

**POLITICAL THOUGHTS
OF
ABUL A'LA MAWDUDI**

Prof. Ghulam Azam

POLITICAL THOUGHTS OF ABUL A'LA MAWDUDI

Prof. Ghulam Azam



শতাব্দী প্রকাশনী

SHOTABDI PROKASHONI

**Political thoughts of Abul A'la Mawdudi
Prof. Ghulam Azam**

ISBN: 984-645-011-1

SP : 42

Published by

Shotabdi Prokashoni

491/1 Moghbazar Wireless Railgate, Dhaka-1217.

Phone : 8317410, Mobile: 01753422296

E-mail: shotabdipro@yahoo.com

1st Edition : November 2002

2nd Print : February 2015

Printed By

Al-Flah Printing Press, Dhaka-1217

Price Tk. 50.00 Only

BACKGROUND OF THE BOOK

In January, 2001 I received a letter from "The Muslim World", a prestigious Quarterly published from the USA. They announced to publish a Special Centennial Issue on Abul Ala Mawdudi.

They requested me to write on any of the 23 topics enlisted in the letter. I selected "Political thoughts of Mawdudi".

I submitted my article at the end of August 2002 to the appropriate authority. I have not been able to know whether the Centennial issue has at all been published.

I have considered it useful to get this article published in the form of a book.

I am thankful to Sayyed Abul A'la Maudoodi Research Academy for taking the responsibility of publishing the book.

I hope this book shall enrich the readers' concept on Islamic Political thought.

May Allah accept this book as a proper guide to modern concept on Islamic State and Government.

The Author

October, 2002

In the name of Allah, the most gracious, the most merciful

POLITICAL THOUGHTS OF ABUL A'LA MAWDUDI

Maulana Syed Abul A'la Mawdudi is one of the Greatest Islamic Thinkers of the Twentieth Century. As a distinguished commentator of the Holy Quran, his thoughts are expressed elaborately on all aspects of human life extending over political, economic, legal, social, moral and cultural fields.

He has written extensively on almost all topics related to Islam as a complete code of life. His original writings are in Urdu language. All his writings have not as yet been translated into English. So I am compelled to mention the reference to his thoughts both in English and Urdu.

Mawdudi's writings on political topics have been translated and compiled by Professor Khurshid Ahmad under the caption "The Islamic Law and Constitution". I have collected his thoughts mostly from this book.

Professor Khurshid Ahmad has commented on Mawdudi's political thoughts in the following words:

"The Chief contribution of Mawdudi is that he has devoted himself to the socio-politico-cultural aspect of Islam and has discussed those problems which the writers on Islam were avoiding for a long time in the recent past. He has tried to meet the new intellectual challenge of the West and has presented Islam in the language of today. In political thought, his main

6 Political Thoughts of Abul A'la Mawdudi

contribution is that he has not only presented the teachings of Islam in a clear, precise, cogent and convincing way, but has also interpreted them for our times and has tried to suggest the form which the Islamic tenets can take to crystallize in the world of twentieth century. This has been a difficult task and he has come to grips with it in an admirable way".¹

In this article I have referred to the verses of the Holy Quran. In such cases the translation of the verse is placed between quotations and the number of the chapter and the number of verse have been mentioned within bracket, i.e. (12:40). It means that the verse occurs in the 12th chapter of the Holy Quran and the verse number is 40 of that chapter.

● **Mawdudi's Political Thoughts are based on Islam**

His whole life was dedicated to the establishment of Islamic State and Government. Naturally his political thoughts are based on Islam, i.e. the Holy Quran and the life of Prophet Muhammad (Peace be upon him-PBUH) as the head of a model Islamic State.

As he seriously studied the western and modern political thoughts and keenly observed the function of modern democratic states, it was possible for him to analyze the differences between Islamic and western thoughts, to compare between them and to evaluate them intellectually and rationally.

I intend to present the political thoughts of Mawdudi under the caption of some political topics.

¹ The Islamic Law and Constitution. P. 33 & 34

● Sovereignty

Sovereignty is considered to be a very important political concept. It is supposed to be the most essential quality of a state. The organized people of a territory are recognized as a state only when they enjoy sovereign authority.

If the territory is governed by any authority from outside, it can not be called a state even if it is a vast territory with a huge population organized under a strong Government.

According to Mawdudi this definition of state means that the territory must be independent from any outside authority. If sovereignty of the state means independence, it is quite reasonable.

But Mawdudi does not consider independence and sovereignty as synonymous. According to him sovereignty can not belong to state, because it belongs to Allah (God) alone. He emphasizes on the universally accepted definition of law as "Will of the Sovereign". He strongly argues that only Allah² is capable of making balanced, correct, eternal, efficacious and beneficial laws. He writes:

"The belief in the Unity and Sovereignty of Allah is the foundation of social and moral system propounded by the Prophets. It is the very starting-point of the Islamic political philosophy. The basic principle of Islam is that human beings must, individually and collectively, surrender on God all rights on overlordship, legislation and exercising of authority over others.

² People have coined many names for the creator of the Universe. He Himself has named Him Allah in the Holy Quran which contains His own words. Proper name can not be translated. So I deem it proper to use 'Allah' to mean God.

8 Political Thoughts of Abul A'la Mawdudi

No one should be allowed to pass orders or make commands in his own right and no one ought to accept the obligation to carry out such commands and obey such orders. None is entitled to make laws on his own authority and none is obliged to abide by them. These right vests in Allah alone;

“The Authority rests with none but Allah, He commands you not to surrender to any one save Him. This is the right way (of life).” (Holy Quran-12: 40)

“They ask: ‘have we also got some authority’? Say; ‘all authority belongs to God alone’.” (3:154)

“Do not say wrongly with your tongues that this is lawful and that is unlawful.” (16:116)

According to this theory, sovereignty belongs to Allah. He alone is the lawgiver. No man, even if he be a prophet, has the right to order others in his own right to do or not to do certain things. The Prophet himself is subject to God’s commands:

“I do not follow anything except what is revealed to me.” (6:50)

“They are the people unto whom We gave the Scripture and Command and Prophethood.” (6:90) ³

Professor Harold J. Laski, a famous British political thinker in his illustrious book “The Grammar of Politics” elaborately deliberated on the term ‘Sovereignty’. In a long chapter under the caption ‘Location of Sovereignty’ he enumerated the characteristics of Sovereignty, thoroughly analyzed them and confidently claimed that Sovereignty cannot be located to either people or parliament. His final verdict is that “Sovereignty is Absent.”

³ The Islamic law and Constitution by Abul A'la Mawdudi- P. 136 and 137

It is wellnigh impossible to refute Professor Laski, but his verdict cannot be accepted as proper and satisfactory solution to the problem of the 'Location of Sovereignty'. The concept of sovereignty does exist with its characteristics enumerated in political philosophy and literature as absolute, untransferable, permanent, inalienable, indivisible, all-comprehensive, supreme, irresistible, uncontrolled, underived, exclusive, original and unlimited.

The above mentioned characteristics are collected from the writings of political thinkers like Professor Laski, Professor Garner, Grotis, Blackstone, Jullinck, Burges, Mc chesney, Bryee, Mattern, Jecques Martin etc.

Professor Laski is certainly right when he declares that these characteristics do not at all exist in People, Parliament or any other human body. The problem of the location of Sovereignty can only be logically solved if it is located to Allah alone.

From Mawdudi's long discourse about sovereignty the following quotation is enough:

“In the terminology of Modern Political Science, this word is used in the sense of absolute overlordship or complete suzerainty. If a person or a group of persons or an institution is to be Sovereign, it would mean that the word of that person, group or institution is law. A Sovereign has the undisputed right to impose his orders on all subjects of the State and the subjects are under an absolute obligation to obey them, be it willingly or unwillingly. No outside agency, excepting his own will, imposes any limitations or restrictions on his power to rule. No subject has any absolute right against him or in contravention of his orders. Whatever rights anybody enjoys emanate from him and whatever rights he withdraws become extinct forthwith. It is a universal

legal axiom that every right in law comes into existence only because the Law-Giver desires to be so. If, therefore, the Law-Giver withdraws it, its very existence is obliterated and it can not be demanded thereafter. Laws come into existence by dint of the will of the Sovereign and place all subjects of the State under an obligation to obey them; but no law binds the Sovereign himself. In other words, he is the absolute authority, which means that, in relation to his orders, questions of good and evil, right and wrong can not and should not arise at all. Whatever he does, is just and nobody can question his conduct or his orders and their enforcement.

His behaviour is the criterion of right and wrong and none can question it. It is thus inescapable that the sovereign should be accepted as being absolutely above all aberrations and errors, even though he may not actually be so.”

“Such is the nature and meaning of the concept of sovereignty as enunciated by the modern ‘lawyers and jurists’. Nothing short of this can be termed as sovereignty. The sovereignty, however, remains a mere legal supposition so long as some active paramount capable of enforcing it is not available. In the language of Political Science, therefore, legal sovereignty without political sovereignty has no practical existence. Political Sovereignty thus naturally means ownership of the authority of enforcing legal sovereignty.”

“The questions that now arise are: Does such sovereignty really exist within the bounds of humanity? If so, where? And who can be construed and treated as being invested with it?”

“It is exactly for this reason that whenever the experts of Political Science, imbued with this ideological sense of

sovereignty, had endeavoured to locate the possessor of such sovereignty in human society, they have invariably failed.”⁴

Mawdudi finally concludes that sovereignty must be located to Allah.

“Students of political science know how vexed the issue of sovereignty has become in the present age. It is perhaps the most-disputed issue of political science and a good many thinkers have even pleaded that the problem is so confusing that it would be better if the political theorists discard it altogether. Not only are there theoretical and logical anomalies but also the development of internationalism seems to have more or less rendered the concept of national sovereignty obsolete. The root cause of all the difficulties in respect to this question is a basic fallacy: the political philosophers have tried to place the cap of sovereignty on man, a being for whom it was never intended and whom it can therefore never fit. Keeping in view the attributes of the sovereign, no human being or human organization can really claim title to it. And when sovereignty is forced upon human beings, it results in utter confusion.

“The Quranic concept of sovereignty is simple. God is the Creator of the Universe. He is its real Sustainer and Ruler. It is His Will that prevails in the cosmos all around. As all creation is His, His command should also be established and obeyed in man’s society. He is the real Sovereign and His Will should reign supreme as the Law.”⁵

⁴ The Islamic Law and Constitution- P. 212, 213, 214

⁵ Ibid. P. 166

● Secularism

Secularism is a doctrine to separate Society, State and Public life from Religion. This doctrine is the outcome of two hundred years of battle between Church and State. The Holy Roman Empire ruled over the vast area of Europe in the name of God where Church was the source of authority. In the name of Christianity Popes and Bishops imposed their unscientific beliefs about laws of nature and material universe.

It was the beginning of modern scientific era. Scientists had been undertaking research on various branches of science. If any invention or discovery would go against the unscientific belief of the Church, the responsible scientist would be drastically punished. The fight between blind faith and scientific knowledge continued resulting in revolt against religion. This long war between Religion and Science ended through a conciliar movement led by Martin Luther. Both warring sides reached the settlement that Religion no more shall interfere with the affairs of state. This is the brief history of Secularism.

Mawdudi comments that the long fight between Church versus State or Science versus Religion is not at all related to Islam. That unfortunate war was between Christianity and Reason. Islam is not only a religion; it is a complete code of life. The Holy Quran declares Islam as '*Deen*' (in Arabic) which means allegiance. Islam is an all-comprehensive divine guidance in all aspects of human life. The prophet of Islam established a model Religio-socio-politico-economic Society where Quranic Laws were implemented. ⁶

⁶ It is impossible to quote Mawdudi on this topic expanded over his book in Urdu named 'Tanqihat' (Rectification). So page reference is avoided.

Mawdudi forwards his arguments:

“Islam holds that Allah has created the Universe and controls and governs it. He created man and provided him with all that he needs for the progress and growth of life. To fulfil his material needs He has endowed the world with all kinds of materials and substances which man can harness to his use. To cater to his spiritual, cultural and social requirements, he needs His revealed Guidance through His Prophets. It is the Guidance which constitutes Islam.

“Life is a unity. It cannot be divided into water-tight compartments. The function of religion is to direct the affairs of life. Therefore its domain is life in its entirety, and not any specific aspect of it. That is why it not only gives an outlook on life and reality but also lays down the basic principles on which man’s relationships to his own self, to other men and society, and Allah the Creator are to be reared.

It looks upon life in its totality and provides guidance for every field of activity. The mission of a prophet, according to Islam, is not merely to cater to spiritual elevation. His mission is to purify the beliefs and ideas of man about Reality, to purge his soul of all impurities, to awaken his moral consciousness and to use this moral force for the reconstruction of the society and the remoulding of the flux of history.

“This has been the mission of all the prophets of God and Prophet Muhammad (peace be upon him) was the last of the prophets to whom God’s Guidance was revealed in its completeness and who established an ideal social order—a complete civilization—in accordance with this Guidance. It is this Guidance which is enshrined in the Quran and Sunnah, the word of God

and the example of the Holy Prophet, and constitutes Islam as a complete '*Deen*'." ⁷

"Thus Islam wants to fashion one's entire life according to the principles of individual and social behaviour revealed by God and does not confine itself to the precincts of the private life of the individual alone. Politics, on the other hand, studies the relationship of man with the state and of man with man. In Islam this too is the domain of religion, which comprehends all aspects of life. Islam does not admit of any separation between religion and politics; it wants to conduct politics also in accordance with the guidance provided by religion and to use the state as the servant of the Lord.

The Quran lays down that Allah is the Sovereign and the Law-giver and His revealed law must be adopted as the law of the land". ⁸

"This view is further supported by the famous saying of the Prophet, "Allah through state power puts an end to that what He does not eradicate through the Quran".

"This shows that reforms which Islam wants to bring about cannot be carried out by sermons alone. Political power is also essential to achieve them".

"This is the approach of Islam. And the logical consequence of this approach is that the state must be moulded on Islamic patterns. This is a dictate of the Islamic faith and cannot be disregarded. The Western concept of the separation of religion from politics of secularism-is foreign to Islam and the adoption of it would be the very negation of the Islamic concept of polity". ⁹

⁷ Ibid. P. 3

⁸ Ibid. P. 4

⁹ Ibid. P. 5 and 6

“The experiment of the Western countries with secularism is in no way encouraging.

Separation of politics from morality and religion has created more problems than it has solved. The result is that there is scepticism in thought, confusion in values, expediency in standards, vulgarity in behaviour and opportunism in diplomacy. Politics has become out and out machiavellian and this state of affairs has greatly impaired the poise and tranquility of life”.¹⁰

● Nation

Literally nation means a race or people having common descent, language, history, religion etc. A people being sentimentally united on some common ground which distinguish them from others may be called a nation.

In simple political parlance, a nation means a people living in a particular territory as citizens of state. A national is a citizen of a particular country. As for example, an Indian national means a citizen of India. Nationality means membership of a nation, e.g. his nationality is Indian.

Thus nation, national, nationality are terms used to mean political identity. These terms are innocent and do not create any problem if used in this manner.

The problem arises when the term nation is used to mean a country or territory with people of more than one race, religion, history, language etc. More than one nation may live together in a vast country in spite of the difference in their racial, religious, linguistic and historical identity.

¹⁰ Ibid. P. 7

16 Political Thoughts of Abul A'la Mawdudi

In such cases if a majority group of people impose their rule on the plea of democracy, the minority group may be permanently subjugated. Such a majority group shall naturally win the election and dominate over others against their will.

This was the case in the huge territory of India before the division into two states—Pakistan and present India.

United India was under long British rule. During the Second World War British Govt. pledged to the people of India that they would quit after the war was over. At that time 400 million people lived in India of whom 100 million were Muslims.

The All India National Congress under the leadership of Mr. MK Gandhi and Mr. JL Nehru claimed that 400 Million Indians form one nation on the basis of territory. After independence the country should be ruled by a Government elected democratically.

The Muslims had a very bitter experience of Hindu majority rule between 1937 and 1947 in the 7 provinces of India where Hindus were in overwhelming majority. Thus 100 million Muslims of India, organized under the banner of All-India Muslim League headed by Mr. MA Jinnah declared that Muslims are a separate nation by all canons of International Law.

This idea was called Two-Nation theory. Mawdudi's book "The Problem of Nationality" in Urdu named "Masala-e-Qawmiyat" played the most effective role to prove that 100 million Muslims of India were a distinctly separate nation from the Hindus.

A General election was held in India in 1945 and 1946 on this issue. 100 million Muslims voted in favour of the Two-Nation Theory. Consequently India had to be divided and Pakistan emerged as a separate state with a Muslim majority.

Mawdudi had the greatest contribution in placing strong arguments to prove that nation does not form only on the basis of geography or territory, He argued:

“You study the whole Quran. You will not find even a word in favour of any race or territory. It addresses the whole mankind. It calls all human beings of the whole world towards everything good and just. It does not refer to any particular territory or nation.”

Quran has clearly said that the original inhabitants of Makkah (Prophet Muhammad’s PBUH birth place) and the Muslims of outside are equal (in rights) ¹¹

It means Muslims form one nation based on faith and not on the basis of territory. Even some close relations of Muhammad (PBUH) formed a separate nation and played the role of the bitterest enemies of Prophet’s mission.

Mawdudi says: “No nation is built on the basis of territory. Do the blacks, whites and Red-Indians in America form one nation (in its real sense)? Are the Jews and Germans are one nation”?

..... “There is no doubt that people from outside will call all the inhabitants of a territory in one name, e.g. Americans, though the blacks and whites are separate nations. ¹²

¹¹ Islami Riasat (in Urdo) P-210

¹² Masala-e-Qawmiyat in Urdo (Problem of Nationality) P. 86

Mawdudi cites the examples of the Federal Republic of Yugoslavia and the Union of Soviet Socialist Republics (USSR). Territorially they formed one state, but the people never were united as one nation. Both these federations broke up on the basis of their being separate nations.

In the same way India was divided between India and Pakistan on the basis of “Two-Nation Theory”.

● **Democracy**

Democracy is a form of Government. The most popular definition of democracy is in the words of Abraham Lincoln, “A Government by the people, of the people and for the people.” The practical meaning of democracy is as follows:

1. The Government must be elected by the governed.
2. The people have the right to criticize the Government.
3. State powers must be distributed among the organs of government in order to ensure balance of power, so that no organ can exercise absolute power.
4. Judiciary must enjoy full independence as custodian of the rights of Citizens.
5. The Government should be changed only through public franchise.

Mawdudi not only agrees with all these points, he has championed these principles of democratic rule in his books including “The Islamic Law and Constitution.”

But he strongly refutes the concept of “Sovereignty of people” as a principle of democracy. Mawdudi says:

“No person, class or group, not even the entire population of the state as a whole, can lay claim to sovereignty. Allah alone is the real sovereign; all others are merely His subjects.....

“The philosophical foundation of Western democracy is the sovereignty of the people. In it, this type of absolute powers of legislation—of the determination of values and of the norms of behaviour—rest in the hands of the people. Law-making is their prerogative and legislation must correspond to the mood and temper of their opinion. If a particular piece of legislation is desired by the masses, however ill-conceived it may be from religious and moral viewpoint, steps have to be taken to place it on the statute book; if the people dislike any law and demand its abrogation, howsoever just and rightful it might be, it has to be expunged forthwith. This is not the case in Islam. On this count, Islam has no trace of Western democracy.”¹³

Islamic concept of democracy is clearly different from that of the West. Islamic Democracy means sovereignty of Allah and vicegerency of people. Fundamental laws are ordained by Allah and people are to implement those laws on His behalf as His representatives.

People are entitled to make necessary laws subject to the divine laws and not repugnant to it. Mawdudi explains:

“I feel that I should put in a word of explanation as to why those limitations and restrictions have been placed upon popular sovereignty in Islam, and what is the nature of these limitations and restrictions. It may be said that Allah has, in this manner, taken away the liberty of human mind and intellect instead of safeguard-

¹³ The Islamic Law and Constitution-P.138 & 139

ing it. My reply is that Allah has retained the right of legislation in His own hand not in order to deprive man of his natural freedom but to safeguard that very freedom. His purpose is to save man from going astray and inviting his own ruin

“It is claimed that democracy is founded on popular sovereignty. But everybody knows that the people who constitute a state do not all of them take part either in legislation or in its administration. They have to delegate their sovereignty to their elected representatives so that the latter may make and enforce laws on their behalf. For this purpose an electoral system is set up. But as a divorce has been effected between politics and religion, and as a result of this secularization, the society and particularly its politically active elements have ceased to attach much or any importance to morality and ethics. And this is also a fact that only those persons generally come to the top who can dupe the masses by their wealth, power and deceptive propaganda. Although these representatives come into power by the votes of the common people, they soon set themselves up as an independent authority and assume the position of overlords. They often make laws not in the best interest of the people who raised them to power but to further their own sectional and class interests. They impose their will on the people by virtue of the authority delegated to them by those over whom they rule.”¹⁴

The moral aspect of the law is more important. Allah has created human being as moral animal. It is the ethical sense that distinguishes human being from the beast.

¹⁴ Ibid. P. 140 & 141

Every human being bears witness that there exists a constant clash between his material being and his moral sense. He is reduced to a worst beast if he fails to control and regulate his beastly tendency. The purpose of Divine Law is to help him in developing his standard of morality.

Allah has sent His prophets to build up honest leadership in order to establish crime free society. Peace and happiness of human society mainly depends on the standard of morality of its members.

Laws of a country expose the moral standard of its citizens. If homosexuality is legalized in a state, it proves that people have degenerated to the position where even the beasts cannot reach.

Moral values are eternally universal. Crimes naturally increase when moral values are not nurtured in any state. So moral values must not be allowed to be violated by brute majority. Moral rules must be preserved in the constitution so that no law can be passed in the parliament against them.

Mawdudi is highly opposed to popular sovereignty, specially on this moral basis. He writes:

“It has been established by experience that the great mass of the common people are incapable of perceiving their own true interests. It is the natural weakness of man that in most of the affairs concerning his life he takes into consideration only some one aspect of reality and loses sight of other aspects. His judgments are usually one-sided and he is swayed by emotions and desires to such an extent that rarely, if ever, can he judge important matters with the impartiality and

objectivity of scientific reason. Quite often he rejects the plea of reason simply because it conflicts with his passions and desires. I can cite many instances in support of this contention but to avoid prolixity I shall content myself with giving only one example: the Prohibition Law of America.

It had been rationally and logically established that drinking is injurious to health, produces deleterious effects on mental and intellectual faculties and leads to disorder in human society. The American public accepted these facts and agreed to the enactment of the Prohibition Law. Accordingly the law was passed by the majority vote.¹⁵ But when it was put into effect, the very same people by whose vote it had been passed, revolted against it. The worst kinds of wine were illicitly manufactured and consumed, and their use and consumption became more widespread than before. Crimes increased in number. And eventually drinking was legalized by the vote of the same people who had previously voted for its prohibition".¹⁶

"This sudden change in public opinion was not the result of any fresh scientific discovery or the revelation of new facts providing evidence against the advantages of prohibition, but because the people had been completely enslaved by their habit and could not forego the pleasure of self-indulgence. They delegated their own sovereignty to the evil spirit in them and set up their own desire and passion at their "*ilahs*" (gods) at whose call they all went in for the repeal of the very law they had passed after having been convinced of its rationality and correctness. There are many other similar instances

¹⁵ In January 1919, through the 18th amendment of the constitution wine was declared illegal.

¹⁶ In December 1933, by the 21st amendment of the constitution wine was legalized.

which go to prove that man is not competent to become an absolute legislator. Even if he secures deliverance from the service of other *ilahs*, he becomes a slave to his own petty passions and exalts the devil in him to the position of a supreme Lord. Limitations on human freedom, provided they are appropriate and do not deprive him of all initiative are absolutely necessary in the interest of man himself”.

“That is why God has laid down those limits which in Islamic phraseology, are termed ‘Divine Limits’ (Hudud-Allah). These limits consist of certain principles, check and balances and specific injunctions in different spheres of life and activity, and they have been prescribed in order that man may be trained to lead a balanced and moderate life. They are intended to lay down the broad framework within which man is free to legislate, decide his own affairs and frame subsidiary laws and regulations for his conduct. These limits he is not permitted to overstep”.¹⁷

● The concept of Islamic State

The concept of Islamic State is the pivot of Mawdudi’s political thought. According to his deep studies about Islam, he considers Islam as a complete code of life as demonstrated practically in the life of the Prophet of Islam, Muhammad (PBUH).

Mawdudi does not consider Islam as a religion only like Christianity. Islam has a clear political, economic, social, moral and legal system. It is not a utopian theory. Islamic system in its entirety was implemented successfully by Prophet Muhammad (PBUH) and 4 righteous Caliphs after him—Abu Bakr, Umar, Uthman and Ali (Allah is pleased with them).

¹⁷ Ibid. P.141 and 142

This is not a mythological story. Muhammad (PBUH) and the 4 Caliphs are men of historical age. History bears witness that the most uncivilized people of Arabia within a generation miraculously elevated to the position of harbingers of a great civilization. This is an undeniable fact of history.

How this miracle happened? The simple fact is that Muhammad (PBUH) received series of Divine Guidances (later on compiled in the form of a Book called the Holy Qur'an) revealed during a long course of 23 years. And this is the period during which Muhammad (PBUH) succeeded in organizing a society as the model of an welfare state by implementing those Guidances.

In the Islamic parlance Divine Guidance is of two forms. One is called the Holy Book Al-Quran that contains the words of Allah. Angel Gibrail (Gabriel) used to recite to Prophet Muhammad (PBUH) on behalf of Allah. The other is called 'Sunnah'. In Islamic parlance Sunnah contains the words and deeds of the Prophet who was the official interpreter of the Holy Quran. Allah certifies in the Holy Quran that his interpretations are also revealed by Allah to his heart, not in words but in thoughts and ideas. Thus the Prophet's life is the living Quran in practice.

Mawdudi claims that Islamic political system is applicable at all times and in all climes. It is never obsolete. Islam is permanently modern. It is so reasonable, logical and useful that it is capable of capturing the imagination of people in any society provided that people are ready to lead their life as moral animals.

People who are mad after physical pleasure only and do not at all care for moral and spiritual development of the people, Islamic system of life may not have any appeal to them.

● The purpose of Islamic State

Before discussing the principles of Islamic State Mawdudi deals with the purpose and the necessity of Islamic State. As regards the purpose he writes: "The purpose of the state that may be formed on the basis of the Quran and the Sunnah has also been laid down by God. The Holy Quran says: "We verily sent our messengers with clear proofs and sent down with them the Scripture and the Balance (Sunnah) so that mankind God. The Holy Quran says: "We verily sent our messengers with clear proofs and sent down with them the Scripture and the Balance (Sunnah) so that mankind may achieve Justice; and we provided steel (Political Authority) wherein there is mighty power and benefits for people". (57:25)

"In this verse steel symbolizes political power and the verse also makes it clear that the mission of the prophets is to create conditions in which the mass of people will be assured of social justice in accordance with the standards enunciated by God in His Book which gives explicit instructions for a well-disciplined mode of life". In another place God has said:-

"(Muslims are) those who, if We give them power in the land, establish the system of Salat (worship) and Zakat (poor dues) and enjoin virtue and forbid evil and inequity". (22:41)

"You are the best community sent forth unto mankind; ye enjoin the Right conduct and forbid the wrong! And ye believe in Allah". (3:110)

“It will readily become manifest to anyone who reflects upon these verses that the purpose of the state visualized by the Holy Quran is not negative but positive. The object of the state is not merely to prevent people from exploiting each other to safeguard their liberty and to protect its subjects from foreign invasion. It also aims at evolving and developing that well balanced system of social justice which has been set forth by God in His Holy Book. Its object is to eradicate all forms of evil and to encourage all types of virtue and excellence expressly mentioned by God in the Holy Quran. For this purpose political power will be made use of as and when the occasion demands; all means of propaganda and peaceful persuasion will be employed; the moral education of the people will also be undertaken; and social influence as well as the force of public opinion will be harnessed to the task.”¹⁸

● Necessity of Islamic State

As regards the Necessity of Islamic State Mawdudi argues:

“The Islamic concept of life as envisaged in the Quran is that man should devote his entire life to the causes of Allah, Whose injunctions should be followed in all the fields of human activity. The Quran not only lays down principles of morality and ethics, but also gives guidance in the political, social and economic fields. It prescribes punishments for certain crimes and enunciates principles of monetary and fiscal policy. These cannot be translated into practice unless there is a State to enforce them. And herein lies the necessity of an Islamic State”.

This concept is presented in the following verses of the Quran: -

¹⁸ The Islamic Law & Constitution. (P. 145)

“The adulterer and the adulteress, scourge ye each one of them (with) a hundred stripes. And let not pity for the twain withhold you from obedience to the *DEEN* of (i.e., way of life prescribed by) Allah, if ye believe in Allah and the Last Day”. (24:2)

“A very basic point emerges from this verse. Here the criminal law of Islam has been called *Deen-Allah* i.e., the religion of God. It means that religion does not merely mean prayers, and fasting and Hajj and Zakat, it also includes the law of the land and the institutions of the State. If we want to establish religion of God, the objective will not be achieved by merely establishing the institutions of Saum (fast) and Salat (prayer). We shall have to establish side by side with them the Divine Law and make the Shari’ah the law of the land. If the latter is not established, then even if the institutions of Salat etc., is in force, it will not amount to the establishment of *DEEN*. It would only be a partial enforcement of it and not a total one. And if instead of God-given laws some other laws are adopted, it means nothing short of rejection of the *DEEN* as such.

Another verse of the Quran which throws light on this problem is as follows: -

“Say: O my Lord! Let my entry be by the Gate of Truth and Honour; and likewise my exit be by the Gate of Truth and Honour; And grant me from Thy presence a ruling authority to help me”. (17:80)

“That is, either grant power to me or grant me the assistance of any ruling authority, or state, so that I may with the force and the resources of the coercive power of the State establish virtue, eradicate evil, put an end to corruption, vulgarity and sin, set at right disruption

which has spread throughout social life and administer justice according to Thy revealed law. This is what this verse means. This view is further supported by the hadith: Allah brings to an end through the State what He does not eradicate through the Quran.

“This shows that reforms which Islam wants to bring about cannot be carried out merely by sermons. Political power is essential for their achievement. And as the above prayer has been taught by none other than Allah to His own prophet, it also shows that the struggle for obtaining control over the organs of the State, when motivated by the urge to establish the *DEEN* and the Islamic Shari’ah and to enforce the Islamic injunctions, is not only permissible but is positively desirable and as such obligatory. Those who regard such an endeavour as something mean and this worldly or characterize it as “power-seeking” are totally mistaken. If a person strives for personal glory and wants to gain power for personal ends, that is certainly to be condemned. It is un-Islamic. But if power is being sought to establish the *DEEN* of Allah, then it is an undisputed act of Godliness and piety and must not be confused with power-hunger”.¹⁹

● Principles of Islamic State

Abul Ala Mawdudi elaborately dealt with the principles of Islamic State in a number of books, especially in his vast commentary of the Holy Quran, “Tafheemul Quran” in Urdu, translated in English under the caption “Towards understanding the Quran”

He discovered 5 most important Principles of Islamic State from the following verse of the Holy Quran:

¹⁹ Ibid. P. 165 and 166

“O you who believe, obey Allah and obey His Messenger and those from among yourselves who hold authority; then if there is any dispute between you concerning any matter, refer it to Allah and His Messenger if you really believe in Allah and the Last Day. This is the best course (in itself) and better as regards the result”. (4:59)

The Principles drawn from the above verse are as follows:

1. Allah is the Sovereign law-giver who must be obeyed without any question.
2. Prophet Muhammad (PBUH) also must be obeyed unconditionally as he is Allah's Vicegerent.
3. All other legal authorities will be obeyed conditionally, so long they obey Allah and the Prophet. None can be obeyed violating Allah and His prophet.
4. None has the right to dispute with commands of Allah and decision of the prophet. Dispute is allowed with all other authorities. Govt. and people are two parties. In case of any dispute between them the matter must be referred to Allah and the prophet.
5. In case of dispute between Government and the governed, there must be a recognized body to pronounce verdict according to the Holy Quran and the Sunnah. Naturally this body must enjoy a position suitable to give judgment against Government. This clearly indicates “Independence of Judiciary”.

Mawdudi's commentary of the above mentioned verse is self-explanatory:

“This verse is the cornerstone of the entire religious, social and political structure of Islam, and the very first clause of the constitution of an Islamic state. It lays down the following principles as permanent guidelines:

“1. In the Islamic order of life, God alone is the focus of loyalty and obedience. A Muslim is the servant of God before anything else, and obedience and loyalty to God constitute the centre and axis of both the individual and collective life of a Muslim. Other claims to loyalty and obedience are acceptable only insofar as they remain secondary and subservient, and do not compete with those owed to God. All loyalties which may tend to challenge the primacy of man’s loyalty to God must be rejected. This has been expressed by the Prophet (peace be on him) in the following words: “There may be no obedience to any creature in disobedience to the Creator.”

“2. Another basic principle of the Islamic order of life is obedience to the Prophet (peace be on him). No Prophet, of course, is entitled to obedience in his own right. Obedience to Prophets, however, is the only practical way of obeying God, since they are the only authentic means by which He communicates His injunctions and ordinances to men. Hence, we can obey God only if we obey a Prophet. Independent obedience to God is not acceptable, and to turn one’s back on the Prophets amounts to rebellion against God. The following tradition from the Prophet (peace be on him) explains this: ‘Whoever obeyed me, indeed obeyed God; and whoever disobeyed me, indeed disobeyed God.’”

“3. In the Islamic order of life Muslims are further required to obey fellow Muslims in authority. This obedience follows, and is subordinate to, obedience to

God and the Prophet (peace be on him). Those invested with authority include all those entrusted with directing Muslims in matters of common concern. Hence, persons 'invested with authority' include the intellectual and political leaders of the community, as well as administrative officials, judges of the courts, tribal chiefs and regional representatives. In all these capacities, those 'invested with authority' are entitled to obedience, and it is improper for Muslims to cause dislocation in their collective life by engaging in strife and conflict with them. This obedience is contingent, however, on two conditions: first, that these men should be believers; and second, that they should themselves be obedient to God and the Prophet (peace be on him).”

“4. In an Islamic order the injunctions of God and the way of the Prophet (peace be on him) constitute the basic law and paramount authority in all matters. Whenever there is any dispute among Muslims or between the rulers and the ruled, the matter should be referred to the Quran and the Sunnah, and all concerned should accept with sincerity whatever judgment results. In fact, willingness to take the Book of God and the Sunnah of His Messenger as the common point of reference, and to treat the judgment of the Quran and the Sunnah as the last word on all matters, is a central characteristic which distinguishes an Islamic system from un-Islamic ones.”²⁰

“5. The verse also gives the people the right to differ with their rulers and is a character of their political freedom. In case of dispute, however, the verdict of Allah and His Messenger is to be taken as final, both by the rulers and the ruled. This clearly implies that there

²⁰ Towards understanding the Quran- P. 50, 51, 52.

must be some institution for deciding such dispute in the light of the Quran and the *Sunnah*. In other words, the judiciary in an Islamic State must be independent, competent and bold enough to give an impartial verdict irrespective of the position and power of the parties to a dispute".²¹

● The Function of Islamic State

"It has been definitely laid down in Islam that de-Jure Sovereignty also belongs to Allah whose de facto sovereignty is inherent and manifest in the working of the entire universe and who enjoys exclusively the sovereign prerogative over all creation. The Quran repeatedly stresses it with an increasing emphasis. At one place it says:

"The command is for none but God, He hath commanded that ye obey none but Him, that is the right path." (12:40)

At another place it enjoins: "Follow the revelations sent unto you from your Lord, and do not follow the (so-called) guardians other than Him (7:3)".²²

According to the five basic principles of Islamic State the Prophet is the physical manifestation of Allah's legal and political sovereignty on earth. Allah does not physically rule. There must be some human agency to exercise that sovereign authority. Mawdudi writes:

"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,

²¹ The Islamic Law & Constitution. P. 182 and 183

²² The Islamic Law and Constitution: P. 216 and 217.

because not only that it does not possess de-jure sovereignty but also that its powers are limited and circumscribed by a supreme law which it can neither alter nor interfere with. The true position of this agency has been described by the Qur'an itself. The terms used by the Qur'an for this agency is "*Khilafat*" which means that such an agency is not sovereign in itself but is the vicegerent of the de-jure and the de facto sovereign viz., God Almighty.

"According to the Qur'an the vicegerency of God is not the exclusive birthright of any individual or clan or class of people: it is the collective right of all those who accept and admit God's absolute sovereignty over themselves and adopt the Divine Code, conveyed through the Prophet, as *the law* above all laws and regulations." ²³

Prophet Muhammad (PBUH) was appointed by Allah as His Vicegerent. But Prophet did not appoint any one as his vicegerent (Caliph). It was right of the people of Islamic State to elect their ruler. Accordingly Abu Bakr, Umar, Uthman and Ali were elected one after another.

The position of the elected ruler is the vicegerent of the prophet. He must conduct the state by strictly following the Prophet. Islamic polity is highly democratic in spirit. None has the legal right to claim as ruler. The ruler must be elected by the ruled. Mawdudi opines:

"According to the modern Western concepts, democracy is that philosophy of political organisation in which it is presumed that the people possess absolute sovereignty. On the other hand, what we Muslims call democracy is

²³ The Islamic Law & Constitution P.218.

a system wherein the people enjoy only the right of *Khilafat* or vicegerency of God Who alone is the Sovereign. In Western Secular Democracy, the Government is established or changed by the exercise of the will of the common voters. Our democracy also envisages the same; but the difference lies in the fact that whereas in the Western system a democratic state enjoys the right of absolute authority, in our democracy the *Khilafat* is bound to keep within the limits prescribed by the Divine Code.”²⁴

● Organs of Government

During the age of Prophet Muhammad there were two mighty empires—the Holy Roman Empire and the Persian Empire. Absolute monarchy as form of Government was prevalent. The concept of democracy was totally absent. The Greek Philosophy of democracy was ignored as utopian.

The concept of legislature, Executive and Judiciary as separate organs developed only during last century.

Islamic Democratic Polity started functioning during the reign of four righteous Caliphs after Prophet Muhammad (PBUH). It was mid Seventh Century A.C (After Christ).

As Vicegerent of Allah the Prophet had to function as legislative, executive and judiciary. During the four Caliphs they exercised Chief executive power. They had a legislature composed of most pious and learned persons. Though the caliphs functioned as judges, there were many other judges who were never interfered by the Executive.

²⁴ Ibid P. 219

If a state is administered according to Islam, it is quite natural that:

1. There is no scope for the chief executive to be a autocrat, as his powers are strictly restricted by the Holy Quran and the *Sunnah* of the Prophet.
2. People have the divinely sanctioned rights to raise objection if the administration violates the Holy *Quran* and the *Sunnah*.
3. According to the basic Principles of Islamic State mentioned earlier the matter of dispute between the Government and plaintiff must be settled by Judiciary.

Thus the most modern idea of the balanced function of the three organs of Govt. can easily be incorporated in Islamic State. There is nothing in the Islamic system that may put any obstruction in this respect.

Mawdudi discussed at length the function of the three organs. I shall try to quote him in brief:

● **Function of the Legislature**

“The Legislature is what in the old terminology of *Fiqh* was known as the “Body which resolves and prescribes” (*Ahl al-Hal wa al-'Aqd*). It is quite clear that a State established on the basis of God’s *de jure* sovereignty cannot legislate in contravention of the Qur’an and the *Sunnah* even if the consensus of opinion of its people demands it.

“It automatically follows that it is beyond the purview of any legislature of an Islamic State to legislate in contravention of the Directives of God and His Prophet,

and all such pieces of legislation, even though approved by the Legislature would *ipso facto* be considered *ultra vires* of the Constitution.

Legislature in a Islamic State has a number of functions to perform:

- (i) Where the explicit directives of God and His Prophet are available, although the legislature cannot alter or amend them, yet the legislature alone will be competent to enact them in the shape of sections, devise relevant definitions and details and make rules and regulations for the purpose of enforcing them.
- (ii) Where the directives of the Qur'an and the *Sunnah* are capable of more than one interpretation, the legislature would decide which of these interpretations should be placed on the Statute Book.
.....
- (iii) Wherever there is no explicit provision in the Qur'an or the *Sunnah*, the function of the legislature would be to enact laws relating to the same, of course always keeping in view the general spirit of Islam, and where previously enacted laws are present in the books of *Fiqh (Jurisprudence)* to adopt any one of them.
- (iv) Wherever and in whatever matters even basic guidance is not available from the Qur'an or the *Sunnah*, or the conventions of the Righteous Caliphs, it would be taken to mean that God has left us free to legislate on those points according to our best lights. In such cases, therefore, the legislation can formulate laws without restriction, provided such legislation is not in contravention of the letter and the spirit of the *Shari'ah (Islamic Law)*.

We have deduced these four functions from the Qur'an, the *Sunnah*, the usages of *Khilafat-e-Rashidah* (Rightly guided Caliphate) and the opinions and rulings of eminent jurists of Islam.”²⁵

● Function of the Executive

“In an Islamic State, the real purpose of the Executive is to enforce the directives of God conveyed through the Qur'an and the *Sunnah* and to bring about a society ready to accept and adopt these directives for practical application in its life.

It is this characteristic of the Executive of a Muslim state which distinguishes it from the executive of a non-Muslim state. The words *Ulul-Amr* and *Umara'* have been used for the Executive in the Qur'an and the *Hadith* respectively, which enjoin obedience to it on the condition that it obeys God and His Prophet (peace be on him) and avoids the path of sin and transgression.....

“The Qur'an is explicit in this connection when it says: “Obey not those who overstep the limits (We have set) and create trouble on the earth, and have no tendency to reform themselves.”(26: 151,162)

“The Holy Prophet has also repeatedly stressed it very clearly and emphatically. He says:

“Obedience is obligatory on every Muslim, whether he likes the command or not, unless he is ordered to commit sin, in which case the obligation lapses automatically.”²⁶

²⁵ Ibid. P. 221 & 222

²⁶ Ibid. P. 223

● **Function of the Judiciary**

“The scope of the Judiciary (which in the terminology of Islamic Jurisprudence is called *Qada*) also becomes well prescribed by the acceptance of the *de jure* sovereignty of God Almighty. When Islam established its state in accordance with its eternal principles, the Prophet himself was the first judge of that state, and he performed that function in strict accordance with the Law of God. Those who succeeded him, had no alternative but to base their decisions on the Law of God as transmitted to them through the Prophet. ²⁷

● **Relations among the organs of Government**

As regards the relations among the 3 organs of Government though there is no prescribed rules and regulations, the conventions of the Prophet’s time and the period of the four Righteous Caliphate afford us all the necessary guidance.

Mawdudi remarks:

“From those conventions we learn that the Head of the Islamic State is, as such, the supreme head of all the three organs.

“But under the Head of the State three organs functioned separately and independently. The legislative body called “**Ahl-al-Hal wa-al-Aqd**” (Body that resolves and prescribes) whose function was to advise the Head of the State in matters of law, administration and State policy, was a separate entity. Then there were the executive officers who had no say in judicial matters which were dealt separately and independently by the Judges (Qadis)

²⁷ Ibid. P. 224

“The caliphs invariably consulted the Ahl-al-Hal wa al Aqd. the executive officers worked directly under the Caliphs. They appointed them to carry out the administration under their direct supervision and guidance.

“The Qadis (Judges) were also directly appointed by them. But the caliphs could not ordinarily terminate their services, nor influence their decisions, so much so that if in their personal capacity or in their capacity as the executive head, anybody brought a suit against the caliphs, they had to appear and plead their cases before the Qadi like any commoner.”²⁸

● Rights and Duties of Citizens

As regards human rights in a state there are two main parties –the Government and the governed. The rights of the citizens are the duties of the Government and rights of the Government are the duties of the citizens.

According to Islam rights can not be determined by any one party. Rights must be determined by one who is absolutely neutral. So Allah as the Sovereign is the only competent authority to prescribe the rights and duties of citizens and the Govt.

Mawdudi writes about Rights of citizens as follows:

(1) "In Islam, the first and foremost right of the citizens is the protection of their life, property and honour, together with the assurance that this right would not be interfered with, except on valid legal grounds. The prophet has explicitly and repeatedly enunciated this thing. In his well-known address given on the occasion of the Farewell Pilgrimage, wherein the details of the Islamic way of life were stressed, he said:

²⁸ Ibid. P. 225 & 226

“Your lives, your properties, and your honour are as sacred as this day (of the Hajj)” (Pilgrimage).

(2) "The second important right is that of the protection of personal freedom. In Islam, personal freedom cannot be violated, save after proving delinquency in accordance with the due process of law and never without giving an opportunity to the accused to put up his defence."

(3) "The third important right is that of freedom of opinion and belief. ‘Ali, the fourth Caliph, has given the best exposition of Islamic law in this respect. During his period, the party known as the Kharijites reared its head in revolt. This group was very similar to the modern anarchists and nihilists. Its members defied the State openly and denied the need for its existence in Islam, and they were making preparations, to wipe it out by sword. ‘Ali (God bless his soul) sent the following message to them:

“As long as you do not indulge in actual disruption and disorder, we will not wage war against you.”

.....

(4) "Another right which has been greatly emphasised in Islam is that of the provision of basic necessities of life to all citizens without distinction of caste or creed. Zakat was made compulsory for Muslims for this very purpose and the Prophet himself says:

“It shall be taken from the rich and distributed amongst the poor and the needy.”

At another place he (peace be on him) enunciates the following principle:

“The Government is the *guardian* (helper) of everyone who has no guardian.”

In this matter, Islam has made no distinction between the Muslims and non-Muslims. The state would not let anybody be without food and clothing or a place of residence. ²⁹

As regards the duties of citizen's Mawdudi enumerates as follows:

“As against these rights of the citizens, there are certain rights of the State upon its citizens. Among these, the first is that of obedience, for which the technical term of Sam'-o-Ta'at is used in Islam. The Prophet has explained it thus –

“The State shall have to be heard and shall have to be obeyed, in adversity and in prosperity, and whether it is pleasant or unpleasant to do so”.

“In other words, the order of the State, be it palatable or unpalatable, easy or arduous, shall have to be obeyed under all circumstances (save of course when it involves God's disobedience, as discussed earlier).

“The second obligation on the citizens vis-a-vis an Islamic State is that they should be loyal to it and work for its welfare. In the Qur'an and the Hadith the term “Nus'h” has been used for this purpose, which in Arabic means more than what is conveyed by the words loyalty and allegiance. It inherently demands that a person should, truly and faithfully and with all his heart, wish and work for the good, prosperity and the

²⁹ Ibid. P. 248-51

betterment of the State, and should not tolerate anything likely to harm its interests.

"It is also obligatory on the citizens of the Islamic State to co-operate whole heartedly with the government and to make sacrifices of life and property for it, so much so that if any danger threatens the State, he who willfully refrains from making a sacrifice of his life and property for warding off that danger has been called a hypocrite in the Quran. ³⁰

● **System of Election**

Prophet Muhammad (PBUH) was the embodiment of Islamic system of life. He did not nominate anybody as the head of Islamic State established by him. Immediately after the demise of the Prophet people elected Abu Bakr as their Ulul Amr (Caliph). Umar, Othman, and Ali became Caliphs one after another. All of them were elected. What to speak of aspiring for the post, none of them was even willing to shoulder the heavy responsibility. They were compelled to agree to the popular will.

Though the modern system of voting did not develop at that time, the 4 Caliphs were elected through various methods. It is the fact of history that none of them came to power against the desire of the people.

After the 4 Righteous Caliphs monarchs ruled in the name of Caliphs. But Islamic scholars never agreed to accept Monarchy as Islamic system.

Mawdudi describes the methods of election of the 4 Caliphs as follows:

³⁰ Ibid. P. 251 and 252

“The first Caliph, Abu Bakr, was thus elected publicly. And when his last moment came, although he was personally convinced that ‘Umar was the fittest person to be the Caliph, he did not forthwith nominate him as his successor but consulted the most prominent among the Companions, jointly and severally, and then dictated his will in favour of ‘Umar. Thereafter, despite his serious illness, he addressed the Muslim masses thus:

“Are you willing to accept him your Amir whom I nominate as my successor? God is my Judge, I have left no stone unturned in coming to (the best) conclusion in this matter, I am not nominating anybody related to me. I nominate ‘Umar son of Khattab as my successor. Therefore, listen you all to him and obey him.”

From the crowd the people cried: “We have heard and we accept.”

Here we find that Abu Bakr only suggested and recommended the name of ‘Umar after consultations with those in whom the people had confidence, and then it was put to the vote of the Muslim masses who accepted him.

"Again, when ‘Umar was on the point of leaving this world, he noticed that out of the large number of the most reliable Companions of the Prophet, only six persons were then alive to whom the Muslim masses could look for guidance and from amongst whom his successor could be chosen. He, therefore, created a Consultative Body of those six persons and delegated to them the task of selecting the next Caliph from amongst themselves, prescribing that whosoever tried to become the Amir without the approval of the Muslim masses was to be beheaded.

"This consultative body ultimately delegated its task to one of its members, 'Abd al-Rahman Ibn 'Auf, who went round Madinah to gauge the feelings of the general public in the town. He ascertained the opinions of the women-folk and the reactions of the students of schools also and even of the pilgrims from various parts of the country, who visited Madinah after their pilgrimage at Makkah. After this thorough survey, he came to the conclusion that the Muslim masses had the greatest possible faith in two persons, 'Ali and 'Uthman, of these two, the opinion being slightly more in favour of 'Uthman. So the vote was cast in his favour and he was openly accepted as the Caliph.

"Then occurred the tragic and deplorable incident of 'Uthman's brutal assassination which created a serious situation. Some of the Companions, therefore, assembled in the house of 'Ali and told him that nobody was there more suited than him to be the Amir of the Muslims and he should, therefore, shoulder that responsibility. 'Ali declined to do so. But when these people insisted, he, at last, agreed saying:

"If you wish it to be so, then come to the mosque, for my acceptance as Amir cannot be secret nor without the approval of the Muslim masses".

Consequently, 'Ali went to Prophet's Mosque where people were assembled. And it is an incontrovertible fact that the majority of the people accepted him as their Caliph, even though this acceptance was not unanimous.

.....

"This, therefore, is the accepted convention of the period of the Caliphate regarding the appointment and

election of the Head of the Islamic State, and this is also the sum-total of the collective conduct of the Companions in this important matter. It is based as much on the Prophet's abstinence from nominating his successor as on the Qur'anic injunction that all important decisions in matters of collective interest should be taken by consultation. The point, that can be clearly inferred from these authentic constitutional precedents are:

(1) In an Islamic State, the election of its Head depends entirely on the will of the general public and nobody has the right to impose himself forcibly as their Amir.

(2) No clan or class has a monopoly of this office.

(3) The election should take place with the free-will of the Muslim masses and without any coercion or force.

How is this opinion of the masses to be determined is a point where Islam does not limit its scope by prescribing specific methods. Different methods can be adopted in different places, on different occasions, and under different circumstances, provided such methods are designed only to determine as to who enjoys the greatest measure of nation's confidence and regard. ³¹

● Position of Minorities in Islamic State

Abul A'la Mawdudi has dealt at length on this important issue in his book "The Islamic Law and Constitution". His thoughts in this respect is as follows:

(1) Political minority in a democratic state is temporary. It may change after every election. But some kinds of

³¹ Ibid. P. 232-235

minorities are permanent, e.g. racial, cultural, social, religious, linguistic, ideological etc.

(2) Permanent minority is a genuine problem that deserves satisfactory constitutional solution so that they are not deprived of their rights as citizens.

(3) The non-Muslim citizens shall have within the limits of law, complete freedom of religion and worship, mode of life, culture and religious education. They shall be entitled to have all their matters concerning Personal Law administered in accordance with their own religious codes, usages and customs.

(4) As regards the civil rights Muslims and non-Muslims are entitled to enjoy them equally, without any kind of discrimination.

(5) Elected representatives of Minorities may be members of Parliament to safeguard their rights.

● **Movement for Islamic Constitution**

Abul Ala Mawdudi was not an idle thinker. He was the leader of the Islamic Movement in the Indian Sub-Continent. He started a socio-political organization in 1941, built up a group of persons to train and lead people aiming at establishing an Islamic State.

When Pakistan emerged as an independent State in 1947, Mawdudi appealed to the Constituent Assembly to declare Pakistan as an Islamic State and to frame a Constitution based on the Holy Quran and the *Sunnah*. He was arrested under Public Safety Act and was detained without trial. The movement for Islamic

Constitution got momentum both inside the Constituent Assembly and outside. In March 1949 “An Objective Resolution” was passed in the Constituent Assembly cum Parliament declaring Pakistan as Islamic Republic and the Quran and the *Sunnah* as the sources of law.

Mawdudi emphasized on framing an Islamic constitution suitable for the modern world so that it can be cited as a model.

The then Prime Minister of Pakistan challenged the Islamic Scholars and ridiculed the idea as utopia.

Ulama (Islamic Scholars) of all Schools of thought accepted the challenge and unanimously declared 22 basic principles on the basis of which Islamic Constitution should be framed.

Out of the 22 Points the following 5 Points clearly indicate that Islamic Constitution does not conflict with modern democratic concept of State and Government:

6. It shall be the responsibility of the Government to guarantee the basic necessities of life, i.e. food, clothing, housing, medical relief and education to all citizens without distinction of race or religion, who might temporarily or permanently be incapable of earning their livelihood due to unemployment, sickness, or other reason.

7. The citizens shall be entitled to all the rights conferred upon them by the Islamic Law i.e. they shall be assured within the limits of the law, of full security of life, property and honour, freedom of religion and belief, freedom of worship, freedom of person, freedom

of expression, freedom of movement, freedom of association, freedom of occupation, equality of opportunity and the right to benefit from public services.

10. The non-Muslim citizens of the State shall have, within the limits of the law, complete freedom of religion and worship, mode of life, culture and religious education. They shall be entitled to have all their matters concerning Personal Law administered in accordance with their own religious code, usages and customs.

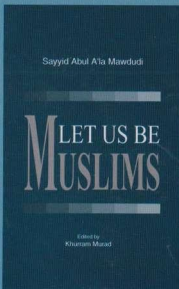
18. All citizens, whether members of the Government, officials or private persons, shall be subject to the same laws and the jurisdiction of the same courts.

19. The Judiciary shall be separate from and independent of the Executive, so that it may not be influenced by the Executive in the discharge of its duties. ³²

The 22 point basic Principles of Islamic Constitution was enthusiastically hailed by people. The challenge thrown from the Government was silenced and Islamic Constitution was framed in 1956.

³² Ibid P.333 and 334.

A Widely Popular Book



Read the Book



শতাব্দী প্রকাশনী

SHOTABDI PROKASONI

www.pathagar.com