

## The Obligation of Establishment of Governance and Civilian-Non Theocratic Nature of Government in Islam

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### ABSTRACT

Governance is a religious obligation in Islam in order to maintain law and order, cater for the welfare of people, ensure justice and fair play and facilitate observance of religious duties, as religion could only be practised and practised well in an atmosphere of peace. By religious duties, we should not be mistaken for prayer, Islamic tax (charity), fasting, and pilgrimage alone as worship or devotional duties in Islam ramificates every aspect of a Muslim life. It includes and covers everything a Muslim could do to please his Lord-including good governance which is the hallmark of Islamic governance or political system. However, as important and as obligatory governance is to Islam, government is civilian – and not a theocratic- institution. Although, the Religion of Islam as well as the Holy Scripture, the Qur’an, which encapsulates or embodies its teachings, is Divine, yet their interpretations and implementations are human. This interpretation and implementation which forms the explanation/understanding (fiqh/fahm) of the law (shari’ah) are meant to guide Muslims in the proper understanding of their rights and duties not only to Allah but from and to their fellow human beings. Hence Islamic governance system is theo-communocentric rather than being just theocentric. Although, the basics remain unchanged, these interpretations are affected by the prevailing circumstances of a given time and clime, popularly referred to by scholars as fiqh waq’in. Thus, individuals are responsible for whatever interpretation and implementation they make of the law. Suffice to say therefore, that one of the reasons why governance is obligatory in Islam is, to maintain unity and universality of Islam and to ensure peaceful co-existence, albeit peaceful society where the practice of religion is encouraged and facilitated. This paper therefore, tries to examine why the establishment of governance is obligatory and why government is civilian and therefore theo-communocentric rather than being theocratic in Islam.

### Introduction

There cannot be Islam without a community of believers (*Muslim Ummah*) as there cannot be a community (*Jama’ah*) without leadership (*Imarah*) and there cannot be leadership without the subjects or followers being ready to listening and obeying the

leadership<sup>1</sup>. Leadership is so important in and to Islam, so much so that the Apostle of Allah, - Muhammad (SAW) instructed that when two or more Muslims are travelling they should elect one of them as leader (*amir safar*). He instructed further

<sup>1</sup>Muslim, Abulhussayn bin Al-hajjaj (nd), *Sahih Muslim*, Beirut: Dar al Jedid Vol. 4, No. 145

that Muslims should at all times elect a leader amongst themselves lest Satan assumes the mantle of leadership<sup>2</sup>. This, no doubt, is a significant pointer to the divine nature and or sacredness of governance in Islam. A society without a leader is like a flock of sheep or herd of cattle without a shepherd. It is a recondite fact of mute reality, that such society will lack sense of direction, focus, solidarity and collective ambition (will). In such society, therefore, survival of the fittest, anarchy and chaos, internecine warfare, raiding and plundering, dissoluteness and wanton conviviality shall be the order of the day. No religion worth the name, at least in Islamic parlance, will allow or be able to thrive in such situation. It, thus, becomes clear that such unwholesome situation can never ever be compatible with Islam which primary objective is to establish and perfect peaceful society based on universal brotherhood of Mankind, equality, justice, equity and most importantly righteousness (*al-ihsan*) borne out of God-consciousness (*taqwallahi*). To Islam and the Muslims, the whole of human race is a single brotherhood either of humanity or faith.

It is by dint of the above virtues that man can sustain the natural equilibrium with which the universe is made so that by and large, he strengthens thereby the social fabrics of the society. Although, the political thought or system of Islam derives its basic principles from the Qur'an and Sunnah, yet, it is not theocratic as some people would have thought since it bears religious logo and has Divine colourations. This shall be considered extensively in the forthcoming paragraphs. The roles or rather the responsibilities of leaders in Islamic state are clearly stated thus in the Qur'an:

Those (Muslim rulers) who, if We give them power in the land, (they) enjoin observance of prayer, the payment of Zakat and command what is good and forbid what is evil. And with Allah rest the end of all affairs<sup>3</sup>.

It is, thus, clear based on the quotation above, the responsibilities the leadership owe the society over which they are responsible not only to their Lord but also to their subjects. It also explains the obligatory nature of governance in Islam. Every aspect of a Muslim life is considered to be service (*'ibadah*) either to Allah-his Lord-or to those of his fellowmen as long as they are lawful and munificent to others and borne out sincere altruistic motives. Allah says:

Say: verily! My prayer, my (devotional) sacrifice, my living and my dying are all for Allah, the Lord of the Worlds. This is what I

am commanded and I am foremost of those who surrendered themselves to the will of Allah<sup>4</sup>.

### Conceptual Background

For the proper understanding of the subject matter of this paper, it is deemed prudent to define certain terms and concepts used in the paper. Thus, literary and technical or rather working definitions are given to the following terms: Islam, governance, religious obligation, civilian and theocracy (theocratic). Attempt is equally made to look at Islamic worldview no matter how brief, in order to realise why government is civilian and *theo- communocentric* rather than being theocratic in Islam.

To start with, Islam is a derivative of an Arabic verbal noun (*Aslama*) meaning to surrender, to concur, to submit, to obey etc. It is equally a derivative of one of the attributes of Allah- *As-Salaam* meaning, the Lord of Peace. Islam is therefore, defined as a religion of peace and total submission to the will of Allah. It is an ideology and a comprehensive way of life which covers the whole gamut of human life in all its ramifications as it does not divide life into watertight compartments of spiritual and temporal or, in other words, religion and secular<sup>5</sup>. According to Muddathir Abdul Rahim, "Islam is an Arabic word that literally, if basically, means submission or surrender (i.e. of oneself to God, Allah), but being derived from the root "s l m," it is also closely related to cognate terms that signifies peace, integrity, and wholesomeness, all of which are of central importance in the teachings of the Qur'an and Prophet Muhammad<sup>6</sup>". Hence, an adherent of Islam is called Muslim, that is, one who surrenders or submits himself wholeheartedly as well as whatever he purportedly has to the will of Allah, without leaving anything behind to be given to Caesar. For Caesar and whatever he had, according to the teachings of Islam, belong to Allah to Whom he had eventually returned<sup>7</sup>. This same term, observed Hammudah Abdalati means peaceful. By this meaning, a Muslim is not only peaceful to and with himself but equally with and to his Lord and his

<sup>4</sup> Qur'an 6:162-4

<sup>5</sup> Adeyemo Lateef Kayode (2006), "Islam: Its meaning and message" in Adeleke Fakoya et al (ed.), *An encyclopaedia of the arts* vol. 7(1): 24-31, Lagos, Lagos State University Press. Also, Ogunbado, Ahamad . Faosiy & Al-Otaibi, Asia. M. (2012). "Religions Quest for Peace: A comparison between Islam and Christianity." *International Journal of Sustainable Development* Vol. 4, No. 8, pp. 19-28.

<sup>6</sup> Muddathir 'Abd Al- Rahim (2005), *The human rights tradition in Islam*, West port: Praeger Publishers p. xv

<sup>7</sup> Adeyemo Lateef Kayode (2006), "Islam: An introductory study" in Oyelade E.O. (ed.) *Readings in philosophy and religions*, Benin City: Tiredia publishing company for Department of Philosophy and Religions, Faculty of Arts, University of Benin, p. 36

<sup>2</sup> Ibid, Vol. 7, No. 87. Also, Ogunbado, Ahamad Faosiy (2012). *The Concept of leadership in Islam: A special reference to Ibn Khaldun's muqaddimah*. Unpublished Ph.D research, at International Institute of Islamic Thought and Civilization. International Islamic University, Malaysia.

<sup>3</sup> Qur'an 22:41

fellowmen<sup>8</sup> if only they could reciprocate his gesture. We shall, for the purpose of this work, define governance as the authority to rule and direct the affairs of a people in accordance with a given law. In Islam, this authority rests with Allah alone and the law by which it is to be dispensed or administered is the Shari'ah-the pathway ordained by Him for those whose faith in Him is assured. He (Allah) however, gives it to whomsoever He pleases among His servants who hold it in trust for Him. This is a significant pointer to the civilian non-theocratic nature of Islamic governance system and also a cogent proof of its *theo- communocentricism*. Allah says:

Say: O Allah! Lord of Power (and Rule), You give Power to whom You pleases, and You stripes off Power from whom You pleases: You endues with honour whom You pleases, and You brings low whom You pleases: In Your hand is all Good. Verily, over all things You have power<sup>9</sup>.

One can see from the above definition and the quotation that follows it, why governance is considered as Divine in Islam. Government on the other hand, is the group of people who govern a nation or state or the form or method of governing a state, the act or process of governing a state or a nation. From the above definition, one can also understand why government is not theocratic in Islam as it involves men. It is this sociological nature and the divine ordinance for government that makes governance in Islamic to be *theo-communocentric*. The Qur'an states:

O ye who believe! Obey Allah and obey the Messenger, and those charged with authority **amongst you**...<sup>10</sup>

A critical look at the clause, *and those charged with authority amongst you*, in the above quotation indicates vividly and expresses unequivocally the civilian, *theo- communocentric* nature of the Islamic government or political system. It is crystal clear that leaders are not to be imposed or foisted on Muslims by whatever means or system whatsoever- be it theocracy, monarchy, military junta, dynasty, imperialism, autocracy, etc. Much shall be said on this later.

By religious obligation, we mean something that has to be done according to certain rules, dictates, doctrines, teachings and injunctions of a given religion, in this case, Islam. Hence, in an Islamic state both the leader and the led are subject (*Mukallaf*) to the law (*shari'ah*) and are also equal under the same. Civilian herein refers to a citizen, a member of the

populace who is not of the armed forces. To use the modern political parlance, one who could vote and be voted for, sue and be sued to court.

Theocracy is a situation or system of government whereby a group or body of persons are considered as having a special privilege (Divine mandate) to rule over and direct the affairs of others without any contribution from them (that is, the subjects). This is in sharp contrast to the system taught and established by Islam. Etymologically, this term evolved under the Roman Empire where some people were considered to have been given Divine mandate to rule over others (i.e. Divine rights of kings). In Islam, both the leaders and their subjects are equal before Allah and indeed before the law<sup>11</sup> He handed down to them. Allah is, therefore, the real owner of the hegemony for Whom the leaders are holding it in trust and are responsible both to Him and their subjects. This is where lies the crux of the matter as they do not, unlike in a secular system, enact or promulgate laws but rather follow, interpret and implement the law - Shari'ah- the way of life ordained by Allah for man in order to realise the purpose of his creation or existence. This is another characteristic of the Islamic system that makes it to be *theo- communocentric*.

### Islamic Worldview vis a vis Islamic Political System

Before we proceed further, we need to look at the fundamental principles of Islamic worldview owing to its impacts on all aspects of Muslim lives, individually and collectively. Islamic worldview is based on four fundamental principles, these include: *at- tawhid/al-ikhlas*, *ar-risalah/an-nubuawah*, *al-khilafah/ubudiyah* and *al- ihsan*.

By **Tawhid** we mean Islamic concept of God. It is a monotheistic concept par excellence which admits no duality in essence (*dhat*), works (*af'al*), and attributes (*sifat*) of the Supreme being-Allah. Allah, Islam teaches, is the first without beginning and the last without end; as everything or rather anything that has beginning will definitely has an end. Hence, the existence as well as the unity of Allah is neither controvertible nor compromisable. Khalifah Abdul Hakeem asserts: "the Qur'an says that God is the cause of all causes, and the ultimate cause of all existence. He is the Being as the foundation of all becoming; He is the stable reality which creates and supports all changes; He is the beginning and He is the end; He is the outer appearance and He is the inner reality (Q57:3)<sup>12</sup>".

<sup>8</sup>Hammudah Abdalati(nd), *Islam in focus*, Riyadh: World Assembly of Muslim Youth pp. 141-152

<sup>9</sup>Qur'an 3:26 & 7

<sup>10</sup> Qur'an 4:59

<sup>11</sup>Qur'an 49:13

<sup>12</sup>Khalifah Abdul Hakim (1980), *Islamic ideology*, Lahore: The Institute of Islamic Culture, p. 21

Since there cannot be a design without a designer, the Heaven and the earth with their perfect harmony could not have evolved by themselves nor by a big bang as we are made to understand. Islam therefore, establishes that Allah is its architect, creator and cherisher. He created them as a manifestation of His Power and Majesty and they, no doubt, constitute a significant pointer to His existence, essence and unity<sup>13</sup>. Although, man was the last of all to be created, yet every other thing is made subservient to him so as to make it easy and facilitate for him, the service of his Lord. Thus, since no one petitions God to be created nor even have a fore knowledge of his creation, it goes, therefore, that Allah should send him Guidance (*al- hidayyah*) over his mission on the surface of the earth as it would not augur well for him to be left alone to go (grope) in darkness, hence, the scriptures that were sent for his proper guidance as "Manual of Life"<sup>14</sup>. It is necessary to state here, that obedience of a Muslim is due to Allah and His Apostle and those charged with authority among them so long as they do not command disobedience to Allah, for obedience in Islam is not due to a leader who commands disobedience to Allah. The Qur'an speaks:

We have given to you a law (a way of life) so follow it and do not follow the fancies of those who know not<sup>15</sup>.

Commenting on the above verse of the Qur'an, Sayyid Qutb posits that:

They are equipped with nothing but fancies and ignorance when they undertake the task which is no concern of theirs and does not properly belong to them, their claim to one of the properties of Divinity is a great sin and a great evil<sup>16</sup>.

The inaugural speeches made by both Abubakr and 'Umar when they ascended to the leadership of the Muslim *Ummah* are apposite in this respect. The following was the inaugural speech given by Abu Bakr after being elected as Caliph:

You have elected me your *Khalifah* (Caliph) although I am not better than you. I need all your advice and all your help. If I do right, help me. If I do wrong, correct me. In my sight the powerful and the weak are equal and to both I wish to render justice. You should obey me as long as I obey the Lord and His Prophet. If I disobey them, you should forsake me.<sup>17</sup>

The above speech is an eternal monument of good governance, to use modern parlance, constitutional and democratic government. It shows as observed Fazlur- Rahman that:

(Allah) is the transcendent anchoring point of attributes such as life, creativity, mercy, and justice (including retribution) and of moral values to which a human society must be subjected if it is to survive and prosper- a ceaseless struggle for the cause of good. This constant struggle is the keynote of man's normative existence and constitutes the service (*'ibadah*) to God with which the Qur'an squarely and inexorably charges him. But the substantive or the constitutive teaching of the prophet and the Qur'an is undoubtedly for action in this world, since it provides guidance for man concerning his behaviour on earth in relation to other men. God exists in the mind of the believer to regulate his behaviour if he is religiously experienced, but that which is to be regulated is the essence of the matter<sup>18</sup>.

#### Ar-Risalah/An-Nubuwwah

In order for man to grasp the correct understanding of his mission on earth, Allah had continued to be sending down guidance to him even from the very beginning of his life. This guidance (*al- hidayyah*) becomes necessary in view of the observation we have made earlier such that he needed to be intimated of his purpose on earth as well as the right or proper way to achieve it. The scriptures thus sent via the Messengers, could therefore be likened to manual (users' guide) bought along with items in the market particularly electronics and related goods. Thus, failure to read, digest, comprehend and apply its contents will rob the buyer of the valuable service or utility of such item. In the same vein, it behoves man to equally read, digest, comprehend and imbibe the contents of the scripture sent by God for his proper guidance. For just as man stands in need of food and water for his physical development and growth, he equally stands in need of *al- hidayyah* (the Divine guidance of Allah) for his spiritual development and growth as well. No wonder, this is referred to as "Spiritual Diet". This is borne out of the fact that, man is composed of Spirit and Matter. So the two components are to be nurtured together without given undue preference to one above the other. However, if one or both of them are neglected, it is going to be pernicious for man as society or even life becomes unworthy of living<sup>19</sup>. This is why neither materialism (secularism) nor unbridled asceticism (celibacy or monasticism) is acceptable to Islam. To

<sup>13</sup>Adeyemo, "Islam: an introductory study", pp. 38-40

<sup>14</sup>Adeyemo, "Islam: an introductory study", pp. 38-42

<sup>15</sup>Qur'an 45:18

<sup>16</sup> . Qutb Sayyid (1980), *This Religion (of Islam)*, Riyadh: World Assembly of the Muslim Youth p. 28

<sup>17</sup>Rahim, A. (1981), *Islamic History*, Lagos, Kano, Ilorin, Bauchi: Islamic Publication Bureau, p. 55

<sup>18</sup>Fazlur Rahman(1982), *Islam and Modernity-Transformation of an Intellectual Traditional*, London: Oxford University Press, pp. 14&15 also by Islamic Foundation

<sup>19</sup> Adeyemo, "Islam: an introductory studies", pp. 40-43

Muslims, therefore, based on the foregoing, the Qur'an and the Sunnah (or the traditions of the Prophet) are primary source of the Shar'iah –the Islamic law, or even laws in themselves.

It becomes necessary therefore, that man should, in taking care of the sum total of his affairs, follow the prescription of Allah (his Lord and Master) as contained in the Scripture sent to him. This follows from the fact that, although, man is endowed with intellect, which of course gives him an edge or a degree over and above every other creature of God, yet his knowledge and indeed himself is limited to time and space. Hence, there is a need for him to depend on and follow the injunctions of his Merciful Lord. Man has, thus, been assigned a special position of the vicegerent of Allah on earth (*Khalifatu Allahi fil ard<sup>20</sup>*), a responsibility that could only be carried out by following His (Allah's) Guidance.

### **Khilafah/'Ubudiyyah**

*Khilafah* refers to the position of honour given to man by Allah among the comity of His creatures. *Khilafah* literally means representation, vicegerence or viceroy-ship. Man, according to this principle is a representative of Allah on earth where he is to live for a short while and exercise his right of vicegerency. By this, he is subordinate to God and thus expected to carry out His will. However, God does not make man to be a robot as he is given freedom of will to do or not do the will of his Lord. It is, therefore clear, that man is at liberty to make or mar his life. He succeeds and makes his life as he would live a comfortable non-apitiful life and secure eternal bliss, if he lives his life according to the dictates of God as contained in the Scriptures sent by Him<sup>21</sup>. He mars his life, if on the other hand, he turns out to be disobedient and ungrateful to Him and follows the footsteps of Satan so that by and large, life becomes unworthy of living and eternal damnation<sup>22</sup> becomes his lots<sup>23</sup>. These are the major principles of Islamic worldview which, upon practice, give rise to the fourth one.

### **Al-Ihsan**

Since Islam teaches that our living is all about service: service to Allah and humanity through Him and that whatever purpose we serve is what determines our final abode, that is make or mar our lives; it also establishes that it is not enough to serve this or that purpose but the motive behind them is what matters most. Hence, *al- ihsan* signifies serving Allah and humanity via Him as though we are seeing Him for even if we cannot see Him, He sees us. Thus,

all services are considered to be *Ibadah* as long as they fall within what are commanded, desired, allowed or permitted by Islam and are borne out of genuine intention rather than inordinate ambitions and capricious motives. It should be borne in mind that Allah does not look at our appearances and statures, rather; He looks into our hearts and at our actions.

Islam teaches that man, should in a bid to proffer solution to his avalanche and multifaceted problems avoid unnecessary compartmentalization of life into spiritual and secular spheres. All the problems are to be taken into consideration as a compact whole without giving undue preference to any one over and above the others as such segregation is bound to have problems. Thus, his psychological, spiritual, sociological, political as well as moral and spiritual problems should be taken into consideration simultaneously. This is why religion could not be separated from the state. It also accounts for why governance is but sacred in Islam and not secular, that is, the reason why Islamic system of governance is *theo-communocentric*. Man is never an ordinary economic animal so that all he needs are food, shelter, cloth and sexual gratification as the materialists want us to believe. No doubt, he needs all these basic necessities of life and cannot neglect them. He possesses physical body, yet all his problems could not be solved through physical sciences alone. He is equally psychological as he has emotions; desires, likes and dislikes, yet psychology alone could not provide solution to his multi-dimensional problems. Man is also social as he lives together with others and cannot afford to do otherwise. Yet it will be misleading to think that solution can be proffered to his avalanche of problems a la sociology alone. In fact, the result would be pernicious than the problem it is aimed at solving, for this is indeed a case of wrong diagnosis that will result into wrong medication<sup>24</sup>.

Alexis Carrel puts it in a rather subtle way:

Economists would realise that human beings think, feel and suffer, that they should be given other things than work, food and leisure; that they have spiritual as well physiological needs. And also that [...] the causes of economic and financial crises may be moral and intellectual. We should no longer be obliged to accept the barbarous condition of life in great cities, the tyranny of factory and office, the sacrifice of moral dignity to economic interest, of mind to money, as benefactions conferred upon us

<sup>20</sup>Qur'an 2:30

<sup>21</sup>Qur'an 87:14 cf. Q91:9

<sup>22</sup>Qur'an 20:123-126

<sup>23</sup> Adeyemo, "Islam: an introductory studies", pp. 40-43

<sup>24</sup> Adeyemo, "Islam: its meaning and message", pp. 27-31

by modern civilisation. We should reject mechanical inventions that hinder human development. Economic would no longer appear as the ultimate reason for everything. It is obvious that the liberation of man from the materialistic creed would transform most of the aspect of existence. Therefore, modern society will oppose with all its might, this progress in our conception.<sup>25</sup>

Let us now turn to the basic characteristics of Islamic system of government or political system.

### **Civilian Non-Theocratic Nature of Islamic System of Governance and *Maqasid as-Shari'ah***

It is because all members of the 'Ummah are responsible for choosing their leader and since Allah could not be held responsible for their actions and inactions, that is, their choice or failure to make any, that Government is considered as civilian rather than being theocratic. It is equally due to the fact that Islam upholds the concept of *Civil Disobedience* especially when the leader commands disobedience to God. So, as we have observed in the foregoing paragraphs, leaders are not to be imposed or foisted on Muslims since leaders are to be elected and or selected from among them. The above reasons resonate well with the higher objectives of Shari'ah-the law by which the leaders are to administer society.

According to Abu Hamid Al-Ghazali:

The very objective of the Shari'ah is to promote the welfare of people, which lies in safeguarding their faith (*hifz al-din*), their life (*hifz al-nafs*), their intellect (*hifz al-haql*), their posterity (*hifz al-nasl*) and their wealth (*hifz al-mal*)<sup>26</sup>. Whatever ensures the safeguarding of these five serves public interest and it is desirable and whatever obstructs their realization is evil and its removal is commendable and desirable.

Imam As-Shatibi on the other hand observes that "the primary goal of Shari'ah is to free man from the grip of his own whims, caprices and fancies, so that he may be true servant of Allah by choice, just as he is one without it"<sup>27</sup>.

Tahir Ibn Ashur gives a comprehensive definition of *Maqasid Al-Shari'ah* thus:

The all-purpose principle (*Maqasid 'Amm*) of Islamic legislation is to preserve the social order or the community and insure its healthy progress by promoting the well-being and righteousness (*salah*) of... the human specie. The well-being and virtue of human beings consists of the soundness of their intellects and the righteousness of their deeds, as well as goodness of the things of the world where they live that are put at their disposal<sup>28</sup>.

To Ibn Al-Qayyim, Shari'ah is based on wisdom and achieving people's welfare in this life and afterlife. Shari'ah is all about justice, mercy, wisdom, and good. Thus, any ruling that replaces justice with injustice, mercy with its opposite, common good with mischief, or wisdom with nonsense, is a ruling that does not belong to Shari'ah even if it is claimed to be so according to some interpretations<sup>29</sup>.

It is clear from definitions given above that the higher objectives of *Shari'ah* otherwise called *Maqasid Al-Shari'ah* is all about ensuring the welfare or well-being of man collectively and individually, which, in modern political cum economic parlance is referred to as stakeholders approach to corporate governance. It is also obvious from the explications given by scholars above, that although, the law to be used for administering the state is Divine, yet its interpretation and application is human just like the process or procedure of electing leaders is civil rather than being theocratic hence *theo-communocentric* nature of Islamic governance system. As could be seen from the quotations, *Maqasid Shari'ah* is a brief explication of the duties leaders or government officials owe their state.

### **Theo-Communocentrism and Characteristics of Islamic State**

There are certain basic characteristics of an Islamic state which makes it to be distinct from others. Hammudah Abdalati asserts:

Like social and economic life, the political life of Islam is based on sound spiritual and moral foundations, and is guided by the Divine instructions. The political system of Islam is unique in its structure, its function, and its purpose. It is not pragmatic or instrumentalistic. It is not theocracy whereby a certain class of people assumes divine rights, hereditary or otherwise, and poses, above other citizens, beyond

<sup>25</sup>Tawney, R.H. (1937), *Religion and the rise of capitalism*, London: George Unwin Limited, p. 225

<sup>26</sup>Abu Hamid, Imam Ghazali (1937), *Al-Mustasfaa*, vol.1 pp139-140 cf As-Shatibi (d 790/1388) nd, vol. 1 p. 38 & vol. 3 pp. 46 & 47

<sup>27</sup> Imam As-Shatibi (1988), *Muwafiqaat* (The Approvals), Vol. 1, Cairo: Al-Maktab Al-Islamiyyah p. 43

<sup>28</sup>Ibn Ashur Tahir (2006), *Ibn Ashur Treatise on Maqasid al-Shari'ah*, trans from Arabic and annotated by Muhammad El-Tahir Al-Misawi, London: p. 67

<sup>29</sup>Ibn Al-Qayyim Al-Jauziyyah (2004), *Aalam Al-Muwaqin*, Beirut: Dar Al-Kutub Al-Ilmiyyah 1<sup>st</sup> edn. p. 828

accountability. Nor is it a proletariat whereby some revengeful labourers capture power. It is not even democracy in its popular sense. It is something different from all that. To appreciate the political outlook of Islam one has to know that it is based on certain principles<sup>30</sup>.

Every action of a Muslim or a group of Muslims must be inspired and guided by the law of Allah, that is, the Qur'an, which is the constitution chosen by God for His sincere servants. Allah says: "And if any do fail to judge (or rule) according to what God has revealed, they are the unbelievers... they are the wrong doers... they are the rebels"<sup>31</sup>. "Verily, this Qur'an does guides to that which is most right and best".<sup>32</sup>

The sovereignty in the Islamic state, as earlier observed, belongs neither to the ruler nor even to the people. It belongs to Allah, so that the people as a whole exercise it by trust for Him to enforce His law and enact His will. The ruler is only an acting executive chosen by the people to serve them according to the law of Allah. Hence, the leaders are just the chief servants of the state. This is the foundation of the Islamic state and is only consistent with the general outlook of Islam on the universe of which God is the Creator and in which He is the sole sovereign. Thus, the Qur'an, has often repeated clauses like: authority, power and sovereignty belong to none but God, or Bless be He in Whose hands is dominion, and He over all things has power<sup>33</sup>.

Also verily, God does command you to render back your trusts to whom they are due; and when you judge (or rule) between people that you judge with justice. Verily, how excellent is the teaching which He gives you<sup>34</sup>!

The aim of Islamic state so to speak, is to administer justice and provide security and protection for all citizens, regardless of colour or race or even creed, in conformity with the stipulations of Allah in His constitution, the Qur'an. The question of religious or racial minorities does not arise as long as they are law abiding and peaceful citizens. The Qur'an speaks:

O ye who believe! Stand out firmly for justice, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice . Be just: that is most close to piety, and be

mindful of God, for God is well acquainted with all that you do<sup>35</sup>.

Thus argues Hammudah:

Formed for the aforementioned purposes and established to enforce the law of Allah, the Islamic state cannot be controlled by any political party of a non- Islamic platform or subjected to foreign yoke. It has to be independent to exercise its authority over its jurisdiction on behalf of God and His cause. This is based on the fact that a Muslim is one who submits to God alone and pledges loyalty to no other law other than His, offering utmost cooperation and support to those who administer the law and observe its stipulations.

This is why the colonial masters in the northern Nigeria could not but adopt the policy of indirect rule<sup>36</sup>. It is not Islamic or lawful for a Muslim nation to pledge support to any political party which lacks Islamic identity and or orientation or to yield to a non- Islamic government of alien origin and intents. Allah says: And never will Allah grant to the unbelievers a way (to triumph or rule) over the believers<sup>37</sup>.

Hammudah argues further:

The leader is not a sovereign over the people. He is a representative employee chosen by the people and he derives his authority from his obedience to the law of God, which binds the ruler and the ruled alike by a solemn contract over which God is the overseer. The political contract of Islam is not concluded between the administration and the public alone. It is between these combined on one side and God on the other, and it is morally valid and binding only as long as the human sides fulfil their obligations to the Divine. The rulers who are chosen by their people to administer the words of God are entitled to support and cooperation from the members of the public as long as they observe their duties to Allah.

Should the public or any member thereof fail to render support to and cooperate with the administrators, their act would be considered as tantamount to insubordination not just to the leaders alone but equally to Allah Himself. In the same vein, if the administrators or the leaders derail from the way of God or fail to keep the law, it is not only

<sup>30</sup>Hammudah Abdalati, p. 130

<sup>31</sup>Qur'an 5:44, 47.

<sup>32</sup>Qur'an 17:9

<sup>33</sup>Qur'an 4:141 cf. Qur'an 24:51, 55, see also Qur'an 58:21-22

<sup>34</sup>Qur'an 4:58

<sup>35</sup>Qur'an 5:8.

<sup>36</sup>Adeyemo, Lateef Kayode. "Islam in Nigeria between the North and the South" in Ahmad F. Yousif (ed., 2012), *Muslim Revivalism in Contemporary Society*, New York, Toronto and Ottawa: LEGAS, pp. 225-250

<sup>37</sup>Qur'an 5:9 cf. Qur'an 4:135, 22:38-41

committing a similar offence but have forfeited their right to public loyalty and support. Allah says: O ye who believe, obey Allah and obey His Messenger and those charged with authority among you. If you differ in anything among yourselves, refer it to Allah and His Messenger, if you do believe in God and the Last Day. That is best, and most suitable for final determination<sup>38</sup>.

Obedience to those charged with authority among Muslims is premised upon their obedience to Allah and conscious observance of the traditions of His Messenger. The Prophet was reported to have said: There is no obedience or loyalty to any human being, ruler or otherwise, who is not himself obedient to God and bound by His law<sup>39</sup>. The ruler must be elected, chosen or selected from among the best suitably qualified citizens on the basis of their own merit, fitness and competence regardless of their race, colour, social status etc. The process may be through a general election or an electoral college<sup>40</sup>.

Kamil Siddiqui observes that:

Men do not find leadership roles but leadership roles discover men. The Islamic movement usually seeks out the most humble among the faithful for its most critical areas of performance. In the Islamic state or the Islamic movement men who perform leadership roles do not have a constituency of traders, feudal lords, labourers, or intellectuals; they do not owe their "rise" to a group that then demands reward and patronage. These are the common everyday concerns of the political process in the western political system of the neo-jahiliyyah<sup>41</sup>.

Caution, must however, be exercised to ensure that nobody gets the mandate except the best candidate. This is because the life and the hereafter would be entrusted to whoever emerges as the leader. The Apostle of Allah- Muhammad (SAW) was reported to have said: "whoever entrust a man to a public office where in his society there is a man better than this trustee, he has betrayed the trust of God and His Messenger and the Muslims"<sup>42</sup>. No Muslim should be indifferent to this all important civic duty.

After the election has been completed and a leader has been chosen, every citizen is enjoined to constitute a watch dog, within his capacity, over the conduct of the administration and question its handling of the public affairs in a constructive

manner. There are so many instances in Islamic history whereby the Prophet, despite his sincerity and infallibility was questioned by certain companions let alone those of his successors<sup>43</sup>. One of the companions questioned the Prophet regarding the way he shared the booty gotten from a battle and so did a woman question the authority of 'Umar-the Commander of the Faithful to decide what Allah and his Apostle had left open<sup>44</sup>. Although, the leader is chosen or appointed by the people, yet his first responsibility is to Allah, meaning that, should the interest of his people clash with that of God, God forbids, he should ensure that he makes them understand the right position to be taken in accordance with the injunctions of God. Even though, the Qur'an and the Sunnah of the Prophet constitute the constitution of the state, a leader is to consult with his people on matters of public interest<sup>45</sup>. This is a religious obligation-an injunction of Allah-that even the Prophet did not play with let alone an ordinary person.

Under Islamic state, every citizen is entitled to enjoy freedom of belief and conscience as well as freedom of thought and expression. He is at liberty to develop his potentials and improve his lots, to work and earn a living, own property and compete with others in the society on an equal footing, to approve and disapprove of things objectively based on his conscience and sincere judgments. However, his freedom is not and cannot be absolute; else it leads to chaos and anarchy. He is bound by the law just like every other subject. This is because where his own rights ends those of others begins which warrants certain duties or responsibilities from him. After all, his rights are the duties of others too.

Islamic state as could be seen from the foregoing discussion is a unifying and liberating state as observed by Eltigani Abdelgadir Hamid, that "since justice implies the unification of allegiance to God, this will lead to the liberation of the people<sup>46</sup>."

Unlike the situation in the West as observed by Weeramantry:

The concept of human rights in Islam rests upon a foundation theoretically different from traditional western one in at least two fundamental ways. In the West, human rights were fought for and extracted from those in authority through a bitter series of tussles by man against man...These were hard-won secular rights and are naturally

<sup>38</sup>Qur'an 4:59

<sup>39</sup>Muslim, Vol. 13, No. 165

<sup>40</sup>Hammudah, p. 130

<sup>41</sup>Kalim Siddiqui (ed.,1981), *Issues in the Islamic Movement 1980-1981 (1400- 1401)*, London: The Open Press Limited, p. 45

<sup>42</sup>Muslim, Vol. 12, No. 168

<sup>43</sup>Rahim, p. 33

<sup>44</sup>Rahim, p. 45

<sup>45</sup> Qur'an 42: 26

<sup>46</sup>Eltigani Abdelgadir Hamid(1425/2004), *The Qur'an and the politics*, trans. Abdul-Wahid Lu'lu'a, Herndon: International Institute of Islamic Thought, pp. 78-82 48.



greatly prized. They represent a remarkable advance upon the pre-existing situation where even such fundamental rights as the right to life were denied<sup>47</sup>.

In Islam however, he posit further,

One does not view the problem against such a secular setting. The problem is not how man asserts his rights against man but how man discharges his duties towards God. It is not pre-occupied with the horizontal relationship of man with his fellow man but with the vertical relationship that subsists between each man and his Master. If vertical relationship is properly tended, all human rights problems fall automatically into place<sup>48</sup>.

According to Abdul Rashid Morten, the essence of the *Sunni* view of government is that political power derives from two sources, the shari'ah and the 'Ummah, i.e. the divine law and the community of believers<sup>49</sup>. This is the essence and the quintessence of Islamic political system that makes it civil and not theocratic but rather *theo-communocentric* since as it were, law of Allah is to be implemented on His behalf by the elected or selected public officers.

## Conclusion

We have, in the foregoing paragraphs examined the obligation of governance as well as civil non-theocratic nature of government in Islam. It was argued that although, Shari'ah, by which the state is to be governed or administered is Divine, however, since the interpretation and application of the law is human, and since the leaders are to be elected and or selected by members of the society, Islamic government is therefore civil and not theocratic, it is rather indeed, *theo-communocentric* owing to the reason advanced earlier. This is further premised upon the argument that God cannot be held responsible for the failure of people to elect good leader or the failure of the leaders to carry out the responsibilities for which they have been elected. It was also argued that governance is obligatory in order to maintain law and order, ensure justice and fair play and slam door at anarchy such that, a conducive atmosphere or environment is created for individuals and the society as a whole to thrive and prosper.

<sup>47</sup> Weeramantry, C.G. (1988), *Islamic Jurisprudence- an international perspective*, London: Macmillan & Kuala Lumpur: The Other Press, p. 117&123

<sup>48</sup>As in 47 above

<sup>49</sup>Abdul Rashid Morten (1996), *Political Science: An Islamic Perspective*, London: Macmillan Press Ltd, p. 120

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