Relevance of Islamic System of Governance in the Age of Globalization

Ayesha Ilyas[*]

Abstract

The article emphasize on the little explored maxims of Islam's idea of a state system, its foreign policy and International Law and its relevance in the contemporary world, by judging it with the dictums of critically acclaimed approach towards International Relations; the social constructivism. In order to discover the scope for its adoptability in the modern day international politics and as a state system, To establish that the Islamic State system still maintain its relativity and effectiveness to the challenges of 21st century. The study is mainly descriptive and the types of techniques used for the study are analytical directed by the existing material.

Keywords: Islamic System, Governance, Globalization

Introduction

Islam, the second widely followed religion in the world after Christianity, has been under much scrutiny and criticism after the incident of 9/11 and the unfortunate increase in the global terrorism in the past two decades. Emergence of terrorist organizations like Al-Qaeda, Boko Haram and ISIS whose apparent motive is implementation of *sharia* have done more damage to Islam as a religion and its idea of state system than any conqueror throughout the course of history has ever done.

On the other hand, there has been an increasing disparity in social classes across the world. From centuries, populations are exploited to serve their state's ruling elite or butchered to satisfy the power lust of others. Globalization has only worsened the situation with increasing the experimentation arenas for the global elite. Capitalists have captivated most of the world population with organizations like IMF and World Bank manipulating the small states' economy and thus practically enslaving their inhabitants. Organizations like United Nations have not proven very effective

---
[*] Ayesha Ilyas, National Defense University, Islamabad

in culminating hostilities; state to state relations are usually guided by motives that has less to do with people's welfare. In today's world, weapon of mass destruction has taken precedence over poverty eradication or environmental security or education. Nothing stands as important as nuclear warfare to even the third world countries like India and Pakistan.

Could there have been a better system to run the affairs of a state? Autocracy has been rejected, communism is discarded, and the western model of democracy is not free of flaws as well with its biggest drawback being the free hand to Capitalist economy in the 21st century. Could the world affairs be run a different way? Unfortunately, those who could have answered this question are themselves in oblivion. The little explored state system of Islam has practically proved its effectiveness and though its features are followed in the modern day by some of the well-established states, there is little recognition and promulgation of the fact.

Mode of Government

Islam's idea of a state is not just that of a political administration fulfilling the collective will of a group of people but a high ideal for suppressing all injustice and exploitation and encouraging a society guided by purity, goodness and by virtue of prosperity of people. The Islamic system thus has its roots in the idea of welfare of mankind, in any age and any time under any political order.

Quran refers mainly to a state's roles and duties, there is little focus on the structure or form of government in Quran, the question of form has been left to the community. Any form of government in which as long as the rulers enforce the *shariah* in matters of the state and the limitations of political authority, the state is an Islamic state. The classical Islamic state of Abbasids varied in its features, while in some ways it looked like an autocracy, it partly was a democracy, it was more of a combination of different systems with incorporating features, being clear about its prime motive; the implementation of *shariah.[1] Shariah* in spirit mainly focus on abiding the law of God and human welfare under that law.

A state's decisions, according to a saying of the second Caliph Umar Bin Khitab, shall be guided by the well-being of its people. This dictum has been endorsed by all Muslim schools and jurists as well.[2]

A second century jurist, Imam Abu Yousaf describes a ruler's authority as to be dependent upon the welfare of people and public weal. Any action of a state or any person in an authoritative

position is justifiable only if it ensures the public's well-being, there is no legal justification for an act that proves otherwise.

The concept of state in Islam, thus, fundamentally confirm with the dictums of democracy, however, a major difference between Islam's idea of a democratic state and the western democracy lie in the 'concept of sovereignty'; while Islam confer that all sovereignty belong to Allah, in western democracy people are the main sovereign entity. Believing in the sovereignty of Allah, however, in Iqbal's opinion is not contradictory to the spirit of democracy; according to him Islam prescribes democracy under the law of Allah. Iqbal observed that a political system, a democracy, guided by moral and spiritual values is the best system devisable as it will argue for freedom, equality and social and economic stability for the masses. He writes:

> *"Islamic democracy is not developed from the idea of economic advancement rather it is a spiritual principle that comes from the principle that everybody is a source of power whose possibilities can be developed through virtues and character."*[3]

Selection of Rulers
There rise a question about the selection of the rulers; the implementing authority of that law of God; *Shariah*. Prophet Mohammad has made it clear that the rulers of a state shall be those who have the respect and support of the masses, this principle has been applied even to the immediate successor Caliphs of the Prophet. Imminent scholar Abdul Qadir bin Tahir al-baghdadi considers the *ummah* as a final authority in the selection and removal of the rulers.

The Principle of 'Consultation'
Not only the head of the state shall be appointed through collective consent, in an Islamic state the system itself should be based on consultation; every individual accorded with the authority to represent the citizens of the state should have an equal right in consultation; and whatever decisions these consultations lead to, could only be revoked through consultations. All actors shall have an equal stake in the state's affairs and if consent cannot be achieved, the majority opinion should decide the matter.

> *"All affairs of state like the municipal affairs, national and provincial affairs, political and social directives, rules of legislation, delegation and revocation of powers, dismissal and appointment of officials, interpretation of Islam for the collective affairs of life – all of them fall under the principle laid down, In*

other words, no area or department of a Muslim state can be beyond the jurisdiction of this principle."[4]

The collective system of a Muslim ruled state is bound to be based on the principle of 'consultation', from the election of the ruler as well as the people's representatives shall all be carried through the mutual consent of the population. Also, after assuming a position of authority, the rulers and representatives of the state will have no right to overrule a consensus or a majority opinion of the Muslims in all the collective affairs. Mawlana Abu al-A'la Mawdudi explains the state system in the following words:

"The principle of "their system is based on their consultation"[5], by their nature and scope entail five things: First, people whose interests and rights relate to the collective affairs should be given the freedom to express their opinion, and they should be kept totally aware of the actual way in which their affairs are being run; they should also have the right to object and to criticize if they see anything wrong in the way their affairs are being conducted by those in authority and the right to change these leaders if the faults are not rectified. It is outright dishonesty to forcibly silence people or to run affairs without taking them into confidence. No one can regard this attitude to be in accordance with this verse. Second, the person who is entrusted to run the collective affairs of the people should be chosen through their absolute free consent. Consent obtained through force and intimidation, greed and gratification, deception and fraud is no consent at all. The ruler of a country is not one who obtains this position by hook or by crook; the real ruler is the person whom people choose freely without any compulsion. Third, people chosen for consultation should enjoy the confidence of the majority. Consequently, those who are worthy of consultation can in no way be thought to enjoy the confidence of the people in the truest sense if they acquire this position through force, extortion, fraud or by leading people astray. Fourth, people who are consulted must express their opinions in accordance with their knowledge, faith and conscience and should have the complete freedom for such expression. If because of fear, greed or some prejudice people are led to give opinions which are against their belief and conscience, then this is disloyalty and infidelity, and is a negation of the principle of consultation. Fifth, a decision which is made through the consensus or majority opinion of the members of the shūrā or which has the mandate of the people behind it must always be accepted. Because if one person or group insists on an

opinion, then consultation becomes useless. The Almighty has not said: "they are consulted in their affairs"; on the contrary, He has said: "their system is based on their consultation." Merely consulting people does not fulfil this directive; it is necessary that a consensus or majority opinion be considered as decisive in running the affairs.

Politics
In Islam, politics is guided by religion. The guidelines for organizing a political system in Islam, thus, are based on the principles of:
  i).   Tawheed
  ii). Risalat
  iii). Khilafat

Tawheed believe in oneness of God, Allah, and Him being sovereign in authority. *Risalat*is the medium through which we received the Law of Allah in the form of *Quran* and its interpretation and exemplification by the Prophet PBUH as the representative of Allah. The combination of this 'theory and practice' is what is called *Shariah*. *Khilafat* or Caliphate then refers to the authority to implement this *Shariah;* law of God.

Islam holds all individuals in the light of equality. No one can deprive anyone of his rights and powers. The authority of a state on the life of the masses is merely an extension of the powers the people have endorsed and the organization of the state will be established only upon the will of the people. In a *Khilafat,* the individual's opinion is conclusive in the formation of a government and the system shall be run in harmony with their well-being and wishes.[6]

Economic System
Beside the social structure of a state/ society the key component that Islamic state system addresses, and which actually make the proposed system all the more apt and relevant in the current world scenario is the Islam's economic system. The distinction it has over the communist and capitalist economic system is that it is not just close to the nature of man but very realistic as well.

No human can live independently; they by nature are made to depend on others for their living; for their needs and requirements. No matter how affluent, one has to depend on the ordinary to fulfill his basic needs and thus every person plays a vital role in others' lives. Variations in abilities, inclinations and

intelligence of people as well as their means and resources, serves as the basis for the societal structure. In a society, while the writers, researchers and scholars serve through their knowledge; Leaders, reformers and rulers through their wisdom resolve the collective problems and create awareness in the masses and change the course of history through their acumen and determination; the role of workers, laborers cannot be undermined either, it's their hard work and steadfastness that keep the system intact. In the words of Quran:

> *"We have allocated among them their livelihood in this world [in such a manner that] we have raised some in status above others so that they can mutually serve each other. And better is your Lord's mercy than what they are amassing."[7]*

The differentiation is explained by Islam as to create a society on the bases of co-operation among different classes; the affluent and underprivileged, and to play the role each person has been predestined to play, and does not give one class the upper hand over the other.

Ownership
Assets other than those owned by individuals or that cannot be owned by citizens shall remain the state's property and a national asset so that they could be utilized for the well-being of the people; the sections of the society that depends upon the state, smooth running of the state's machinery as well as to decimate the concentration of wealth among the riches.

Taxation
In an Islamic state system if a citizen has paid his *zakat,* in case of Muslim citizens and *Jazia* in case of non-muslim in lieu of tax, the state cannot impose any other tax on them without their consent. The state has no right to seize its citizens rightfully owned property or any other form of wealth except for the violations of any just and Islamic laws.

> *"A state cannot tamper with the life, honor and freedom of expression of people who have acquired its citizenship, it also has no right to commit any excesses against their assets, wealth and property."[8]*

Banking
Beside that Islam has vehemently denounced lending capital on interest and declared it as a sin for it is an exploitation of the poor.

It indeed encourage trade and investment of capital in order to make merchandise available to people through hard work and spewing capital in open market for competition that may result in loss or profit for him. However it has discouraged unfair percentages of profit for traders as well.

Thus it's fair to conclude that the Islamic economic system denounce both the communist and capitalist systems and instead offers a system based on social welfare and collective wellbeing rather than depriving people of their just rewards and curbing fair competitions or exploiting them because of their needs and requirements.

Cross Border and Cross Cultural Relations

Successful trade require good terms with other states, history has clear evidences of the notion that it was trade that has opened the world to acceptance of Islam. Islam has been a keen supporter of diversity and has always encouraged discovering the world in order to enhance learning as well as spread the message of God both by word of mouth and by example. Quran, on different occasions, has drawn attention, to the good qualities of other nations. The Prophet PBUH has declared that wisdom be attained, where ever found and declared it as a common property of human beings.

Islam endorses diversity that is endowed in the human nature and demand cooperation between people from different social, ethnic, religious and cultural backgrounds in creation of a just and tolerant world society. Quran addresses the People of the Book with this call: O People of the Book! Come to agree with us on a common objective: to support and promote the freedom of human beings and equality of mankind and to promote those moral and ethical Ideals which we jointly and commonly share.

Islam, besides appreciating cultural diversity, also recognizes the fact that different faiths and religious ideologies shall be there side by side with it. Quran is perhaps the only Divine revelation that acknowledges the existence of other religions and provides guidance to its followers in terms of dealing with people from different faiths. Multiple references have been made in Quran towards Jews and Christians where they have been called as "the People of the Book", as well as it has addresses the Sabians, idolaters and atheists etc. Quran has also provided directions for agreements with them, for the entities that would want to maintain neutrality and/or those who show hostility.

Ghazi in The Islamic Law of International Relations: Origins and Early Development comments that

> *"The fact that these various categories have been mentioned in the Qur'an — and that high moral standards have been declared for Muslims to deal with each of them — indicates that the Qur'an not only contemplates a variety of international relationships but has also taken care of possible avenues of interaction and intercourse between Muslims and non-Muslims."*[9]

International Law

Mahmood Ahmad Ghazi further explore the subject confirming that Islamic law has always been a practically applied legal system that has provided a sustainable and worthwhile paradigm for a pluralistic society dealing with multiple cultures and ethnicities. Islamic law has pursued the creation of a unity on moral and spiritual grounds among the diverse human races in their multi-façade variances while maintaining their cultural diversity and independence of thought among different nations binding them in the web of Islam.

The Muslim International Law, when in practice, was based on the Quran and its interpretation in the form of *sharia.* The international law suggested by Islam puts great value into international dealings and transactions. It recognizes the votive bases of them and emphasizes on the fulfillment of their compulsions. Quran in every matter necessitate it for its believers that they abide their commitments and keep their vows and must stand by the terms and conditions of a treaty or agreement that they have authorized. Verses which have advocated fulfillment of vows were formulated in a legal maxim by Prophet Mohammad.

The principles thus formulated by the Muslims jurists, in accordance to the legal maxim devised by Quran and *Sunnah,* has now become legal traditions of diplomacy and international relations in the modern world. Ahmad Mahmood Ghazi uses the tradition of international diplomacy; that a state is responsible for the actions of its ambassador as an imitation of, "the treachery committed by the ambassador will be taken to be a treachery committed by the state"

The roots of Islam's International Law could be traced back to the Charter of Medina, promulgated by the Prophet Muhammad himself in the which declared that 'parties to the charter were a nation, to the exclusion of others' and thus proclaimed independence of the state of Medina, which over the

next 150 years spread its influence through the Arab peninsula and its trade routes into central Asia, the Indian subcontinent, sub-Saharan Africa, the east African coast, and south-eastern Asia. In the coming centuries; 9th-12th, Muslim jurists, developed legal standards to govern the relationship of the Islamic State with non-Muslim powers. These laws were mainly formulated to resolve the situations arising in the governance of international wars and treaties. The rules formulated thus were a pre-political baseline which authorized the required agreements with the opponent parties, non-Muslims mainly, both in their individual capacities and at state level. The agreements made by an Islamic state to exercise its legal authority were bound to maintain their accordance with the mandatory rules of Islam in the terms specified to both the parties in order to establish a legitimate rapport.

Just the way Muslim jurists derived the rules of Islamic law from the verses and practical interpretation of Quran by the Prophet, they derived the rules of Islamic law from there as well. For example a rule was established on the bases of verses of Surah *Anfal* regarding the spoils of war, stating that the state of Medina is obliged to aid other Muslims, who are not the residents of the state, only in case of religious oppression. The obligation stands insignificant if there is a peace treaty between the Muslim state and the oppressor state. In such a situation a Muslim state in bound to respect the treaty. "If revelation was silent, Muslim jurists relied on analogy, adopted customary law, followed precedent, and appealed to common sense reasoning in order to solve legal problems."[10]

Islam's international law device rules for business at three levels;

i). The 'territory of Islam' (*dar al-islam*),
ii). The 'territory of war' (*dar al-harb*).
iii). The 'territory of peace' (*dar al-sulh*), an intermediate category for States that are formally at peace with an Islamic State.

Daral-Islam is where Islamic law and the political power of the Muslim community prevail. In that territory, any action by the people legally present in the territory is subject to Islamic normative law, which included the forces of Muslim rulers in war with any rebel Muslim entities.

The Dar-al-harb, is the territory of war, citizens of Dar-al-harb, specifically, Non-Muslims, were called *harbis*. According to Islamic law *harbi* are not signed to Islamic law and an Islamic state

have no obligation towards them, neither is it concerned with their laws (as far as they are in a daral-harb) the concept is very much similar to classical Roman law's doctrine that the *iuscivile;* applied only to Roman citizens. Islamic law simply does not associate itself to any legal consequences of a conduct carried by the residents; whether Muslims or non-Muslims, in the *dar-al-harb* unless it involved Muslims exclusively. The political protection of Islamic law ends at the border of a *dar-al-Islam*, the moral responsibility, although, remains intact irrespective of the territory, but it is subject to the presence of treaties or agreements made between the states.[11]

Rules for Refugees
An Islamic state's ruler or his authorized person or department can extend its protection to a non-Muslim state or a person after negotiating a treaty of protection or *dhimma* with the entity in question. The treaty is subject to Islamic law and could not contradict the basic tenets of Islam. The protected person, or *dhimmi* as he was called, was extended the protection by the virtue of abidance to the laws of state that were not related to religious obligation and paying of an annual tax of *jizya.* Once accepted as a *Dhimmi,* he was provided with all the rights any other citizen, whether Muslim or non-Muslim, of the state had, whether inside the state's territory or outside the state's territory. Beside that a state's citizens could also provide security or *aman* to a non-Muslim foreigner, even if he belonged to an enemy state. The person seeking security, *mustamin*, was only guaranteed protection of his person and goods against the residents of the state or Muslims, unless the *Mustamin* lacked the ability of protecting himself. The status would remain valid only for a year after which the *Mustamin* could either become a *dhimmi* or leave the state's territory.

Wars and Treaties
Any treaty with an enemy state shall be based upon the benefit of the Muslim community. Terms which would expect the violations of the rights of Muslims could not be accepted the head of an Islamic State was not to enter into a treaty with the enemy unless it was for the benefit of the Muslim community. Islamic law required delivery of a formal notice renouncing the truce to the non-Muslim king. Truces could also be repudiated by conduct contrary to the terms of the truce, if the violations could reasonably be viewed as having been authorized by the other party's ruler.

Conflicts between Muslim States
Conflicts that involved Muslim rulers were treated as a type of civil war, in such situations the law of rebellion was implemented to them, discontinuing the normative law, for the time period of the hostility, in dealing with the rebels. Rebel prisoners could not be given death penalties and upon conclusion of hostilities, had to be released. No harm could be done to the personal property of combatants in a civil conflict and the sanctity of their assets remained inviolable.

Alliance: Collective Defense Mechanism
Islam has devised a collective defense mechanism, in the form of *Jihad*, among the Muslims in case of international wars. If a non-Muslim force invades a Muslim state, another Muslim state is bound to defend the co-Muslim state's territorial integrity and the personal security of its inhabitants, even if war remains the only viable option to rebut the invader forces. This collective defense mechanism did not stand valid for warfare among Muslim states. In that case Muslims in general were to restrain from any armed conflict and put an effort towards a peaceful resolution of the dispute. Wars, even *Jihad* against non-Muslim forces that has inflicted hostility, were bound to certain moral limitations. Destruction of property, intentionally killing non-combatants; women and children, unless they engaged in hostilities, able-bodied men who did not take part in the hostilities by devoting themselves to religious pursuits, were prohibited.[12]

> *"The collective defence function of jihad also placed important restrictions on the foreign policy powers of the Islamic State: it could not, for example, make peace on terms that allowed a non-Islamic State to continue holding Muslims or dhimmis as prisoners. And while Muslims were strictly required to honour their obligations to non-Muslims when in their territory pursuant to a grant of security, if they encountered a group of Muslims or dhimmis in a non-Islamic territory that was not at peace with the Islamic State, and that group of Muslims had sufficient collective strength (mana'a) to give them a reasonable prospect of liberating the captive Muslims or dhimmis, they were obliged to renounce the grant of security and fight for the captives' freedom."[13]*

The truces made between the Muslim states and different world powers are evident of the level of maturity their diplomatic ties entailed. The terms and conditions are widely similar to the features of modern diplomacy, for example, 'to be friends of my

friends, and an enemy of my enemies' was one common clause of the agreements made with Christian states. Sovereignty of state' borders, rights of civilians of one state travelling or doing business in the other state, diplomatic immunity, free trade and safe passage for civilian or trade ships were other common features of the treaties made with non-Muslim states.[14]

Reconciliations
Peace agreements between rulers of Muslim states were called 'reconciliations' instead of truces and these agreements were generally limited to defining the boundaries between the two states, mainly for the purposes of better management of land and resources; by determining the right to collect taxes and to place limits on the movement of the soldiery of each side, and spelling out commitments not to interfere with the free movement of people and goods between the two territories. These agreements were not supposed to include a term. A similar setup can be seen between the geographically aligned European states in the modern world.

If we compare the setup for International Politics that Islam has offered to Constructivism, a theoretically informed approach towards International Relations, which argues that International Relations are socially constructed there are similarities which make Islamic Political approach all the more relevant in the contemporary world.

> *"Constructivists are defined by their emphasis on the socially constructed character of actors' interests and identities, and by their concomitant faith in the susceptibility to change of even the most seemingly immutable practices and institutions in world politics"[15]*

According to constructivists, the perception of friends and enemies, in-groups and outside the groups, objectivity and justice all become key determinant of a State's behavior. Islamic International Law has seen Muslim states as friendly and even their hostilities are not treated as an international war, and the normative laws of war do not apply to their prisoners or land. The treaties made between the brethren states were also mainly centered on the definition of boundaries. The notion of collective security has also existed for Muslim states and any improvement in their capabilities or power is not viewed as a threat to the Muslim-brethren rather than they are considered to be an increase in the collective power of the *Ummah.*

> *"In the Constructivist account, the variables of interest to scholars, e.g. military power, trade relations, international institutions, or domestic preferences – are not important because they are objective facts about the world, but rather because they have certain social meanings"* [16]

Constructivism has emphasized on the role of non-State actors, while Islam has practically utilized non-state actors since 7th century both for the spread of ideology and to establish diplomatic relations with other states. Trade has played a key role in attaining suitable grounds for Muslim states. Travelling for attainment of knowledge becomes another key contributor to articulate cultural exchange through students and preachers with different societies. "Such 'norm entrepreneurs' are able to influence State behavior through rhetoric or other forms of lobbying, persuasion, and shaming" [17]

In lieu of the teachings quoted and the observations made from the history of Muslim states where the Law of God or *sharia* was practically implemented, it's easy to assess that Islam's state system is that of the welfare of its citizens and the rules of business it has for international relations are very much practical, balanced and applicable in the contemporary world. If executed properly the laws devised by Islam for running a state's machinery and diplomacy could serve as an alternate system even amid the 21st century challenges.

Notes & References:

[1] Mahmood Ahmad Ghazi, *Islam International Law and the World today* (Islamabad: Institute of Policy Studies, 2011).

[2] *Ibid.*

[3] Dr. Said Nuruddin, *Mohakobi Iqbal*. Quoted in Shah Abdul Hannan, ""Democracy in Islamic Perspective". Available at: http://www.lightmillennium.org/summer_fall_01/shah_hannan_perspective.html

[4] Javaid Ahmed Ghamidi, *Islam: A Comprehensive Introduction* (Lahore: Al-Mawrid, n.d.)

[5] Sayyid Abul A'laMawdudi, *Towards Understanding Islam* (Kube Publishing Ltd, 2013)

[6] M. Umair Riaz Abbassi, Politics in Islam (n.p.:Jawidan Publication, 2005).

[7] Al Quran, 43:32

[8] Javaid Ahmed Ghamidi, *Islam*, op.cit.

[9] Mahmood Ahmad Ghazi, "The Islamic Law of International Relations: Origins and Early Development", *Policy Perspectives* (2008): 1-17.

[10] Mohammad Fadel, "International Law, Regional Developments: Islam". In *Max Planck Encyclopedia of Public International Law* (Heidelberg: Max Planck Institute for Comparative Public Law and International Law, 2010)

[11] *Ibid.*

[12] *Ibid.*

[13] *Ibid.*

[14] *Ibid*., 6. (see entry Muslim-Christian Diplomacy in the Mediterranean World 13 th –16 th Century)

[15] Maysam Behraesh, "Constructivism: An Introduction", 2011. Available at: http://www.e-ir.info/2011/02/03/constructivism-an-introduction.

[16] Anne-Marie Slaughter, *International Relations; Principal Theories* (Princeton University, 2011)

[17] *Ibid*.