boundaries & Legal Jurisdiction*, 2012

[2] Ibid., p. 4

[3] Anke Bouzenita, *The Principles of Territoriality and Personality in Islamic Law: Is There a Locus Regit Actum in Shari'ah?*, 2012, p. 193

[4] B. 699, D. 767

[5] Samy Ayoub*, Territorial Jurisprudence, Ikhtilaf Al-darayn: Political Boundaries & Legal Jurisdiction*, 2012, p. 5

[6] Ibid., p. 2

[7] Ibid., p. 5

dār, Abou El Fadl argued that "all Muslims belong to a single community (*umma wahida*) regardless of their residence".[1] In turn, he claimed that Hanafīs were preoccupied with territorial and jurisdictional intricacies, rather than engaging in moral obligations.

It is important to note that Islamic territoriality is a result of the historical evolution of Muslim governance and the legal conceptualisations of jurists, that is, from Madīnan society, the caliphate, and empires to the adoption of postcolonial polities (nation-states). In the 9th century, al-Muqadassi[2] distinguished between the cultural regions of Arabs and Persians (Parvin & Sommer, 1980, p. 11). The *Hudud al-Alam* (Regions of the World), a 10th-century geographical book, contained 51 nations divided into provinces and towns. But among the perennial social elements that bind nations, as argued by Ibn Khaldun, is *asabiyyah* (usually translated as solidarity).[3] Parvin and Sommer point out that through solidarity, people tended to acquire landed property in order to maintain political and economic security.[4] By the 16th century, competition in amassing lands became fiercer because of the dominance of strong empires such as the Mughals (South Asia), the Safavids (Persia), and the Ottomans (presently Turkey). However, with the arrival of the European colonialists and the imposition of the idea of permanent territorial borders, *dār al-Islam* gradually delegitimised the idea of the abode of Islam based on the history of Muslim civilisation that had been characterized by its expansionist and occupationist tendencies, in contrast with the European colonial polity. In the face of threats of widespread European intervention into Muslim lands during the 19th century, Jamal al-Din al-Afghani[5] proposed to the then caliphal ruler, Sultan Abdulhamid, a return to the pristine message of unity in a single Muslim ummah in order to restore universal solidarity.[6] Derrick

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[1]   Ibid., p. 3

[2]   B. 946, D. 991

[3]   Ibn Khaldun, *The Muqaddimah: An Introduction to History—Abridged Edition. Edited by N. J. Dawood, translated by Franz Rosenthal, and Introduced by Bruce Lawrence*, New Jersey, USA: Princeton University Press, 2015

[4]   Manoucher Parvin, & Maurie Sommer, *Dar Al-Islam: The Evolution of Muslim Territoriality and Its Implications for Conflict Resolution in the Middle East*, 1980, p. 13

[5]   B. 1838, D. 1897

[6]   Matthew Derrick, *Containing the Umma?: Islam and the Territorial Question*, 2013, p. 14

addresses how Muslim thought about territoriality, *dār al-harb* and *dār al-Islam*, similar to al-Afghani's conceptualisation of ummah as an emulation of the German idea of a nation, which could be achieved through a confederation of Muslim states.[1]

Mauriello and Marandi, and Abdel Haleem, discuss the Shi'a reaction to European colonialism. The Shi'a version of *dār* is not represented by the *dār al-Islam* or *dār al- Harb* but by the *mustad'afun* (oppressed) and *mustakbirun* (oppressor) world views.[2] Shi'a scholars argue for the "oppressed–oppressor" dualism of *dār* in Qurʾānic terms (notably sūrah *an-nisā*, verse 75, sūrah *al-qadr*, verse 98 and 127, and sūrah *al-anfāl*, verse 26),[3] compared with the Sunni conception of territorial division, which was a result of 8th-century juristic interpretation by the Hanafīs. However, there is no clear explanation of whether the Shi'a version of abodes of Islam and of the enemy, as represented by the oppressed–oppressor duality, is territorial in nature. According to Mauriello and Marandi, the Shi'a world view is more concerned with justice, corruption, and knowledge than with formal categorisation of the territory.[4] In contemporary Iran, the late Khomeini described the Shi'a society in terms of two antagonistic components (aside from the oppressed–oppressor dualism of *dār*): oppressed nations (*mellat-e mostad'af*) versus Satan's government (*hokumat-e sheitan*), slum dwellers (*zagheh- neshin-ha*) versus palace dwellers (*kakh-neshinha*), poor (*foqaha*) versus rich (*servatmandan*), and the lower (*tabaqe-ye payin*) and needy class (*tabaqe-ye mostamdan*) versus the aristocratic class (*tabaqe-ye a'yan*).[5] Furthermore, as it is anchored in sound Qurʾānic language and Islamic epistemology (and ontology), this model of oppressed–oppressor has a distinctive Islamic legitimacy and authority. The legitimacy of an authority's jurisdiction over a

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[1]   Ibid.

[2]   Raffaele Mauriello, & Seyed Mohammad Marandi, "Oppressors and Oppressed Reconsidered: A Shi'itologic Perspective on the Islamic Republic of Iran and Hezbollah's Outlook on International Relations", In Nassef Manabilang Adiong, Deina Abdelkader, & Raffaele Mauriello (Eds.), *Islam and International Relations: Contributions to theory and practice*. London: Palgrave Macmillan, 2016, p. 4

[3]   Muhammad A. S. Abdel Haleem, *The Qur'an: A New Translation*, Oxford: Oxford University Press, 2008

[4]   Raffaele Mauriello, & Seyed Mohammad Marandi, *Oppressors and Oppressed Reconsidered: A Shi'itologic Perspective on the Islamic Republic of Iran and Hezbollah's Outlook on International Relations*, 2016, p. 16

[5]   Ibid., p. 17

territory is sacrosanct to Allah's sovereignty, which is discussed in the next section.

Muslim View on Sovereignty.

Islam is fully endowed with sovereignty (*hakimiyyah* in Arabic),[1] which is clearly stated in the Qurʾān: "O Allah, Lord of Sovereignty! Thou givest sovereignty to whom thou pleases, and takest away sovereignty from whom thou pleases. Thou exaltest whom thou pleases, and basest whom thou pleases. In thy hand is all good for thou hast power over all things."[2] As Asad understands it, "the real source of all sovereignty is the will of Allah as manifested in the ordinance of the Sharīʿah."[3] [4] But the operational method (i.e., any form of government) to realize the insistence of the Qurʾān and Sunnah regarding Allah's sovereignty and enforcement of Islamic laws depends on the maturity and goodness of the ummah.[5] Therefore, sovereignty lies in the revealed messages of Allah as embodied in Sharīʿah,[6] and it is not for the ruler or clergy (*ulama* or jurists) to monopolize it.[7] According to Khatab, "the significance of the term *hākimiyyah* rests in its political meaning. … This means that Allah is the only '*Hakim*' or Sovereign and He has the right to ordain the program of human life; people must live according to the Sharīʿah ordained by Allah in the Qurʾān and the Sunnah." Consequently, the holder of supreme authority is Allah alone.[8]

The legitimate goal of the Muslim community is the advancement of its public interest (*maslaha*) and of public welfare or the common good for all Muslims. This is very similar to the early, pre-Westphalian Western conception of sovereignty, which was articulated in terms of responsibility

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[1]   Sayed Khatab, "Hakimiyyah and Jahiliyyah in the Thought of Sayyid Qutb", Middle Eastern Studies, 38(3), 2002, p. 145

[2]   Sūrah *Āli-Imrān*, verse 26

[3]   Muhammad Asad, *The Principles of State and Government in Islam*, Kuala Lumpur: Islamic Book Trust, 1980, p. 39

[4]   Amr G. E. Sabet, *Islam and the Political: Theory, Governance and International Relations*, London: Pluto Press, 2008, p. 190

[5]   Javed J. Iqbal, *The Concept of State in Islam*, 1986, p. 47

[6]   Sayed Khatab, *The Power of Sovereignty: The Political and Ideological Philosophy of Sayyid Qutb*, London: Routledge, 2006, p. 36

[7]   Nazih N. Ayubi, Nader Hashemi, & Emran Qureshi, Islamic State, *The Oxford Encyclopaedia of the Islamic World*, 2009

[8]   Sayed Khatab, *Hakimiyyah and Jahiliyyah in the Thought of Sayyid Qutb*, 2002, p. 147

for the common good.[1] In the premodern world, European kings were divine in character, unlike the sultans or Muslim political elites who were fallible and were granted legitimacy on the basis of defending the sovereignty of Allah through His divine laws. The concept of sovereignty was realised in modernizing the Ottoman Empire in the 19th century,[2] and the sultan utilized it to centralise his authority and eliminate the traditional system of checks and balances. Belkeziz stipulates that the basis of *hakimiyyah* supports the idea that the power to authorise and legislate excludes human beings and that only Allah is capable of doing so. Belkeziz states that Abul A'la Maududi,[3] the first Islamist thinker, argued for a theocratic form of government, and not democracy, in an Islamic state. For Islamists, *hakimiyyah* is very similar to the propounded claim of the rule of Sharīʿah as the only applicable system for Muslim societies.[4] Thus, Sharīʿah must be asserted in every Muslim nation's constitution because the supremacy of Allah's will symbolise sovereignty.[5]

Jackson criticizes Maududi for resorting to unreliable *ḥādīths* after failing to find textual support for his ideas in the Qurʾān. He asserts that Maududi's interpretation of the Qurʾān "does not take account of social conditions that existed in his time".[6] For example, Maududi's "theodemocracy," a neologism that resulted from his personal understanding of Islamic sources, suggests that ordinary people have governing power under the sovereignty of Allah.[7] Executive and legislative processes, in turn, must be pursued by consulting all Muslims until widespread consensus is reached. Islamist thinkers were reacting to their deplorable political situation, just as Sayyid Qutb,[8] the most prominent Islamist thinker, was reacting to the

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[1] James Turner Johnson, *Sovereignty: Moral and Historical Perspectives*, Washington, DC: Georgetown University Press, 2014

[2] Gerrit Steunebrink, "Sovereignty, the Nation State, and Islam", *Ethical Perspectives*, 15(1), 2008, p. 7

[3] B. 1903, D. 1979

[4] Abdelilah Belkeziz, *The State in Contemporary Islamic Thought: A Historical Survey of the Major Muslim Political Thinkers of the Modern Era*, London: I.B. Tauris, 2009, p. 206-207

[5] Israr Ahmed, "Views of Pakistani religious leader Dr. Israr Ahmed (1932–2010): Regarding the Structure of an Islamic Caliphate", published 2010, http://www.memri.org/report/en/print4413.htm,

[6] Roy Jackson, *Mawlana Mawdudi and Political Islam: Authority and the Islamic State*, London: Routledge, 2011, p. 111

[7] Ibid., p. 131

[8] B. 1906, D. 1966

Gamal Abdel Nasser regime's persecution of Islamist groups. Qutb ascribed sovereignty as the greatest attribute to Allah, by which he meant that "only Allah's authority would prevail in the heart and conscience, in matters pertaining to religious observances and in the affairs of life such as business, the distribution of wealth and the dispensation of justice."[1] The basis of his idea of Allah's sovereignty rests with his conception of "the great unity" and relations between Allah and his creation, life, humankind, and the universe.[2] This conception argued for greater unity among all Islamic sources, primarily the Qurʾān and Sunnah, and their relations to all entities (living and non-living things) in the world.

Qutb argued that all human activities, manners, and conduct must always relate accordingly to the ordinance of worshipping Allah.[3] The acts of prayer and worship signify the supreme sovereignty of Allah. Every state institution and all political, social, and economic codes and laws should always be congruent with and fulfil the essence of worship of Allah. Qutb's understanding of *hakimiyyah* "maintains that the entire universe issued from the absolute will of Allah and is regulated by His law. Every part is in harmony with all parts, and everything is in an integrated unity. Every existing part has a reason for being that is related to this complete and absolute harmony".[4] Qutb based his idea of sovereignty on the following Qurʾānic verses:

> ﴾ Allah keeps the heavens and the earth from falling. Should they fall, none could hold them back but He. ﴿ [5]

> ﴾ There is not a creature on earth whose sustenance is not (provided) by Allah. He knows its resting place and its repository. ﴿ [6]

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1   Sayyid Qutb, *Milestones*, Indianapolis, IN: American Trust, 1990, p. 17

2   Sayed Khatab, *Hakimiyyah and Jahiliyyah in the Thought of Sayyid Qutb*, 2002, p. 151

3   Sayed Khatab, *The Power of Sovereignty: The Political and Ideological Philosophy of Sayyid Qutb*, 2006, p. 21

4   Amr G. E. Sabet, *Islam and the Political: Theory, Governance and International Relations*, London: Pluto Press, 2008, p. 191

5   Sūrah *Fāṭir*, verse 41

6   Sūrah *Hūd*, verse 6

❨ We created man; and we know the prompting of his soul, and we are closer to him than [his] jugular vein. ❩ [1]

❨ It was Allah who made for you the night to rest in and the day to (give you) light. Allah is bountiful to men. ❩ [2]

❨ It is Allah who has given you the earth for a dwelling-place and the sky for a canopy. He has given you shape and made your shapes beautiful, and has provided for your sustenance. ❩ [3]

❨ It is He who has made the earth manageable for you, so walk about its regions and eat of His provisions. ❩ [4]

❨ Who is it that will defend you like an entire army, if not the Merciful? Who will provide for you if He withholds His sustenance? ❩ [5,6]

Qutb's view of Allah's sovereignty is an innovative one (i.e., placing it as the "first pillar before Sharīʿah"), and he supports it by citing historical events in early Muslim society during the time of the Prophet Muhammadﷺ. He believed that "Islam is a religion and a state" and that unity between religion and politics is the very nature and principle of Islam. Thus, a system of government is the most important element of an Islamic polity. Khatab implies that for Qutb, "practicing Sharīʿah is the natural outcome of implementing *hakimiyyah* as the only creed of a society and that abiding by Islamic law is the outcome of the belief that Allah is the only sovereign or *Hakim*. The legal implication of this is that there is no Islamic life before the belief that Allah is the only sovereign, even if the Sharīʿah is practically implemented." [7] Thus, for Qutb, Islamic government must impose Sharīʿah

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[1] Sūrah *Qāf*, verse 16

[2] Sūrah *Ghāfir*, verse 61

[3] Ibid., verse 64

[4] Sūrah *al-Mulk*, verse 15

[5] Ibid., verse 20-21

[6] Sayed Khatab, *Hakimiyyah and Jahiliyyah in the Thought of Sayyid Qutb*, 2002, p. 153

[7] Ibid., p. 154

and the leader must recognize Allah's sovereignty. An important feature is that "the government in Islam legitimizes its authority not through the result of election but through its activity to facilitate the application of the law".[1] Since Allah's sovereignty is the source of Sharīʿah, then it is also the provider of the legitimizing factor of its laws. Khatab lists the characteristics of Islamic government based on Qutb's conception of *hakimiyyah*:

- The system of government in Islam is not similar to any other systems.
- It is distinct from all forms of government in secular democracies.
- It is constitutional.
- It is not inherently theocratic or autocratic.
- The form of Islamic government has no impact on the Islamic identity of the state.[2]

The primary basis of Qutb's conception of Allah's sovereignty is the declaration and confession of faith, that is, there is no god but Allah. It is the fundamental submission of a believer to the will of Allah, placing Allah as the sole owner of the believer's life and wholeheartedly giving Allah the authority of controlling his/her life, activities, rights, duties, and obligations via Allah's revealed messages and Sharīʿah. *Tauhīd* (oneness of Allah) is the only credible theory of government; to do otherwise is considered idolatry or blasphemy. Thus, after accepting Allah's sovereignty and Qutb's view of an Islamic government, other elements will smoothly follow: "justice on the part of the *hukkam* (rulers), obedience on the part of the *mahkumin* (ruled), and *shūra* (consultation) between rulers and ruled".[3]

Qutb's understanding of sovereignty met some resistance. Key to this is Qutb's use of the word *hakimiyyah*. As Khatab notes, *hakimiyyah* is not a Qurʾānic term, and the word *hukm* mentioned in the Qurʾān has no political meaning.[4] Bassaum Tibi similarly argues that *hakimiyyah* is "not an authentic Islamic concept" because it cannot be found in primary and

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[1] Sayed Khatab, *The Power of Sovereignty: The Political and Ideological Philosophy of Sayyid Qutb*, 2006, p. 35

[2] Ibid., p. 28

[3] Sayed Khatab, *Hakimiyyah and Jahiliyyah in the Thought of Sayyid Qutb*, 2002, p. 155

[4] Ibid., p. 147

authentic Islamic sources.[1] Since its founding (often dated to the establishment of the Muslim Brotherhood in Egypt by Hassan al-Banna in 1928), the Islamist movement's view of Sharīʿah has been "based on the exclusive sovereignty of Allah",[2] and they have cited the works of Ibn Taymiyyah,[3] Maududi,[4] and especially Qutb to justify their claims.[5] However, Islamic modernists (e.g., Tariq Ramadan and Fazlur Rahman) contend that "Islamists have not fully understood that the Sharīʿah is socially and historically constructed".[6] In addition, Barnett argues that the Western concept of sovereignty has no real counterpart in Arab- Islamic history, but instead can be equated with postcolonial Arab nationalist movements.[7]

Areas for Improvement

Notions of and relations between Islam and the "international" are underexplored, especially in the discipline of International Relations (IR). How does contemplating the "international" based on Islam enhance our theoretical understanding of the social world and its consequent realities? Would the contemplation and use of applied research provide a better understanding of Muslims and of Islam within the realm of IR? How will the study of Islam and IR contribute to the approach and movement of "Global International Relations" spearheaded by Amitav Acharya. These are some of the questions that encourage further research to better understand the idea of the "international" as expressed not only in Islam but in other societies as well. How Islam is specifically characterized as a factor in state interactions and relations must also be studied further. Another key feature that can be explored is how European modernity greatly impacted the

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[1] Bassam Tibi, *Political Islam, World Politics and Europe: Democratic Peace and Euro-Islam versus Global Jihad*, London: Routledge, 2008, p. 85

[2] Muqtader Khan, *Islam, Democracy and Islamism After the Counterrevolution in Egypt*, 2014a, p. 77

[3] Caterina Bori, "The Collection and Edition of Ibn Taymiyya's works: Concerns of Disciple", *Mamluk Studies Review*, 13(2), 2009, p. 47–67

[4] Zohair Husain, "Maulana Sayyid Abul A'La Maududi: An Appraisal of his Thought and Political Influence", *South Asia: Journal of South Asian Studies*, 9(1), 1986, 61–81

[5] Sayyid Qutb, *Milestones*, 1990

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nature and trajectories of state actors in the international system as it explicitly advanced the domain of the secular and contained the domain of the religious. Moreover, there is an extensive corpus of knowledge on Ottoman diplomacy, Islamic political thought, and pre- Islamic history that requires greater attention in order to link premodern diplomatic affairs with modern Muslim state affairs. Consequently, the article discussed Muslim polity in the 'state' level of analysis and recommended to study other units of analysis in International Relations.