

CONCEPT OF STATE IN ISLAM

To constitute a state, four elements are essential: (1) territory (2) population (3) organization and (4) sovereignty. In regard to the fourth element, the Islamic State differs fundamentally from all other states, and in that occupies an unique position.

No State can be termed independent unless it enjoys sovereign powers, i.e., the absolute right to make laws for people within its jurisdiction. This gives rise to the question, who should possess such right?

In ancient times, when 'might is right' was the rule, the most powerful individual, through sheer brute force, would conquer certain territories and install himself as the ruler of the people. He called himself king and arrogated to himself the absolute right of law-making and the right to set up any form of government that suited his convenience. Being himself the chief law-giver for his people he was considered above the law and, as such, not bound by any law, not even his own. In consequence of the enjoyment of this and other inclusive rights and privileges, he regarded himself as God incarnate. As an obvious corollary of this belief, he had full control over the life and death of his subjects who were required to give him unquestioning and unconditional obedience and to serve him blindly. The people were, thus, reduced to the position of mere serfs and chattels; they enjoyed no fundamental rights, nor could they claim, freedom of expression, or liberty of conscience.

Later in history, when feudalism became the order of the day, a few feudal lords joined the monarch in claiming the right to make laws for the country, but the people remained where they were earlier, insofar as their rights and privileges were concerned. The monarchs and those few lords enjoyed innumerable exclusive privileges and all that at the expense of those whom they ruled by virtue of being the law-givers for the land.

During the medieval period, the ecclesiastical authorities in

Christian Europe tried to set up a theocracy, i.e., a government based on divine laws. But as the few commandments which were regarded as infallible could not cover all aspects of human activities, the priests found an excuse to arrogate for themselves the right to make additional laws for the people. They also put themselves above law and thus enjoyed exclusive privileges, depriving the people of their just and inalienable rights.

Following the pattern of theocracy and in order to assert their so-called inalienable, hereditary rights and infallibility, the medieval English monarchs claimed the 'Divine Right of Kings' the traces of which theory are still to be found in England, the most democratic country in the world. For that matter, the maxim "The King can do no wrong" still holds as good in England today as it did during the medieval and post-medieval period.

Even in Greek democracy, which is regarded by some as an ideal institution, the people were divided into two classes: the freemen and the slaves. The latter, in the opinion of Aristotle, were not fit to participate in government. Their position was like that of an animal, whose only duty was to serve their free masters who owned them. They had none of the rights of citizens. Neither were women given any right, so much so that Aristotle would like them to be confined to mere domestic duties. The philosophers who brought Greek democracy into existence became the sole lawmakers for the country and their antipathy towards women and heathens resulted in social inequality. In other words, Greek democracy assured freedom only for the free, male Greeks, and was confined to Greece.

However, Rousseau, the well known French philosopher, was the first to enunciate the idea of popular sovereignty, and it was after the French Revolution that attempts were made to found states on this basis in Europe.

The Islamic State, as is well known, was founded by the Holy Prophet in the seventh century of the Christian era and continued with full vigour for thirty years after him. Although soon enough its complexion changed, owing to certain variations in its ideals, certain basic ideals like equality, liberty, justice and even toleration remained in force in subsequent periods. However, owing to the existence of institutions like monarchy and feudalism, the fundamentals of the Islamic State could not find a foot-hold in European countries, even though a very energetic, glorious Islamic State was

in existence in Spain for several centuries. The abolition of the institutions of monarchy and feudalism in the wake of the French Revolution, however, paved the way for the reception of these ideals into Europe.

But even in modern democracies which are based upon popular sovereignty, equality, liberty, justice and toleration are rarely to be found. Strange though it may sound, this contention is nevertheless based on facts. No doubt, in modern states laws are made by the representatives of the people, yet they are made in such a way as to suit the interests of either a class or a party at the cost of the opposition or they remain so defective that different interpretations are put for different sections of the people. They are so nicely twisted that they always favour the "sovereign" class. In all modern democracies, from the President or the King down to the legislators, they are all allowed, in the first instance, to enjoy some sort of exclusive privileges; for instance, exemption from taxation, exemption from appearance in the court or immunity of arrest (while performing their official duties), reservation of seats on trains or planes, or other priorities in several other respects. Secondly, the ruling party makes such laws which could suit and advance its own interests, although it may adversely affect the opposition, e.g., if the labour Government is in power, it will promulgate laws suiting the labourer and normally at the cost of the capitalists, and vice versa.

The most flagrant example of discrimination in this respect can be found in South Africa where the original-native inhabitants have been deprived of their inalienable right to franchise by the foreign ruling class. This racial discrimination is also to be found on another level in one of the most democratic countries of the world, i.e., the U.S.A. Even in the most democratic country of the world such as England, one finds the same phenomenon of inequality in operation; for instance, one does find racial discrimination, though in a lesser degree, and also as far as the interpretation of law and dispensation of justice are concerned.

Even in the modern Communist states, which are regarded as more advanced in this respect than their capitalist counterparts, the same phenomena of inequality, injustice and intolerance prevail on account of the same defect. The heads of the Communist states, along with their lesser party bosses, are all above the law: nay, they impose themselves on the people through the force of an election.

As there is no check on the sovereign powers of the legislators, they have deprived the people even of their liberty of conscience; and by putting an end to private enterprise and initiative they have reduced human beings to the position of an inconsequential part of a huge machine.

This defective system of law-making is primarily due to the fact that the right of sovereignty has been entrusted to human agency without any divine restriction. And it is because of basic human weakness that men, when they are entrusted with the law-making power, more often than not misuse it in their own favour or in favour of the party or class which they represent. In other words, unrestricted sovereign powers have been assumed by human beings in all the states from time immemorial resulting in exclusive privileges for the ruling authorities and deprivation of inalienable human rights of the people as a whole.

In an Islamic state, on the other hand, sovereignty belongs to God, the Almighty Allah. This does not mean, however that in an Islamic state, all the laws are to be made by God Himself or that the Quran provides all possible positive laws and that the people have nothing to do with sovereign functions. On the other hand, the laws enacted in an Islamic State are made by the people of the State, but in the light of the Quranic fundamentals. Thus, in an Islamic State, the people enjoy a partial and restricted right of law-making. They cannot make any law which runs contrary to the clear Quranic injunctions meant for universal application. In this sense, the people who make the laws are not really law-makers. Neither are they above the law; they are only the executors of law and as such they stand in par with ordinary citizens.

The original source from which all principles and ordinances of Islam are drawn is of course the Holy Book, called al-Quran. According to Muslim belief, the Quran is a divinely revealed book and, as such, all positive laws given therein have superiority over man-made laws. Taking into consideration the divine origin of the Quran and the purity of its text, one has to regard it as the real foundation on which rests the whole super-structure of Islam. Furthermore, being the absolute and final authority in every discussion relating to the principles and laws of Islam, the Holy Quran is the sole source from which all the teachings and practices of Islam are drawn.

There are two kinds of verses in the Holy Quran, namely

decisive and allegorical, the latter being those which are capable of different interpretations. The decisive verses are the basis of the Book and contain the fundamental principles of religion. Therefore whatever may be the differences of interpretation over allegorical verses, the fundamentals of religion are not affected by them.

The Sunnah and the Hadith are the second, an undoubtedly a secondary, source from which the Islamic laws are drawn. "Sunnah" literally means a way, rule or manner of acting. In its original sense, therefore, Sunnah indicates the doings and Hadith the sayings of the Holy Prophet. In effect, however, both cover the same ground and are applicable to his actions, practices, and sayings, the Hadith being the narration and record of the Sunnah, but containing, in addition, various prophetic and historical elements of Islam. As the Holy Quran generally deals with the broad principles or essentials of Islam, the details are generally to be supplied by the Sunnah of the Holy Prophet. Even for the two most important religious institutions of Islam, the prayer and zakat, no details of these are to be found in the Quran. The details about these injunctions were only supplied by the practice of the Holy Prophet. But since Islam covered the whole sphere of human activities, hundreds of points had to be explained by the Holy Prophet by example in word and deed, while on the moral side, his moral acts were the pattern which every Muslim was required to follow. The persons who embraced Islam, thus, stood in need of both the Holy Quran and the Sunnah. And it was because the Sunnah occupied such a tremendous, though a secondary, place in the superstructure of Islam that the early Muslims devoted themselves so assiduously and so energetically to collecting all traditions with every possible care that was humanly possible.

In judging whether a certain Hadith was spurious or genuine, the collectors not only made a thorough investigation regarding the trustworthiness of the transmitters, but also applied other tests for its acceptance. No Hadith, however, was to be accepted if it was opposed to or was against the plain teachings of the Quran.

Ijtihad or Exercise of Judgement

The Ijtihad is the third source from which the laws are drawn. The word itself is derived from the root "Jihad," which means exerting oneself to the utmost or to the best of one's ability; Ijtihad,

which literally conveys the same significance, is technically applicable to a lawyer's exerting his mental faculties to the utmost for purposes of solving difficult legal problems.

Reasoning or the exercise of judgement, in the theological as well as in legal matters, plays a very important part in Islam. The Quran does recognize revelation as a source of knowledge higher than reason. But it also admits that the truth of the principles established by revelation may be judged by reason, and in so, doing it repeatedly appeals to reason and denounces those who do not use their reasoning faculty. It also recognizes the necessity of the exercise of judgement in the formulation of a decision.

Ijtihad or the exercise of judgement is expressly recognized in the Hadith as the means by which a decision may be arrived at when there is no direction in the Holy Quran or the Hadith. The following Hadith is regarded as the basis of Ijtihad in Islam. On being appointed Governor of Yemen, Muadh Bin Jabal was asked by the Holy Prophet as to the rule by which he would adjudicate. He replied, "By the law of the Quran." "But if you do not find any direction in the Quran, how would you decide?" asked the Prophet. He replied, "I will apply the Hadith, i.e., the Sunnah." "But what if you don't find any guidance in the Sunnah as well?" he was again asked. "I will then exercise my judgement and act on that," came the reply. The Prophet raised his hands and said "Praise be to God who guides His Messenger as He pleases." This Hadith shows not only that the Holy Prophet approved of the exercise of judgement, but also that his companions were well aware of the principles, and that Ijtihad was freely resorted to by his followers, when necessary, even in the Prophet's lifetime.

The fourth source of Islamic law is Ijma. The word Ijma is derived from "Jam's," which means collecting or gathering together. Ijma carries the double significance of composing and settling a thing which has been unsettled and hence determining and resolving upon an affair, and of agreeing or uniting in opinion. In the terminology of the Muslim Jurists, Ijma means a consensus of opinion among the Mujtahids, or an agreement of the Muslim Jurists of a particular age on point of law. Ijma, however, is not an independent source of law; it is only Ijtihad on a wider basis and like Ijtihad, it is always open to revision.

In the second century of the Muslim era there arose the famous schools of the great jurists who codified the Islamic law according to

the needs of the time and this codification became the chief basis of Islamic law at that time. However, owing to the degeneration that presently set in the Muslim society (in consequence of which it could not produce jurists of the calibre of the famous former Jurists), the community as a whole began to believe that the codification, as done by those great Jurists, was final and that there was no scope for further Ijtihad in the Sharia. Whatever may be its justification, this belief was nevertheless contrary to the very teachings of Islam.

Since the Islamic laws are to be derived from the Quran, which is regarded as a universal guide for all time, it is inevitable that Ijtihad should continue to be exercised. It is, therefore, a mistake to suppose that the door of Ijtihad was closed after the four Imams. It has already been shown that the Quran and the Hadith have both directions to the effect that the Muslim world should continue to exercise its judgment in making laws for itself. Since the ultimate test of the correctness of the Hadith is the Quran itself, the conclusion is evident that Islam allows independence of thought, subject only to one thing – that the principles laid down in the Quran are not contravened.

It will thus be seen that the Muslim community possesses the partial and restricted right of law-making. It is this restriction imposed upon the framers of law in an Islamic State which has created a world of difference between this state and all other states.

The beauty of the Quranic Principles is that they, being of divine origin, are equally applicable to the whole of mankind, irrespective of a person's status, position, colour, race, sex, language or nationality. If a thing is declared legal, it is legal for all in any shape or form. There are to be no exceptions; and even if exceptions are allowed, they are allowed for all under certain conditions and circumstance. We can, therefore, conclude that owing to the restricted right of legislation entrusted to the most learned scholars possessing irreproachable character among the Muslim community, nobody is regarded as a legislator (in the modern sense of the word) in an Islamic State. The authority or authorities in such a state can only be regarded as the executors of law.

Fraternity

In accordance with the famous verse of the Holy Quran, that

“The believers are but a single brotherhood,” the first characteristic of the Islamic State is its belief in fraternity. This verse asserts that Muslims, whatever be their country, race, colour, or language, are members of a single brotherhood. All believers white and black, rich and poor, master and servant, Arab and non-Arab, stand together and enjoy equal rights and bear equal responsibilities in running the State. Such is the force of Islamic brotherhood that even blood relationship counts for nothing. An unbeliever, even if connected with a believer by blood ties, falls into a totally different category of citizenship.

As regards the division of the Believers into nations and tribes, the Holy Quran says, “We made you into nations and tribes, so that ye may recognize each other. Verily the most honoured of you with God is he who is the most righteous of you” (XLIX: 13). This verse emphasizes that all regional and tribal distinctions are merely formed for the sake of convenience. Neither can they form the basis for the classification of rights or status of human beings; neither should the separation or fusion of nationalities depend upon them. Among the Believers, if any distinction is to be made at all, it should be on the basis of piety (taqwa). The following of Islamic fraternity reached its climax on the occasion of Jijrat (flight) when the Prophet knitted one Muhajir and one Ansar together in the brotherhood of Islam and they both lived under the same roof as brothers.

Equality

Since sovereignty in an Islamic State is restricted to the four corners of the Shariah, whose principles are universal and equally applicable to all, the obvious resultant characteristic of such a State is equality. It is, however, a mistaken notion that Islam sanctions absolute equality among its votaries. Absolute equality is denied by nature, as no two persons are equal in every respect. Any amount of effort on the part of a State to equalize the mental faculties or even physical gifts of different persons will prove fruitless. Consequently, a well-known verse of the Quran says, “Verily we have given preference to some over others.” However, the question arises: what is the concept of equality in Islam? It means equality before law and in matters of civic rights and obligations to the State. Above all, it means affording of equal opportunities to all, irrespective of caste,

colour, race, sex or birth. It also connotes social equality, a principle which even some of the most progressive and democratic states in the world have not been able to enthrone even in the present age. Only merit, character and devotion to the cause of Islam should enable a person to occupy the highest position in the State. A person's worth should not be judged by birth, but by efficiency, character and service to the cause of Islam.

Liberty

The third characteristic of the Islamic State is its belief in liberty which, in its true perspective, was for the first time presented by Islam to humanity. The greatest character of individual liberty is involved in that very 'Kalimah' (Utterance) which every believer is required to pronounce while declaring his or her faith. The pronouncement of the "Kalimah" ("There is no god but one God") excluded all other authority but that of God. A Muslim is free as he is not required to obey any other authority, but that of God. In other words, this would mean that he is only free within the limits prescribed by the Divine law. No one can encroach upon the rights of others and at the same time can feel free within his or her own rights. Freedom of expression and liberty of conscience are the two cornerstones of Islamic polity. Even an ordinary citizen of the State can criticize the highest in the state and call him to account. However, licence in the name of liberty is not allowed; none enjoys the right of slandering people or making fun of the authorities. It is, however, the obligation of the Islamic State not to deprive any citizen of the liberty Islam confers upon him without proving his crime in the court of law and without giving him full opportunity and facilities for his defense.

Justice

The fourth characteristic of the Islamic State is its belief in justice. Justice in an Islamic State should be impartial and no respecter of persons, whether high or low, prince or peasant, white or black, Muslim or non-Muslim. The Quran enjoins Muslims to decide a case on the basis of equity, justice and upright testimony. As such, the entire Muslim community is to be held responsible for the

administration of justice. The following verses of the Quran sum up the conception of justice in an Islamic State:

“O ye who believe be (firm) maintainers of justice, bearers of witness for Allah’s sake, even though it be against your own selves, or your parents or your kind, and whether it be against rich or poor. For Allah can best protect both. Follow not the lusts (of your hearts), lest ye swerve; and if ye distort (justice) or decline to do justice, verily Allah is well-acquainted with all that ye do.” (IV:135)

“If (O Muhammad) thou judgest (concerning the affairs of non-Muslims), judge in equity between them (however hostile may be their attitude towards thee). For Allah loveth those who judge in equity.” (V:45)

Thus the Holy Quran has emphasized again and again that however hostile, mischievous or cruel may be the person with whom authorities have to deal, it is not permissible for them to deviate even slightly from the path of justice.

In the light of the above Quranic injunctions, it becomes incumbent upon the Head of the State to provide free impartial justice to all irrespective of caste, creed, colour, nationality, race, status or sex. According to Islamic notions, the Head of the Islamic State has a two-fold judicial function, one positive and the other negative. His positive functions relate to the establishment of peace in the State, maintenance of concord among the various sections of the people and the protection of the weak against the strong. His negative functions concern punishment of evildoers and the restitution of the rights of the injured. For the dispensation of justice, the Head of the State has to appoint Qadis (Judges), well versed in Divine (Sharia) law, God-fearing and of irreproachable character and sterling piety. The Qadis (Judges) who apply divine law consider themselves responsible not only to the Head of the State but also to God Almighty and, as such, dispense justice equitably and speedily. Since the Qadi’s court is regarded as God’s court, no preferential treatment is to be given even to the highest in the State. The concept that “The King can do no wrong” does not hold good in an Islamic State insofar as the dispensation of justice is concerned. No one can claim exemption from appearance in the court or even a preferential seat in the court; recording of deposition of influential persons through commission is not allowed by Islamic law. The Islamic law lays down easy procedure for the conduct of cases and cheap and speedy justice is to be meted

out to rich and poor alike free of cost. However, the Islamic State lays greater emphasis on the prevention of crimes than on punishing the culprits after the offense is committed.

Seeking legal opinion from well-known scholars has been in vogue since the very inception of Islam. The authorities allowed learned scholars to give free legal advice to all and sundry. This institution enabled the State to assume that every citizen knew the law, for it gives an equal opportunity to every person to know such legal details which he or she did not know already. Often, Qadis who were not quite sure about some legal point referred the case to a Mufti (Jurist) and took a Fatwa (decision) from him.

The fifth characteristic feature of the Islamic State is that every one from the Caliph down to an ordinary citizen is doubly responsible, that is, to God and to some sort of earthly authority. The fear of God and the punishment in the hereafter being common to all, the people are responsible to the Head of the State, who, in turn, is himself responsible to the former. Hence, there is a double check upon the actions of all the citizens in an Islamic State.

In public, they dare not commit any act of omission or commission for the fear of the State officials; in private, they also abstain from committing any wrong as they are conscious of the presence of God Almighty. Thus the distinction between the public and private life of a citizen in an Islamic State disappears altogether.

The absence of the fear of God is the weakest point in all modern states, particularly in a Communist state, where people, devoid of moral conscience as they are, can commit any wrong, unnoticed by the State officials; whereas people in an Islamic State dare not do any such act of omission or commission as they are conscious of the fact that their God is having a vigilant eye over them and they shall not escape punishment at his hands in the hereafter.

Toleration

In accordance with a verse of the Quran, the population in an Islamic State is divided between believers and unbelievers. Among the believers, there are two kinds: firstly, those who believe in all the revealed religions and their prophets, and also in Islam as the last religion and Prophet Muhammad as the last prophet and, secondly, those who believe in their own revealed books and prophets, but not

in Islam or its Prophet Muhammad. Since the Islamic State is an ideological state, it is but natural that its administration should be primarily entrusted to those who believe in its ideology and agree to sacrifice their all in running the state and making it a success. In order to defend the frontiers of the Islamic State and to promote the cause of its ideology, military service is made compulsory upon all the able-bodied Muslims without any exception and, in return, they are guaranteed maintenance allowance from the State.

The second group of believers, are the followers of the revealed books who believe in the existence of God but do not believe in Islam or its ideology. When such people agree to live within the jurisdiction of an Islamic State, their relations are guided in accordance with the famous verse of the Quran, "Let there be no compulsion in matters of faith: Truth stands out clear from error." (II:256)

The Islamic State regards them as Zimmis or its own responsibility and guarantees them full liberty of conscience, protection of property, life and honour and freedom of religious belief. Nay, it goes one step further and provides full scope for the growth of their culture and traditions and the administration of their civil affairs in accordance with their own religious laws.

An Islamic State does not believe in forcing its own culture and traditions on others or in adopting coercive measures to get the culture of the Zimmis (Non-Muslims) submerged into that the Muslims, as it is usually seen under a nationalist dispensation. As the Zimmis (Non-Muslims) are not obliged to defend the Islamic State, they are required to pay a small tax in return, known as Jazia; in case they offer themselves for military service, they are exempted from that tax, too.

No distinction is made between the Muslims and the followers of other revealed books in matters of the civic rights; and the latter could qualify themselves for all offices of the State excepting the religious ones.

Thirdly, the unbelievers are those who either do not believe in the existence of God Almighty and in the hereafter, or associate other partners with God. The followers of this Godless cult are fundamentally opposed to all the believers of God and are at perpetual warfare with them. Islam which believes in the establishment of peace by liberating mankind from all shackles of slavery is the worst enemy of the Godless cult. So long as this cult survives, Islam cannot

flourish and will not be able to achieve its ideals; and, therefore, as a moral force, it is directly opposed to this evil force. As such, this Godless cult has been described in the Holy Quran as fitna (mischief) which must be rooted out from the Universe so that the faith of God may flourish.

Religious and Temporal State

As all the guiding principles of the Islamic State are derived from the Quran which, according to Muslim belief, is a divinely revealed book, some people assert that this State is a religious institution. In reality, the Islamic State is not a religious institution in the sense of Medieval Christian Theocracy in which certain ecclesiastical authorities claimed for themselves the right of law-making. Others assert that the Islamic State is temporal as it is required to administer affairs which are temporal and not spiritual in character. It is, however, not temporal in the modern sense of the term, since the modern State is not guided by religion, and it usually lacks moral conscience and a moral basis for administration and application of its laws. Since the fundamental ingredients of an Islamic State are derived from the Quran, it becomes a little difficult to separate its religious from its temporal functions. And since its chief function is to protect Islam and to promote its cause, both within and without, and to administer both religious and temporal affairs, in accordance with the Quran and the Sunnah, this State may be regarded as both religious as well as temporal. It should, however, be made clear that the State religion of the Islamic State must be Islam for whose protection and maintenance it is called into existence and continues to exist.

Ideological State

It will be a fallacy to compare the Islamic State with any modern State, as it fundamentally differs from all of them and stands as a class by itself. Since it is based on Quranic principles and has a definite mission to perform, it may be regarded as an ideological state. It may be termed, however, as Theo-Democracy, for in such a State, under the sovereignty and paramountcy of God, a limited popular sovereignty has been conferred on the believers.

Islamic State and Individual

Since the Islamic State encompasses both the religious and the temporal spheres and comes into existence through a contract between the (elected) Head and the general Ummah (community), it is nothing if not a device to fulfill the aspirations of the individuals themselves collectively and, to a certain extent, individually. This State is thus not marked by any suicidal controversy between the State and the Individual. According to the Islamic polity, the State, the Head and the Millat (community) are all animated by an ethical ideal, and it is the duty of each one of them to strive after and towards this ideal. Accordingly, the personal liberty of the individual is guaranteed to a very large extent under this system and political power is not concentrated in the hands of one person.

Administration by Mutual Consultation

Yet another feature of the Islamic State is that it carries on the administration through mutual consultation. The Quran speaks of consulting with people "upon the conduct of affairs." (III: 159). Thus there should exist in an Islamic State a *Majlis-i-Shura* (Advisory Council) consisting of representatives of the people, reflecting the total legal wisdom of the entire community. The appointment of this Council is made by the Head himself from among the various sections of the people the only criteria for appointment being their intimate knowledge of the Shariah, their previous services to the cause of Islam, and their character. The Caliph (President)-in-Council is to legislate in consultation with the Council and administer the State with their consent. Since the final authority is the Quran and the Sunnah, pleas should be based on and in accordance with them. The decision is to be unanimous and the Shura (Advisory Council) has collective responsibility.

Separation of Powers

The Islamic State is noted for separation of powers. Although the Qadis (Judges) are to be appointed by the Head, in consultation with Shura (Advisory Council), yet the Judiciary is completely independent of the Executive. The fact that a Qadi (Judge) can

accept a suit against the very person of the Ameer (President) without any previous permission and can try him in an open court, is a feature that serves as an index to the independence of the judiciary in an Islamic State. Moreover, the Ameer (President) is not exempted from personal appearance and is not given any preferential seat in the court.

Centralization

Another feature of the Islamic State is its centralization in matters of legislation. The nature of the Islamic State which is based on Quranic principles demands that there should be uniformity in legislation. It is only the Central Legislative Assembly which could legislate in connection with matters touching the religious aspects of life or the common problems of the State: for instance, foreign policy, taxation, justice and the Constitution. However, in matters of temporal administration, much can be left with the provincial authorities. In case of provincial revenues and expenditure, the provincial treasuries can work as independent units; they receive and disburse the amounts realized.

Economic Policy of the Caliphate

The economic policy of the Islamic State is to be based on some positive injunctions in the Quran, which lays down "that the wealth should not circulate only among the rich from among you." Hence the distribution of wealth among all classes of believers has been emphasized by the institution of a property tax, known as Zakat, to the extent of 2½ p.c. on surplus property, cash-ward, as well as commercial capital, and restriction on the process of testamentary disposition, laws of inheritance and the prohibition of usuary.

The Islamic State believes in the imposition of minimum taxation and the provision of maximum comforts for the people. Besides paying the Zakat, Muslims are requested to surrender all their surplus wealth to the State in case of emergency. Since the believers have to stake their lives and property for the defense and the maintenance of the State, they are secured due provision for their food, shelter and other necessities of life.

The Islamic State does not believe in class war; neither does it undertake a complete socialization or democratic management of the basic instruments of production and distribution. It does allow individuals to acquire private property so that their incentive may not be lost; but, on the other hand, it does not allow the concentration of wealth in few hands which would perpetuate capitalism in its naked form. The economic system in an Islamic State thus stands midway between the two antagonistic systems in the present world – Capitalism and Communism.

Objectives of the Islamic State

The objective of the Islamic State is to “establish prayer and pay Zakat, and enjoin good upon the people and to restrain them from committing wrong.” (XXII: 41). The Quran also refers to Muslims as the best people sent down to the Universe to enjoin others to do good and prevent others from committing wrong. These verses are very significant and sum up the chief objectives of an Islamic State regarding the duties of Muslims. The first part of the first verse relates to prayers and Zakat which enable Muslims to practice in actual life the principles of equality, liberty, fraternity, justice, and obedience to the Leader. The first part of the second verse regards the Muslims as the best people and as such incapable of doing wrong. They are, therefore, required to order others to do good and also restrain others from committing wrong. This express Quranic injunction entails enormous responsibilities upon the Head of the State as well as its people. This obligates the State not only to carry out these orders within its own jurisdiction, but also beyond it if occasion arose. It is thus that the Islamic State is to be at perpetual war with forces of tyranny, wickedness, and godlessness. In order to emancipate mankind from bondage, whether physical or intellectual, the Islamic State is sometimes required to wage Jihad (Holy War). But Jihad is not to be fought for personal aggrandizement or national glorification. It is to be waged only for the establishment of the Rule of God in order to end man’s tyranny over man, man’s injustice to man, and man’s inhumanity to man.