

# DOES THE QURAN SANCTION THEOCRACY

By Arif Humayun

Inasmuch as God's sovereignty extends over the whole universe, the ultimate ideal of a state in Islam is universal federation, or confederation, of autonomous states, associated together for upholding freedom of conscience and for the maintenance of peace and co-operation in promoting human welfare throughout the world.<sup>1</sup> Sir Muhammad Zafrulla Khan

Politicized Muslim clerics around the world clamor for the implementation of Islamic Law (shariah) in Muslim majority countries; they denounce Western policies as satanic; scorn cherished values such as secularism, democracy and human rights, and erroneously equate them with vulgarity and promiscuity. They convey the impression that Islam and the West are incompatible and Western ideals utterly opposed to Islamic teachings. It is, therefore, important to denounce these myths and demonstrate that most secular laws and Qur'anic teachings (the basis of Islam) are quite compatible. Muslims must first understand their faith and then practice it to demonstrate that the Islamic system of governance meets or exceeds all other systems for establishing a peaceful society.

Radical Muslims aspire for the utopian 'Islamic Law,' which they expect will usher in a period of peace and tranquility that existed during the heyday of the Muslim Empire. Such demands only confirm the age old adage that ignorance is bliss. Either politicized clerics are unaware of Islamic Law or they use it as a hollow slogan for political purposes. Either way, such demands confirm their ignorance of their rich faith and highlight their greed to usurp further control of Muslim societies. The fact that civil society in several dozen so called 'Muslim' countries is in crisis the gravity of this crisis being directly proportional to their Islamization campaigns-illustrates these observations.

This article will argue that while the Qur'an defines the complete code of conduct for humanity, it enunciates only the fundamental principles on which progressive societies may be built, with the assurance of equality and social justice. Islam does not endorse or sanction any particular form of government, including theocracy. The institution of clergy--let alone a political clergy--is alien to Islam. Specific requirements of Islamic Law are absolute justice, equality, and freedom of choice in all matters, including religion; the promotion of virtue and the suppression of vice; and social welfare for the citizens. It will further establish that

the current secular law, for all practical purposes, is consistent with the principles of Islamic Law; the secular laws in Western countries are closer to Islamic Law than most people realize. The emergence of clergy in Islam is a recent phenomenon, as will be explained shortly; their emergence as a political force started as a reactionary movement to global political events nearly a century ago. The disastrous consequences of clergy domination in Muslim societies is evident from the social, moral and spiritual decay in countries where the so-called 'Islamic Laws' are implemented: Afghanistan, Iran, Pakistan and Saudi Arabia are blatant examples of how this misguided notion has damaged the very fabric of civil society.

### **Characteristics of Qur'anic Teachings**

Muslims regard the Qur'an as the undisputed and original Word of God which was revealed to Prophet Muhammad<sup>saw</sup> in the early part of the seventh century. Muslims believe that the Qur'an:

1. Provides guidance at all levels and in all fields;
2. Will continue to guide people till the end of times;
3. Is free from internal or external inconsistencies;
4. Proclaims fundamental principles which are in accordance with the laws of nature--the human understanding of which is dubbed science;
5. Addresses all human beings; that is, its message is universal and not restricted to any group of people or region.

The limitation of the human mind restricts it from fully understanding and comprehensively interpreting the Qur'an. However, both understanding and interpretation increase with the further development of human know edge. Thus acquiring knowledge is an integral part of the Muslim faith. The Prophet advised Muslims to seek knowledge even if they had to travel to China, which was a long and tiring journey in those days. It must be reemphasized that the Qur'an addresses all humankind; its message is universal and not restricted to any particular region or people. Moreover, the Qur'an defines Muslim in a very broad sense--those submitting to the will of God and identifies Prophet Adam<sup>as</sup> as the first Muslim. Similarly Abraham<sup>as</sup>, Moses<sup>as</sup>, Jesus<sup>as</sup> and other prophets are referred to as Muslims. With this broad classification, the Qur'anic direction for government must be diverse--because of the diversity of people it applies to--only highlighting principles and cannot be overly restrictive as is being portrayed by today's clerics.

The Qur'an assigns duties and obligations to the individual, the due discharge of which will create a society that helps safeguard freedom, justice and equality for all; that system should promote and foster human welfare and prosperity in all spheres - social, economic, moral and spiritual. It seeks to establish a pattern of

society which, bearing in mind all the evolving circumstances of a dynamic world, would maintain its character of beneficence in all spheres of life. The framework of beliefs, duties, obligations, exhortations and sanctions, affirmed by the Qur'an, is for attaining this objective. The Prophet's functions are described in the Qur'an as the creation and strengthening of faith through drawing attention to Divine Signs, the moral and physical uplift of the people, teaching them the Law and furnishing them with guidance and expounding the philosophy underlying the Law and the guidance.<sup>2</sup>

### **Qur'anic Teachings on Statecraft**

The Qur'an gave Muslims a mission to create a just and decent society in which all members are treated equally and with respect. Muslims are not mandated to create a 'Muslim State,' as is being demanded by today's misguided clerics. The Prophet never proclaimed his desire to establish a Muslim state; he only focused on the establishment of a just society based on Qur'anic teachings. The political wellbeing of the Muslim community was, and is, a matter of supreme importance. The basic Qur'anic injunctions for statecraft (government), which formed the basis of governance during the time of Prophet Muhammad<sup>saw</sup> and his immediate followers, are listed here:

1. O ye who believe, obey Allah and obey His Messenger and those who are in authority among you. Then if you differ in anything among yourselves, refer it to Allah and His Messenger if you are believers in Allah and His Messenger and the Last Day. That is the best and most commendable in the end. (Al Quran 4:60).
2. Whatever you have been given is only a temporary provision of this life, but that which is with Allah is better and more lasting for those who believe and put their trust in their Lord; and those who eschew the more grievous sins and indecencies, and when they are wroth they forgive; and those who hearken to their Lord, and observe Prayer and whose affairs are administered by mutual consultation, and who spend out of whatever We have provided for them; and those who, when a wrong is done them, defend themselves. (Al Quran 42:37-40).
3. Allah commands you to give over the trusts to those entitled to them, and that when you judge between men, you judge with justice. And surely excellent is that with which Allah admonishes you! Allah is All-Hearing, All-Seeing. (Al Quran 4:59).
4. O ye who believe, be strict in observing justice and bear witness only for the sake of Allah, even if it be against your own selves or against parents or kindred. Whether the person be rich or poor. In either case, Allah is more regardful of him than you could be. Therefore, follow not vain desires so that you may act equitably. And if you conceal the truth or evade it, then remember that Allah is well aware of that which you do. (Al Quran 4:136).
5. There is no compulsion in religion. Surely, right has become distinct from wrong; so whosoever refuses to be led by those who transgress, and believes in Allah, has surely grasped a strong handle which knows no breaking. (Al Quran 2:257).
6. And consult them in matters of administration; and when thou art determined, and then put thy trust wholly in Allah. Surely, Allah loves those who put their trust in Him. (Al Quran 3:160).

Qur'anic teachings succeeded in uniting the war-torn Arabian tribes into a peaceful community, which accepted that a Muslim's first duty was to create a just, egalitarian society, where poor and vulnerable people were treated with respect. This demanded a jihad (a word that should be translated as 'struggle' or 'effort' rather than as 'holy war,' as Westerners often assume. It was and is a struggle on all fronts: spiritual, political, social, personal, military, and economic. By ordering their life so that God was given priority and His plans for humanity were fully implemented.

Muslims would achieve a personal and societal integration that would give them intimations of the unity which was God.<sup>3</sup> The 'Islamic' principles thus created highly efficient systems of governance based on the principles of absolute justice, individual freedom, honesty, piety and responsibility--a responsibility that the person undertook as a matter of faith to express their love for God--in seventh century Arabia which reached its zenith and then started to decay after the *Khilafat* (Caliphate) became politicized; the Ottoman Empire collapsed in the 16th century when the global economic paradigm shifted towards industrialization.

It is important to remember that the global economic system prevalent during the seventh century was agrarian and the Islamic system, first promulgated by Prophet Muhammad. It surpassed all contemporary systems of governance in robustness, fairness, social justice, and freedom of choice and practice in matters of religion. This 'Islamic' system was beneficently established in bitterly tribal Arabia in a short time span and during Prophet Muhammad's prophethood (610-632 CE). The Prophet never tried to impose religious orthodoxy; rather his message was very progressive and went against the established pagan and tribal customs. He abolished evil customs like slavery and female infanticide that were prevalent in Arabia. He granted equal rights to women in the seventh century-which Western women had to fight for and did not receive until the twentieth century. His mission was to change people's hearts and minds by treating them kindly and with absolute justice. He called the prevailing spirit of his time *Jahiliyyah*. Muslims usually understand this to mean the 'Time of Ignorance,' that is, the pre-Islamic period in Arabia. But, as recent research shows, Prophet Muhammad used the term *Jahiliyyah* to refer not to an historical era but to a state of mind that caused violence and terror in seventh-century Arabia. *Jahiliyyah*, I would argue, is also much in evidence in the West today as well as in the Muslim world.<sup>4</sup>

### **Development of Shariah**

Muslim law had developed gradually in the centuries after the Prophet Muhammad's death. It was a creative enterprise, since the Qur'an contains very

little legislation but prescribes only those details which are essential. It thus leaves considerable room for development and safeguards against restrictive rigidity. Indeed, it warns against seeking every regulation by express Divine command, as that might make the framework rigid and inelastic and, therefore, burdensome. "O' ye who believe, do not keep asking about things which, if they were expounded to you, would become troublesome for you. ... Allah has left them out. Allah is Most Forgiving, Forbearing. A people before you made such demands, and when they received the directions they repudiated them."<sup>5</sup>

That which Allah has 'left out' is meant to be devised, in accordance with prescribed standards and values and in consonance with the framework, through mutual consultation, to meet the need when it should arise, always bearing in mind that the overall standard is that *ma'roof* (equity) is to be fostered and *munkar* (iniquity) is to be eschewed.<sup>6</sup> The Prophet demonstrated this approach when he appointed Mu'azra as *qazi* (judge) of Yemen. He asked him what rule he would follow when he had to make a decision. Mu'azra said he would look for the rule in the Book of Allah. "And if you do not find the answer in the Book?" queried the Prophet. "I shall seek for it in the example of the Prophet." "And if you still lack an answer?" "I shall exercise my own judgment." "That is the right way," he was assured by the Prophet.<sup>7</sup>

Within a century after the Prophet's demise, the Muslim Empire expanded rapidly and this widening expanse needed a complex legal system for effective administration. In their desire to govern within the framework of Islamic principles, a system to collect and record eyewitness reports about the Prophet's sayings (*Ahadith*) and actions (*Sunnah*) was devised in the ninth century. These were carefully sifted to ensure an authentic record of his *Ahadith* and *Sunnah* which became the foundation of Shariah, the much publicized Islamic Law. This activity stimulated a lively and diverse intellectual ferment that formed several Schools of Jurisprudence within a short period. Many centuries later, four of them --all very similar and regarded as equally valid--the Hanafi, Maliki, Shafei and Hanbali (all of the 'Sunni' persuasion), still maintain their preeminence and hold their sway in regions where Islamic Law is administered. The great Imams of Jurisprudence, Sunni and Shia alike, and also those of other persuasions, together with their eminent disciples and a host of those who followed after them have, through their unremitting labors sustained through centuries, not only enriched Muslim Jurisprudence, but made an invaluable contribution to the development of the Science of Law and to what the eminent international jurist C. Wilfred Jenks has called the Common Law of Mankind. They have thus laid the juristic world under a heavy debt of gratitude.<sup>8</sup> The study of jurisprudence (*Fiqh*) did not simply consist in poring over old texts, but also had a challenging dimension. And, at present, there is no real incompatibility between Islam and the West.

In their zeal to cover every conceivable situation, some scholars ventured towards resolving theoretical and hypothetical situations, which might never be encountered in practical life. Their attempts to widen the horizon of jurisprudence failed and they only succeeded in restricting it. Their speculations concerning hypothetical situations served to freeze further development of jurisprudence, which over a long period thereafter became more speculative than constructive. Some even treaded on amusing and curious byways. So much so that some of the so-called works on Jurisprudence of later periods comprise within their scope sections entitled Bab-el-Hiyal, i.e. Chapters on Evasion, which work out methods of evading the spirit and defeating the purpose of the law while complying with its letter! It is obvious that the result was mortifying rather than enlivening, and the development of Muslim Jurisprudence was not only arrested but suffered a severe setback.<sup>9</sup> Sadly, this is the situation today, where Muslim clerics are attempting to impose on the believers a system of rituals devoid of the spirit of Islam. Contrary to the Islamic teaching of acquiring knowledge, these clerics are denying educational access to Muslim women and indoctrinating men with radicalism, fanaticism and terrorism.

### **Successes of the Muslim Empire**

History testifies that the Islamic system of government, initiated during the life of Prophet Muhammad<sup>saw</sup> and sincerely adopted by his followers, was highly successful. Till the sixteenth century, Muslims were the greatest global power. Paradoxically, Europe was going through a period of social, moral, spiritual and economic decline--a period generally referred to as the Dark Ages.

Three great Islamic empires existed during the early sixteenth century: the Ottoman Empire in Asia Minor, Anatolia, Iraq, Syria, and North Africa; the Safavid Empire in Iran; and the Mughal Empire in the Indian subcontinent. Each reflected a different facet of Islamic spirituality demonstrating diversity and adaptability of Islamic teachings based on the principles described above. The Mughal Empire represented the tolerant, universal philosophical rationalism known as Falsafah; the Safavid shahs represented Shia Islam, while the Ottoman Turks represented Sunni Islam. Each empire created a system based on Shariah and each one of them was an early modern institution, governed systematically and with bureaucratic and rational precision. In its early years, the Ottoman state was far more efficient and powerful than any kingdom in Europe.<sup>10</sup> It can thus be concluded that the developments and refinements of the very successful Muslim systems of governance were diverse and allowed variations as long as the fundamental principles were incorporated.

For over eight centuries, Muslim societies were the cradles of scientific and economic developments and excelled in all forms of arts and sciences. People

from around the world were drawn to these societies to live in peace and enjoy economic and intellectual prosperity. The Ottoman state was arguably the most up-to-date in the world during the early sixteenth century. It was superbly efficient, had developed a new-style bureaucracy, and encouraged a vibrant intellectual life. The Ottomans were open to other cultures. They were genuinely excited by Western navigational science; stirred by the discoveries of the explorers, and eager to adopt such Western military inventions as gunpowder and firearms.

The formation of these successful empires demonstrated the strength of the 'Islamic' system that unfolded in the seventh century and its principles were successfully adapted to the changing landscapes of the expanding empires. As already noted, the global economic system was agrarian-based till the sixteenth century. All cultures depended economically upon a surplus of agricultural produce. This meant that there was a limit to the expansion and success of any agrarian-based society, since it would eventually outrun its resources and obligations. There was a limit to the amount of capital available for investment.<sup>11</sup> Thus the Islamic models of governance and economic management, based on the agrarian system, should have been updated to meet the changing needs of the industrial--based economic system that enabled Europe to transform their societies from the 'Dark' to the 'Renaissance' period. Sadly, that was not done and the Islamic system failed to maintain its leadership role.

### **Growing influence of Clergy in Ottoman Empire**

The Arab provinces within the Ottoman Empire were reluctant to accept Turkish assumption of the Khilafat--the system of governance that evolved after the Prophet's death and initially administered by the four 'rightly guided' *Khulafa* (caliphs), who were elected based on piety. Due to internal strife and towards the end of the period of the rightly guided *Khulafa*, the Khilafat became politicized and hereditary and was assumed by the Ottoman Empire. The Arab provinces regarded the Turkish assumption of Khilafat as hegemony. The Ottomans successfully adopted the Shariah to alleviate Arab concerns and were the first to systematically organize Shariah courts. The Ottoman sultans (rulers) appointed religious scholars to key positions for safeguarding and developing laws in accordance with Islamic teachings; some of them were appointed *qazis* to preside over Shariah courts. This was despite the fact that the sultan and provincial governors had their own audience chambers for administering justice. The *qazis* thus became the real judges. Like them, their consultants (*muftis*), and the scholars who taught *fiqh* in *madrasahs* (religious learning institutions) were all state officials and assumed unprecedented powers over matters of faith in the Ottoman Empire. They were as essential to the government as the military and administrative personnel. Thus the acceptance of Turk control over Arab matters became more palatable as the sultan's authority was mediated through the

*Ulema* (the religious scholars). Part of their job was to see how modern advancements could be accommodated within the paradigms of Muslim law. Consequently they also became the arbiters for determining and defining everything Islamic.

The *ulema* thus became an important link between the sultan and his subjects, between Istanbul and the distant provinces. The *ulema* could, therefore feel that the Ottoman state was their state, and the sultans for the most part accepted the constraints put upon them by the clergy because the partnership enhanced their authority. Never before had the Shariah played such a dominant role in the daily affairs of state as it did in the Ottoman Empire, and the success of the Ottomans during the sixteenth century showed that their fidelity to Islamic law had indeed put them on the right path.<sup>12</sup> The unprecedented prominence given to the Shariah in the Ottoman polity would also have been seen in the context of the conservative spirit. Muslims in the early modern period did not experience Divine law as a curb on their freedom. Through this virtually unquestioned authority over religious matters the clergy progressively assumed more control and sacred authority over Islamic law and subsequently became its self-appointed vigilantes--a phenomenon contrary to the teachings of Islam that has now become painfully evident to the world.

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<sup>1</sup> Sir Muhammad Zafrulla Khan. Islam: Its Meaning for Modern Man. Printed in Great Britain by Raqeeem Printing Press Islamabad, Sheephatch Lane, Tilford, Surrey, GU10 2AQ, 1980. Page 277.

<sup>2</sup> Qur'an Ch 62, Verse 3; Zafrullah Khan. Islam and Human Rights. p 14.

<sup>3</sup> Karen Armstrong. The Battle for God. p 37.

<sup>4</sup> Karen Armstrong. Muhammad - A Prophet for Our Times. p 20.

<sup>5</sup> Al Qur'an Ch 5, Verse 102-3.

<sup>6</sup> Qur'an Ch 3, Verse 100 and Chapter 42 Verse 39.

<sup>7</sup> Tirmadhi I, Section Judgments, Ch.: Problems facing a Judge.

<sup>8</sup> Zafrullah Khan "Islam & Human Rights" p 14-16.

<sup>9</sup> Zafrullah Khan "Islam & Human Rights" p 15-17.

<sup>10</sup> Karen Armstrong. The Battle for God. p 40.

<sup>11</sup> Karen Armstrong. The Battle for God. p 33.

<sup>12</sup> Karen Armstrong. The Battle for God. p 36.