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CONTESTING ISLAMISTS' ABSOLUTISM ON THE ISLAMIC STATE

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A significant segment of Islamists not only believe that establishing an Islamic state is obligatory upon all Muslims but they also view the obligation as a principle of the Islamic faith that cannot be compromised.

In their view, Muslims who do not subscribe to, or challenge such a view, run the risk of committing what they term as *nawaqidh ash-shadatain* – acts that nullify a Muslim's testimony of faith. This is a very serious allegation amounting to charging him of being an infidel.

However, the strongest argument offered by the Islamists to support the above view is based on the verse, "...and whoever did not judge by what Allah revealed, those are they that are the unbelievers." (The Quran, 5:44).

These Islamists argue that the verse obligates Muslims to rule by God's laws (*syariah*), failing which they could be regarded as unbelievers. According to them, the implementation of God's law, which is obligatory, cannot be fully realised except through a political institution or when Muslims are in power. The law of *hudud*, for example, cannot be implemented except by a legitimate Muslim ruler which clearly necessitates the establishment of an Islamic state. According to them, this is a fundamental obligation entrenched in the faith because Muslim scholars have agreed on a maxim which says: "*ma la yatimmul wajib illa bihi, fahuwa wajib* (when an obligation cannot be fulfilled without a means, then the means become obligatory)". Applying this maxim, they conclude that establishing an Islamic state is an obligation because it is a precondition for the full implementation of the *syariah*.

However, if one considers the jurisprudential methodology used in Islamic studies, the maxim only takes effect if and only if there is a *ijma'* (consensus among Muslim scholars) for issues with no definitive ruling (*hukm qat'ii*) from the Quran or the hadiths (Prophet's tradition). Moreover, by studying the many rulings in *fiqh* (Islamic jurisprudence), one will find many cases that do not conform to the above maxim. For example, although the *zakat* (tithe) and *haj* (pilgrimage) are two of the five pillars of Islam that are obligatory for Muslims, no Muslim scholar is of the view that saving money or acquiring wealth as a means and with specific intention to pay *zakat* or to perform *haj* is obligatory, failing which those Muslims would be considered as sinners.

Similarly, in the case of the Islamic state, a critical study on the issue of Islamic state shows

that there is neither a direct statement in the Quran or the hadiths (Prophet's tradition) relating to such obligation nor is there the requisite consensus amongst scholars. Hence, though the Islamists' argument is one way to interpret the verse, it certainly is not the only way. Following from this, the claim that the establishment of an Islamic state is an indisputable principle of faith is inaccurate. The use of the maxim to interpret the above verse does not produce an absolute ruling that the establishment of Islamic state is obligatory.

Thus, while the Islamists have the right to interpret the text the way that they have, framing it as an absolute obligation is incorrect and is also a violation of jurisprudential reasoning.

This violation of jurisprudential reasoning resonates negatively upon the wider Muslim community as it contributes to the willy-nilly declaration of Muslims who do not agree with the Islamists as takfir (ruling a Muslim as apostate). The misuse of takfir not only polarises Muslim community but, in addition, it is also jurisprudentially erroneous as passing judgement on a person or group as kufr (apostate/infidel) can only be carried out by an Islamic judicial authority. If there is no Islamic judicial body able to determine the apostasy of a person, that right is not transferable to any other party.

Besides the incorrect jurisprudential reasoning deployed to justify their argument for the establishment of an Islamic state, the narrowness of the Islamist interpretation is also unacceptable as it limits the options available for Muslims in contemporary society. Those who view Islam's positive role in politics as the development of the best possible framework for government balancing Islamic principles and the contemporary situation have no space. Unfortunately, the majority of Islamists have an overly simple view of a truly Islamic state where the state is ruled by a Muslim ruler and syariah is an enforced legal code that is the sole basis of law. To the Islamists, a government is considered unIslamic if any one of the above criteria is not met – regardless whether it possesses other positive aspects that are in line with the Islamic teachings.

Such absolutism needs to be corrected because, as demonstrated above, it has no basis from the perspective of the jurisprudential methodology used in Islamic studies. The disagreement as to whether an Islamic state is obligatory or not falls under the area Muslim scholars regard as majal al-khilaf – an area where disagreement is inevitable and permissible. In this respect, the jurisprudential maxim that should be applied here is: *la inkar fi masail al-ijtihad* (no denial to permit an opinion in issues that are open to independent judgement).

In conclusion, Islam allows Muslims to “agree to disagree” on the obligation of establishing an Islamic state and any disagreement that arises thereof should not be the cause of hostility between the differing parties.

While offering the argument that the establishment of an Islamic state is non-obligatory in Islam, the argument here does not suggest that the establishment of an Islamic state is haram (prohibited) or heresy. It only means that Muslims who view Islam as inseparable from politics have more options to ensure Islam's positive role in politics than what the Islamists offer.

Political power is not directly related to a Muslim's obligation to live by the syariah. Muslims are required to live by the syariah in all circumstances, whether they hold political power or not. However, the syariah must be understood in its truest meaning that encompasses rituals, faith, moral values and not simply a legal code to be enforced. Furthermore, Islam does not

dictate that all in the syariah should be established through legal means. Most importantly, the obligation to live by the syariah is not unconditional as the Quran maintains, “So keep your duty to Allah as best you can” (The Quran, 64:16) - thus holding that every effort must be moderated by a realistic view and within existing constraints.

Political power via an Islamic state does not guarantee the ability of Muslims to live fully by the syariah because constraints will still exist in various forms owing to God’s design of His creations. Thus, living as a Muslim within constraints is a necessity that does not necessarily lower his status in the eyes of God.

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