# Analytical Study of Islamic State; In the Perspective of Maulana Maududi

**Shahab Uddin*[1] Mian Gul Said[2] Afzal Khan[3]**

*[1,3] BS Scholars, Department of Political Science, Govt College Daggar, Buner
[2] Associate Professor of Political Science, Govt College Daggar, Buner
*[1] su794304@gmail.com, [2] mgsaid80@gmail.com, [3] Afzalkhanxr@gmail.com

**Abstract:** States nowadays have a significant impact on many facets of an individual's life. Various Muslim philosophers and thinkers shared their ideas regarding an Islamic state. Among them was Maulana Maududi (1903-1979) an Islamic scholar, philosopher and the founder of Jamaat-e-Islami (1941).The authors discussed Maududi's ideas about the Islamic state in this paper, the state in the contemporary times, and Islam in the context of the Quran and sharia. The authors have also covered the idea of Theo-democracy in an Islamic state and Maududi's theory of sovereignty. Maulana Maududi also offered the answers to various political and constitutional issues facing the Islamic state, which are documented in this paper. A conceptual framework and qualitative approach are used in the investigation.

*Key Words:* Maulana Maududi, Islamic state, Sovereignty, Political and constitutional problem

## INTRODUCTION

Human needs cannot be met in the absence of a state. The state's role in contemporary life is crucial, influencing all aspects of society. Maulana Maududi (1903–1979), a prominent Muslim philosopher and the founder of Jamaat-e-Islami, made significant contributions to Islamic thought. Central to his philosophy was the idea of an Islamic state, where he endeavored to propagate what he deemed authentic Islam, asserting its indispensability in completing the political landscape. He established Jamat-e-Islami in 1941 for the purpose to revive Islam and work for Islamic state (Ghani, SMU. Ushama, t. 2022).Islamic state will not be a political community whose population will mainly be composed of Muslim individuals, but rather one whose legal order will be based on and derived from the principles of the sharia (Safi, M.L. 1991). Ideologically, Maududi considers Islam a comprehensive system of life which not only includes theology but also complete social and political direction and plans (Mahmoud, W, &Ahmad, W. 2018). According to Maulana Maududi, the Quran is the guide for Muslims, both in personal and communal devotion to Allah. It provides clear injunctions for the establishment of Sharia and the proper structure of an Islamic state, as Islam makes no distinction between religious and political realms (Sheikh, A.M, & Mushtaq, S.M. 2018).

Maududi's vision extended beyond theoretical discourse; he actively engaged in the politicization of Islam, particularly in post-independent Pakistan. According to him, the nation, liberated in the name of Islam, should authentically embody Islamic principles. Both the idea and guiding principles of an Islamic state were introduced by Maududi, where he defined it as a governance structure where the principles of Sharia would govern all authority, with Allah as the absolute sovereign. The functioning of the Islamic state would be through Shura (consultation), guided by a form of governance know Theo-democracy.

This research aims to analyze the intricacies of Maududi's concept of the Islamic state and describe its underlying concept of sovereignty as Theo-democracy. Theo-democracy is the combination of Islamic theocracy and democracy (Iqtidar, H. 2020).The ideology of Islamic state is nothing more than the fact that the sovereignty and ownership all belong to Allah and Allah's law constitutes the principle of human behavior and government's rules (enayat, 1982). The study also addresses the most debated political and constitutional issues associated with the establishment and maintenance of an Islamic state.

## DIFFERENT SCHOLARS' CONCEPTS OF THE ISLAMIC STATE

### Hassan al-Banna's Concept of the Islamic State

Hassan al-Banna (1906-1949), an Egyptian Muslim scholar, presented the concept of the Islamic state. He emphasized the abolition of nationalism and advocated for the establishment of an Islamic community free from racism and nationalism. He believed that the Islamic state should transcend geographical boundaries, emphasizing the unity of all Muslims as one Ummah. Al-Banna aimed to eradicate nationalist sentiments and promote the spirit of Muslim brotherhood (Jin, Y., 1996: 209).

Al-Banna envisioned an Islamic theocracy governed by theocratic principles rather than secularism. He sought to establish a true caliphate, considering it the link between the Muslim Ummah (Xinhua Agency, 1984: 117). He also advocated for the exclusive implementation of Sharia law, calling for the abolition of non-Islamic laws (Liu, Z., 2013).

### Syed Qutb's Concept of the State

Syed Qutb (1906-1966), a Muslim thinker, shared a concept of the Islamic state akin to Maududi's. Qutb accepted Maududi's concept of 'jahiliya' and proposed a two-fold approach. Firstly, he urged the elimination of jahiliya, identifying communism, socialism, fascism, and nationalism as modern manifestations of pre-Islamic

ignorance, arguing that people were obeying people instead of Allah, perpetuating a state of jahilia. Secondly, he emphasized the establishment of Islamic law through jihad, advocating for a fight against non-Islamic laws before establishing the Islamic legal system (Ayub, 1991: 140). While Qutb did not present a clear concept of the Islamic state, his focus was on abolishing jahilia through jihad and subsequently establishing an Islamic system.

## Hassan al-Turabi's Concept of the Islamic State

Hassan al-Turabi (1932-2016), a Sudanese politician and scholar, contributed the concept of the Islamic state. He rejected the notion that the state, as a political organization, could fulfill all the needs of the Muslim Ummah. Turabi envisioned the Islamic state as a global community open to Muslims, distinct from the nation-state system. He also rejected secularism, asserting that the Islamic state is based on "tawheed," where people's lives are grounded in Islamic faith. He believed in the inseparability of religion and politics, with politics deriving its authority from religion in order to establish the kingdom of Allah. The Islamic state, according to him, believes that sovereignty belongs only to Allah. Turabi advocated for a theocratic form of Islamic democracy, emphasizing the fundamental principle of Shura or consultation. He attributed the perceived failure of Islamic democracy to factors such as a lack of political awareness, poverty, and the backwardness of the Muslim Ummah.

## Allama Iqbal's vision of a modern state

Allama Iqbal envisioned a modern Muslim state that prioritized faith, democracy, and equality. He emphasized the importance of spiritual democracy and the unity of the Muslim world (Afzal, 1977). Iqbal advocated for a society based on faith rather than ethnicity or language, where the rights of individuals were protected and freedom was ensured (Nadeem, 2018). He believed in the compatibility of Islam with modernity and encouraged the use of ijtihad, or independent legal reasoning, to adapt Islamic principles to contemporary circumstances (Niazi, 1992). Ultimately, Iqbal's vision aimed at creating a powerful and united Muslim community capable of addressing the challenges of the modern world (McDonough, 2020).

## MAULANA MAUDODI CONCEPT OF ISLAMIC STATE

### State and Islam

First we should note that religion and politics are interconnected and not separable in Islam (Ahmad, I. 2009). All the prophets (PBUH) have tried to establish Allah's system on the earth of Allah. Hazrat Muhammad (SAW) was one of them; he established the Islamic state and also ran it well (maududi, 1967). The incident of Hazrat Musa (Moses) and Pharaoh teaches us that Islam is not limited solely to matters of worship; it also indicates that political power is essential for Islam (Khosravi, S. 2005).

The importance of the state in Islamic thought is measured by this matter that Allah taught this prayer to hazrat Muhammad (saw) that "and keep praying (to your Allah) 'O my God, make me out with truth and pleasure, and make to a power from your side my helper" (Bani-Isreal: 80). Maulana Maudodi further explains this verse, stating that the tafseer (interpretation) of this ayat is that either give me a power yourself, either make me a government my helper. (maududi, 1967).The prophet (PBUH) said, "Islam and government or state are like two brothers, these two cannot function properly without each other. Islam is like a building and the government is its caretaker. A building without a foundation falls and a building without a caretaker is robbed (maududi, 1967).

## The principles of Islamic state in the perspective of Maududi

Firstly, the Islamic state is grounded in ideology, and like any other state, it operates based on its specific set of principles. The ideology of the Islamic state is Islam, (Bakhtiar, 2005). Islam is the complete way of human life. Islam alone is sufficient to eliminate all the evils, difficulties, and obstacles in human life (Ayyaz, 2014).

Secondly, in the Islamic state, the concept of absolute sovereignty is unique. Contrary to other systems where sovereignty might be vested in people, monarchs, kings, or parliaments, the Islamic state recognizes only Allah as the absolute sovereign. It is imperative for all inhabitants of the Islamic state to acknowledge and prioritize the sovereignty of Allah, adhering to His laws (Maududi, 1967). Prophethood plays a pivotal role in manifesting this political and legal sovereignty, with prophets in general, and Prophet Muhammad (PBUH) specifically; serving as conduits through which Allah's authority is exercised in the human realm. The Quran emphasizes this connection, stating, "Whoever obeys the Messenger obeys Allah" (Al-Nisa: 80). Alongside the Quran, the Sunnah of the prophet also holds the status of law (Maududi, 1967).

Thirdly, Theo-democracy represents a synthesis of theocratic and democratic principles. In true theocracy, there are two fundamental tenets: firstly, sovereignty exclusively belongs to God (Allah), and secondly, the implementation of Allah's law, or divine law, on Earth in its true sense. Regrettably, certain Western religious scholars (pops) deviate from the second principle of theocracy. In contrast, the second governmental system is democracy, encompassing two key concepts. Firstly, the notion that people are sovereign, or that sovereignty belongs to the majority of the population, contradicts the first principle of the Islamic state. Secondly, the idea that the government can function with the consent of the people, allowing policies and laws to be formulated in accordance with the will or consent of the population (Maududi, 1967).

To simplify, the Islamic state aligns with theocracy only to the extent that sovereignty belongs solely to Allah. In the Islamic state, not only designated religious leaders, but all Muslims who recognize Allah as the sole sovereign and adhere to Islamic teachings, are considered caliphs of Allah. They collectively contribute to the caliphate in the Islamic state, and anyone who upholding these principles

may be declared the holder of the caliphate. Regarding democracy, the Islamic state embraces it only in the sense that the government should be established and governed based on the opinions of the people. However, people are not absolute sovereigns; they cannot enact laws that contradict Allah's consent, nor can they formulate policies based solely on their own preferences. Instead, all actions taken by the people should be guided by the will of Allah, as outlined in the Quran and Hadith (Maududi A. A., 1966).

Fourthly, it is imperative to implement Sharia (Islamic law) in an Islamic state.The implementation of Allah's law is necessary for the establishment of a good and positive society (Abul A'la Al-Maududi, 2008). The Quran and Hadith will serve as the primary legal foundations. In instances where the Quran and Sunnah do not provide clear guidance on a matter, knowledgeable individuals well-versed in the Quran and Sunnah can formulate laws through ijtihad in accordance with the principles of the Quran and Sunnah (Bakhtiar, 2005).

Fifth, the Islamic state will establish a system of "Shura" a consultative body, to govern through collective consultation. Consultations cannot take place when God and His Messenger have already made decisions. However, the Muslim Ummah is free to consult on matters related to Sharia. The Quran explicitly supports the concept of collective caliphate with the statement, "And their affairs are conducted through consultation" (Al-Shura: 38). Shabir Ahmad Usmani, in his speech, credits the Islamic government as the first to abolish monarchy, introduce the system of public opinion, and entrust the government to an elected chief executive (Usmani, 1945).

Sixth, the Islamic state is not a police state; its responsibility extends beyond maintaining rules, regulations, and secure borders. Its primary purpose is to promote justice and equality, eliminate evils, and foster public welfare (Bakhtiar, 2005).

Seventh, regarding the Head of State and the principle of obedience, representatives should not be chosen from among the incompetent, unscrupulous, or wicked. Instead, representatives should possess the ability to take on responsibilities. The obedience of the true leader is essential for people. If rulers act wrongly or order something incorrect, it is imperative not to follow them in such situations (Maududi, 1967).

Eighth, the organs of the state in the Islamic state consist of three main branches: legislative, executive, and judiciary. These organs operate independently of each other, with Maulana Maududi elucidating the jurisdiction of each organ of the Islamic government (ibid).

a)  Legislative: Comprised of Islamic jurists responsible for legislating rules for implementing Islamic law. They cannot legislate when the Quran and Sunnah address an issue. (ibid)

b)  Executive: Responsible for implementing Divine law and creating a conducive environment for its implementation. (ibid)
c)  Judiciary: Judges decide cases according to the principles of Quran and Sunnah, ensuring just rulings and equal treatment for all (Bakhtiar, 2005).

Ninth, citizenship in an Islamic state is limited to those living within its borders. Those under the guardianship of non-Muslim states (Dar ul kufr) or who have not migrated to Islamic state will not be part of the political guardianship of the Islamic state. While they are religious guardianship, they bear no political responsibilities in any political matters (Maududi, 1967).

# CONCEPT OF SOVEREIGNTY

## Definition of Sovereignty
Sovereignty refers to superior or dominant power, primarily as a political concept. It entails the exercise of unlimited power by a sovereign, whose orders are unquestionable and not subject to challenge or disobedience. The sovereign is not accountable to others (Cornell Law School, n.d). In a monarchy, the sovereign is the king or monarch (Kostiner, 2023), while in a democratic state, sovereignty belongs to the people or citizens (Merkel, 2020).

## Maulana Maududi's Definition
The subject of sovereignty is one that captures the attention of scholars, and various legal scholars express their opinions on it. Maududi is among those who have clarified their positions on this subject. (Kumkelo, 2015, p. 146)

Maulana Maududi defines sovereignty as the supreme power that controls all state authority or organs. It encompasses individuals, groups, or institutions whose authority is considered supreme in the state. Sovereignty implies that the commands or orders issued by the sovereign become law. The sovereign possesses absolute authority over the state, and unconditional obedience to his commands is mandatory. Subjects have no right to challenge or speak against sovereign orders; their only right is to obey and accept the law and order established by the sovereign. The sovereign acts as the lawgiver and people are bound to accept his laws without question. The sovereign is omnipotent, and there is no moral judgment regarding his commands; whatever they do is considered right, and subjects have no right to reject it as wrong (Maududi, 1967).

## Holder of Sovereignty
The question arises: who, among human beings, can be considered the holder of sovereignty? According to Maulana Maududi, no person, institution, or government in any system worldwide perfectly fits the criteria of sovereignty. Political science experts face difficulties in identifying the true sovereign in human society or any other creature. The Quran repeatedly emphasizes that there is only one sovereign in the entire universe, and that is Allah. In the truest sense, only Allah is entitled to sovereignty. Only Allah has the authority to declare what

is halal (permissible) and what is haram (forbidden) (Rohmah et al., 2022, p. 153-170). Al-Quran "He is the owner of all power" (Anbiya; 23), "He is an entity whose powers cannot be controlled by any other power" (Al-Mominon; 88), "Allah can do whatever He wants" (Al-Hod; 107), (Maududi, 1967).

## Prophet Hood Position
Prophets are representatives of this legal sovereignty in the world. In the Quran, it is stated, "Whoever obeys the Messenger has actually obeyed Allah" (Al-Nisa; 80). Prophets serve as the source through which we understand the orders of the Sharia   and the laws that apply to us. Maulana Maududi emphasizes that in Islam, the law belongs purely and entirely to Allah and His messenger. (Maududi, 1967).

## Some Constitutional and political issues of Islamic state
Most people sought guidance from Maulana Maududi and raised questions about various. Issues related to the constitutional and political system of an Islamic state.The primary topics addressed by Maulana Maududi, in which many sought guidance and raised questions, are outlined below.

## Legislation in Islam
In an Islamic state, the fundamental law is derived from the Quran and Hadith. These laws, based on the teachings of the Quran and Hadith, are immutable and cannot be changed. No one has the right to enact laws that contradict the Quran and Hadith. In situations where the Quran and Hadith do not provide clear guidance, decisions are made through the majority or consensus (ijma) of Muslim scholars, who are the most knowledgeable about Islamic principles. Laws are then formulated in alignment with the principles of the Quran and Hadith (Maududi, 1967).

## Punishment of Apostasy
Apostasy, defined as the act of accepting Islam and later abandoning it, is categorized by Maududi into two forms: explicit and implicit. Explicit apostasy occurs when an individual openly declares their departure from Islam, while implicit apostasy involves embracing beliefs or engaging in actions that contradict Islamic teachings. Maududi argues that a person who not only leaves Islam but also propagates against the Islamic state should face the death penalty(Maududi A. A., 1991)

## Concept of Jihad and the Law of War
Maududi emphasizes that Jihad, in his perspective, is not limited to armed conflict but encompasses a broader struggle to establish the supremacy of Allah and His guidance on Earth. This includes the dissemination and reinforcement of Islamic teachings. Jihad involves both defensive and offensive measures to eliminate obstacles and institute a just Islamic system. Maududi contends that Islamic rules of war must be followed within an Islamic state, regardless of the conduct of other nations in conflict. He argues for a minimum standard of civility and morality in war, encouraging even more civilized conduct (Maududi, 1939).

## Islam and Fine Arts
Concerning the status of arts in an Islamic state, Maududi asserts that art is an intrinsic aspect of human nature, sanctioned by the Creator. The legitimacy of art is evaluated based on Islamic principles, diverging from Western perspectives. Maududi suggests that prevailing Western ideologies on art may not be sustainable in the long run, as Islamic perspectives differ on the legitimacy of certain artistic form (Maududi, 1967).Simply, those arts which goes against the Islamic teachings and law, will not be allowed in Islamic state.

## Jurisprudential Differences
Addressing the question of whether jurisprudential differences hinder the establishment of an Islamic state, Maududi argues that despite variations among Islamic sects, the successful establishment of such a state is feasible. In the context of Pakistan, where there are nominal precedents for the traditional 73 sects, Maududi contends that the shared jurisprudence among the major sects—Hanafis (Deobandis and Barelvis), Ahl al-Hadith, and Shia—does not impede the formation and maintenance of an Islamic state. Thus, the existence of jurisprudential variations is not considered a hindrance to the establishment of an Islamic state (Maududi, 1967).

## Status of Women and Women's Role in National Politics in an Islamic State
The principles of Islam concerning women emphasize equality in honor, respect, and moral standards between men and women. Islam encourages women's education under certain conditions: education should prepare them for their profession, be gender-specific, and delivered in female-only institutions. Highly educated women are encouraged to work in women-centric institutions. However, differences exist in certain aspects, such as women not being equal to men in inheritance, as per clear commands in the Qur'an. This is justified by the belief that men bear the financial burden of raising a family, leading to different shares in inheritance. Additionally, certain societal roles, like politics, national administration, and military service, are perceived as within the scope of men. (maudodi, 1967).

The role of women in politics, particularly in legislative councils, challenges the misconception that these councils are solely involved in legislation. Maududi emphasizes that in the present era, legislative councils, referred to as Majlis (parliament), play a comprehensive role in controlling a country's politics, influencing ministries, administrative policies, financial matters, and decisions related to peace and war. The Quran, according to Maududi, designates this position in collective life, stating, "Men are superior to women, because of the superiority that Allah has given to one of them over the other, and because men spend their wealth. So righteous women are obedient and protectors of the unseen under the protection of Allah" (Al-Nisa: 34). The hadith of the Prophet (P.B.U.H) quoted suggests a negative portrayal of a

society where women hold significant political power (Maududi, 1967).

## The Status of Non-Muslims (Dhimmis) in an Islamic State

Maududi asserts that an Islamic state is an ideological state where only believers in Islam can interpret policies and ideals, excluding non-believers from the law-making process. The state is intended to be run exclusively by believers, categorizing the population into Muslims (believers) and non-Muslims (non-believers). Despite this distinction, the Islamic state is said to provide rights and privileges to non-Muslim minorities without them having to demand or challenge for these rights, as it is considered essential for the functioning of the Islamic state. (Ahmad, 1969).

According to Maududi, minorities in an Islamic state are granted a range of freedoms, including the right to worship, pursue education, and maintain their cultural practices. Islamic states, he argues, provide rights to minorities to govern personal matters according to their customs and religious laws (Maududi, 1955). The minimum rights for dhimmis, as outlined in Sharia, include full religious freedom, the right to religious education, permission to publish religious literature, and the freedom to engage in religious discussions within legal limits. Dhimmis are also entitled to the protection of temples, personal laws, life, property, and honor, ensuring equality with Muslims in civil and criminal laws.(Maududi, S. A. A. 1961).

Notably, Maududi emphasizes that these rights are not merely theoretical but are actively enforced by the Islamic state, irrespective of the rights that non-Muslim states may extend to Muslims. Certain restrictions exist, such as limitations on building new temples in specific Muslim-settled cities designated as Amsar Muslim (refers to the cities that Muslims settled especially for themselves, such as Kufa and Basra and Fustat), though repair and protection of existing temples are allowed. Additionally, Maududi mentions that, according to Hanafi jurisprudence, dhimmis might be required to wear distinctive symbols for identification and are prohibited from dressing in a manner that resembles Muslims (Maududi, 1967).

## CONCLUSION

The author found in the writing of Maududi, that he argues that establishing an Islamic state is vital for Muslim society, rooted in the history of Prophet Muhammad and the Rashidun caliphs. It asserts Muslims' obligation to contribute, emphasizing the necessity of Islamic administration and authority. Drawing on Maududi's ideas, it advocates grounding the state in Quranic principles, including Allah's sovereignty and Theo-democracy. The paper outlines obligations for the state and citizens, focusing on goodness, prevention of evil, and welfare. Maududi's vision includes divine law and justice, with an emphasis on consulting Muslims and selecting qualified representatives. Regarding

citizenship, the paper highlights the Islamic state's responsibilities based on residence, emphasizing contextual political influence. Overall, the paper underscores the central role of the Islamic state in aligning with Islamic principles.

The researchers examine the concept of sovereignty, defining it as a superior authority in charge of establishing enforceable law and order. In Islamic governance, Maududi asserts that only Allah holds the right to be sovereign, with no other entity having full rights. Prophets are considered representatives of this legal sovereignty. In Quran, Allah says "whoever obeys the Messenger has actually obeyed Allah" (Al Nisa; 80). The conclusion stresses that, in Islam, the law originates solely from Allah and His messenger.

The researchers address the political structure and constitution of the Islamic state, emphasizing that the Quran and Sunnah serve as the primary sources of law. In cases of silence on a matter, laws are derived through interpretation via Ijma and Ijtihad. The paper notes that apostasy, under Islamic law, is deemed punishable by death. Regarding art, Islam does not prohibit it but opposes works glorifying the West, approaching art uniquely. Divergent legal traditions do not hinder the progress of the Islamic state, with shared fundamental tenets across sects. Maududi's perspective on women's role rejects their participation in contemporary legislative assemblies, asserting that Islam grants women rights outlined in the Quran and Sunnah, immune to non-Muslim influences. The conclusion highlights the Islamic state's commitment to providing rights dictated by Islamic principles.

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