Islamic Political Thought and Modern Practice:
Investigating Islamic Ethics and Political Praxis in Modern Constitutionalism

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Abstract

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In this thesis, I attempt to address some controversial questions. Where is the place of Islam in the modern state? What is Islamic governance? Should Islam have an overt, or subtle role in politics? Why is the Islamic heartland in the Middle East, North Africa, and beyond continuing to be plagued by cruel despots, weak economies, and socio-political instability, among seemingly countless other issues. Most perplexing is the inconsistency between the actions and policies of the Muslim ruling elite, and the clear moral-ethical foundations established in Islam and by the Prophet Muhammad. In chapter one this study will seek to answer two specific questions. First, what is the historical nature of Islam's place in politics? Second, how should a state incorporate these ethics in a modern constitutional framework? In chapter two, I outline the thematic and legal approaches, and key principles to Islamic political ethics based on the Quran, the Nahj al-Balagha, and the Constitution of Medina. Chapter three will continue examining the most important political themes and principles of Islamic society as they continue to develop into the Classical Islamic Era. Chapter Four will bridge the established Islamic political themes and principles with modern principles of constitutional governance. However, in this chapter, the post-colonial models will be challenged.

Finally, Chapter Five will look at the thematic principles and ethics that have existed throughout Islamic history and connect them to a modern case in the Arab world. These ethics will be primarily analyzed through the constitutional system of Lebanon,

and its de-facto leading party, Hezbollah. Arguably the most "successful-failed state" in the Middle East, Lebanon which prides itself on religious pluralism also suffers from severe state corruption, socio-political instability, and a broken economy. Thus, as one of the most extreme cases, it is interesting to see how modern Lebanon facilitates the socio-religious ethics of its diverse people. It also serves to look at how Hezbollah continues to govern in many ways as a state-within-a-state according to a unique Islamist doctrine. By comparing these cases and looking at their explicit and implicit praxes, a more practical view of Islam's true place in politics could be discovered. This thesis will conclude by answering the question of Islam's role in Arab constitutional politics and provide a suggestion for a rethinking of the current status quo concerning Islam's role in "Islamic" constitutions.

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INTRODUCTION

Why Investigate Islamic Ethics and Politics?

In this thesis, I attempt to address some controversial questions that have perplexed both myself and many Muslims for more than a century. Where is the place of Islam in the modern state? What is Islamic governance? Should Islam have an overt, or subtle role in politics? As an observant Muslim raised in a non-Islamic and thriving society I question, like many modern Muslims, why the Islamic heartland in the Middle East, North Africa, and beyond continue to be plagued by cruel despots, weak economies, and socio-political instability, among seemingly countless other issues.

Most perplexing is the inconsistency between the actions and policies of the Muslim ruling elite, and the clear moral-ethical foundations established in Islam and by the Prophet Muhammad. Thus, this study seeks to understand whether or not a historic chain of political tradition that remained for centuries still exists today. I hope that I can shed some light on this, and help readers understand the historical Islamic political tradition and ethics, and if they do (or can) in fact exist today. Across the Islamic world today, Muslims face unique challenges following the rise of the modern nation-state but, none has been more prevalent than the question of where one ought to find Islam in a modern state. The reaction to this question has affected Muslims within the heartland of the Islamic world, and beyond.

In chapter one this study will seek to answer two specific questions. First, what is the historical nature of Islam's place in politics? Second, how should a state incorporate

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these ethics in a modern constitutional framework? In response to these questions, we will briefly look at the history of Islam and politics. In chapter two, I will outline the thematic and legal approaches, and key principles to Islamic political ethics based on the Quran, the *Nahj al-Balagha*, and the *Constitution of Medina*. Rather than examining these documents alone, it important is to examine them within the context of early Islamic societies. These ideas on Islamic political ethics and the inclusion of the Quran and, *ahadith* are the basis for the development of an Islamic political evolution. Chapter three will continue examining the most important political themes and principles of Islamic society as they continue to develop into the Classical Islamic Era.

This chapter will be important to distinguish what the key ethical engagements are between Islam and politics and how classical political philosophers adopted them into their works. This chapter will establish the Classical Islamic Era as the longest period of development in the Islamic world exemplifying custom (*'urf,*) in law and politics. For example, how politics were conducted between African, Turkish, Persian, and Arab speaking worlds under the umbrella of Islam often varied on a case by case basis. However, many thematic concepts and trends traveled between empires and dynasties. As a result, diverse religious ethics were found within the Arab world which integrated Turco-Persian, Andalusian, Greco-Roman, and other influences. Several Sunni and Shiite scholars will be referenced since this paper understands Islamic orthodoxy to include both branches. Furthermore, there is no need for differentiation between the two since ethics remain generally constant within the orthodoxy.

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Chapter Four will bridge the established Islamic political themes and principles with modern principles of constitutional governance. Not only are they complementary to one another in terms of ethics but, Islamic political ethics are evidently quite malleable. Thus, implementing a nation-state order under a constitutional framework can utilize Islamic ethics. However, in this chapter, the post-colonial models will be challenged. While ethics dictate law and politics, some principles pose challenges to Islamic governance. In particular, is the vagueness of constitutionalism which at times allows the rule of law to be bypassed by corrupt regimes. While constitutionalism posits the rule of law above institutions and members of government, state corruption remains a problematic issue in the modern Arab world.

Finally, Chapter Five will look at the thematic principles and ethics that have existed throughout Islamic history and connect them to a modern case in the Arab world. These ethics will be primarily analyzed through the constitutional system of Lebanon, and its de-facto leading party, Hezbollah. Arguably the most "successful-failed state" in the Middle East, Lebanon which prides itself on religious pluralism also suffers from severe state corruption, socio-political instability, and a broken economy.[1] However, Lebanon is a multi-religious confessionalist society, and of interest to the international community primarily because of its strategic position to its neighbors, and because of Hezbollah's existence.

Thus, as one of the most extreme cases, it is interesting to see how modern Lebanon facilitates the socio-religious ethics of its diverse people. It also serves to look at

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[1] See, Shadi Hamid. "Arab Democracy Depends on Normalizing Islamist Parties" in, The Atlantic, July 3, 2018.

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how Hezbollah continues to govern in many ways as a state-within-a-state according to a unique Islamist doctrine. By comparing these cases and looking at their explicit and implicit praxes, a more practical view of Islam's true place in politics could be discovered. This thesis will conclude by answering the question of Islam's role in Arab constitutional politics and provide a suggestion for a rethinking of the current status quo concerning Islam's role in "Islamic" constitutions.

CHAPTER 1

Incorporating Islamic Ethics and the State

Starting from the Prophet Muhammad's establishment of the State of Medina, this study analyzes the earliest sources of Islam's relation within politics. Since politics evolved under the Prophet and his contemporaries, it serves to understand the historical timeline following his death to the modern era.[2] Following what this study defines as the *Early Islamic Era*, it will analyze the works of several Muslim political thinkers in the *Classical Islamic Era*.[3] What one will discover is a plethora of manuals and advice literature on how to rule within various Muslim dynasties. However, not a single one of these manuals utilize the Quran and *Hadith* as a purely literal sources of politics but, rather mold their respective traditions by infusing them within the Islamic tradition.

Thus, this paper challenges modern views of Muslims (and critics of Islam, for that matter) who reduce Islamic politics to a literalist interpretation of the sacred text. What one will discover throughout the analysis of intellects such as Ibn al Muqaffa (d. 139/750), Abu Nasr Muhammad al-Farabi (d. 339/950), Nasir ad-Din Tusi (d. 673/1274), Ibn Khaldun (809/1406), and others is thematic advocacy for principles of **just governance, social order, and public welfare**. The origin of these themes is found first

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[2] The Early Islamic Era for the sake of this study, starts from 610 CE to the height of the Abbassid rule (roughly the 10th century.) These were the formative years for the political establishment of Islam under the Rashidun, Umayyad, and Abbassid Caliphates which extended Islam's influence from Western Europe to Central Asia.

[3] This period is in reference to the bulk of Islamic history. The Classical Islamic Era encompasses the 10th to 16th during this time, Islam spread throughout various regions which infused the influence of various other political traditions. Persian, Greek, Arab, Turkic, and many other traditions began to influence the political traditions of various dynasties throughout this time. Classical period ended with Ottoman defeat by Russia in 1699 the battle of Karlowitz and following a second defeat in Kuche Kinarji 1774 centuries. See, Periodization of Islamic History.

and foremost in the Quran. While there are other themes that classical Muslim scholars discuss based on interpretation of the Quran and *Hadith*, most of the Islamic political advice literature during this era can be broken down into the three aforementioned principles. On just governance, these writers emphasize the importance of law and, the reverence of scholars (*ulama*) and jurists (*fuqaha*). In practice, this becomes an interesting relationship between rulers and the clergy for establishing political legitimacy.[4]

The *ulama*, while historically not controlled by the state have been important challengers to rulers seeking to gain and maintain legitimacy within their respective governates. Thus, adherence to the Quran, the Prophetic traditions (*sunnah*), and the advice of the *ulama* was necessary but, not exclusively sufficient for an Islamic state to function according to the accepted ethics on just governance. The establishment of public welfare ensured that the state provided an opportunity for public institutions to function for the advancement and betterment of society.

One need not look further than the well-known institution of Islamic endowments (*awqaf)* which were untouchable economic pillars for public welfare during the classical era.[5] Advice literature touches on this component of an Islamic society, stressing its importance within the realms of the ruler's state. Finally, the provision of social order was heavily emphasized by Islamic political thinkers. These writers discussed a concept of social cooperation between classes, allowing for different types of professions to

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[4] This claim holds true concerning the Sunni Islamic world, whereas the Shi'a tradition developed its own political theory unique to itself and, in many cases different to the Sunni tradition.
[5] Muhammad Zubair Abbasi. "The Classical Islamic Law of Waqf: A Concise Introduction." *Arab Law Quarterly.* 26, no. 2 (2012): 121.

promote various economic necessities for the state. Furthermore, when looking at these conversations in light of the Quran and a*hadith*, one can conclude that an Islamic political order promotes economic security and anti-corruption.

However, while primary Islamic sources deliver some historically contextual cases, there is no direct manual for how to implement politics, law, economics, social order, etc. This study will constantly refer to the Quranic injunctions on justice (*'adl*), order, and public welfare. By analyzing these themes and cases, this study will show that Islamic politics are not derived necessarily from literalist or explicit references to the Islamic source texts but, instead are implemented implicitly through ethics and law. A major principle that facilitated these tools was the application of the Islamic principle of expediency (*maslahah*). *Maslahah* was used to justify non-religious and often non-Islamic government policies under the Umayyads and Abbasids to maintain order and security. This brings readers to this paper's second, and likely more relevant question to the modern-day (especially in the Arabic speaking world.)

Ultimately the reason this study must focus primarily on the Arab world is because, unlike in countries such as Iran or Turkey, the identity crisis between religion and politics is far less present. This is especially true considering that many Arab countries adopted Westphalian state models yet, maintained religion as the primary source of law, social practice, and politics. Unlike Central Asia, the Arab world was not forced into adopting other ideological frameworks by larger powers such as the USSR.[6]

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[6] For examples of this complex between religion and identity see, Johan Rasanayagam. "The Politics of Culture and the Space for Islam: Soviet and Post-Soviet Imaginaries in Uzbekistan." *Central Asian Survey* 33, no. 1 (2014): 1–14. For more examples in Azerbaijan see, Nijat Mammadi's review of recent polling data in "*Islam and Youth in Azerbaijan,*" https://bakuresearchinstitute.org/islam-and-youth-in-azerbaijan/.

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In the case of Turkey, the Kemalist shift from Ottoman decline was both a blatant control and rejection of Islam in the state sphere.[7]

Finally, the Arab states are mostly Muslim and offer censuses that exemplify a Muslim majority. Within the Arab world religion, particularly Islam is a reality inseparable from politics. This is not to say that the case cannot be made for other significant Muslim populations in Sub-Saharan Africa, South/South-East Asia, and beyond. However, this thesis will primarily focus on the Arabic speaking world due to the scope and limitations of this study. It is without a doubt that Islam plays a heavy hand in the spiritual, social, and political corners of Arab society.

The sources to be included are the Quran, the prophetic traditions (*sunnah*), early Islamic politics in the *ahadith*, and Ali bin Abi Talib's compiled writings and sermons, the *Nahj al-Balagha*.[8] Following the early sources will be an analysis of the classical works of various Muslim scholars. After establishing the trends and themes in their political works, an analysis of how an ideal Islamic political order should function will then be looked at in compatibility with a modern constitutional system. Early Modern scholars were gravely concerned with the status of Islam in the changing political landscape of the Middle East. Their student Shakib Arslan was particularly concerned with the nationalization movement pursued by the Ottomans which paved the way for the

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[7] For examples on the Kemalist mobilization for control over Islam in Turkey see, Ahmet Kuru. "The Rise and Fall of Military Tutelage in Turkey: Fears of Islamism, Kurdism, and Communism." *Insight Turkey* 14, no. 2 (April 1, 2012): 37–57.

[8] Debates have arisen as to the authenticity of this text, since it was compiled many years after the death of Ali bin Abi Talib. Nevertheless, while its authenticity is debated, its significance and acceptance into the orthodoxy of Islamic societies cannot be ignored. It is a reference point for significant number of Muslims and while there is a possibility that its authenticity can be legitimately questioned, the ethical parameters undoubtedly fall in accordance with the Islamic records on the character of Ali bin Abi Talib.

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formation of modern Turkey. Arslan will be briefly discussed to exemplify the intellectual reaction to Islam in Mandate/post-colonial Lebanon.

To answer these questions one must briefly look at how Islam and politics have existed in the Modern Era until today.[9] Islamic societies have struggled to secure and develop efficient systems of governance and political orders. Islam and politics have been primarily reduced to two camps. The Islamist camp and the Muslim secularist camp, both of which often misunderstand the historical context of Islam in politics. This study argues that these camps are merely reactions to domestic and international pressures to place Islam in the modern order. This reactionary objective is not however, the "natural order" between Islam and the state. The natural order of an Islamic governing framework has always openly accepted political hierarchies, social class cooperation, protection of institutions, and practical goals for efficient governance. This thesis defines efficient governance in light of the Islamic tradition of providing just governance, public welfare, and social order.

Why is it important to understand these concepts in light of the Islamic world today? It is important because there is not a single Muslim majority state today that espouses a true commitment to just governance, social security, anti-corruption, or even glorification of Islam as a source of ethics for social order. Due to their colonial heritage, modern Muslim-Arab states were not designed to do so. The reality of modern Muslim

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[9] With regard to Islam and politics, the Early Islamic Era exemplifies its formation, while the *Classical Islamic Era* exemplifies its evolution. The *Modern Islamic Era* begins around the 19th century until the 1980s followed by the Post-Modern era. It is at this point that Islamic Empires and governates, such as the Ottomans begin to adopt reforms to integrate modernity into their political system. Thus, challenges with establishing the nation-state and reforming under colonialism continue to have a lasting impact on the politics of today's Islamic world.

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majority populations, at least in the Arabic speaking world, is that they seek the

dignification of Islam in their public lives but, not at the cost of their freedom or welfare.

This is evident in a vast array of public opinion indexes that assert such conclusions in

their findings.[10] From a spiritual point of view, the aforementioned principles undeniably

fall under the Quranic injunctions of justice, charity, and stability over the community

(*ummah*). From a practical standpoint, adherence to Islamic political ethics in a

constitutional framework can ensure the impetus for modern anti-corruption programs,

and case by case transitions to successful statehood.

Historically these challenges have been major barriers for Muslim majority states,

especially in the wake of trying to apply western constitutional models of governance.

Modern Muslim majority states in the "heartland" of the Islamic World, have mostly

failed to recover from the post-colonial experience.[11] Even at the turn of the 20th century,

with the rise of secularism and nation-statehood, the Islamic world had varying regional

experiences. For the sake of this paper, the Arab World, specifically Lebanon, will be

studied in light of these ideas. While each Arab state has particularities that distinguish its

political and economic challenges from another, themes of authoritarianism, corruption,

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[10] According to the Arab Center's 2017-2018 "Arab Opinion Index", approximately 65% of surveyed Arabs consider themselves "religious" (in other words, practicing) citizens. Within that study, approximately half of the surveyed individuals believed religion should play an active role in politics while the other half believed in a separation of religion and state. Interestingly, 72% of individuals believed that religious clerics should not be involved in politics. So, while religion is important to the local Arab populations, this data suggests that those in favor of Islam's existence in politics are not necessarily Islamist, nor in favor of clerical rule (unlike modern Iranian theocracy.) Furthermore, data advocating for a separation of mosque and state does not necessarily represent an areligious society but, perhaps a desire for more sound governance than mere religious representation. See, Arab Center Washington DC. "Arab Opinion Index." http://arabcenterdc.org/wp-content/uploads/2018/07/Arab-Opinion-Index-2017-2018-1.pdf. 12.

[11] The Islamic heartland, for the purpose of this paper, is defined as today's Middle East and North Africa (MENA Region.) More specifically it includes today's Morocco, Algeria, Tunisia, Libya, Egypt, Sudan, Syria, Lebanon, Palestine, Iraq, Saudi Arabia, the small Gulf states, as well as Turkey and Iran.

ineffective bureaucracy, poverty, and above all else a lack of state-stability run throughout these countries. Thus, the general trends of the Arab world will be referenced concerning this thesis.

This study will make two arguments regarding the question: To what extent can Islam be present in modern state politics? The first argument is that classical Islamic political ideas are natural to the Arab world and existed within Islamic societies from the rise of Islam to the pre-modern era. Thus, they should be revisited when addressing the political climate of today's Islamic-Arab world. The second argument is that modern constitutional democratic systems can facilitate democratic ideas and constitutionalism. Islamic ethics can motivate anti-corruption, adherence to the rule of law while addressing political challenges that since modernity, have led Muslims to believe that secular areligious democracies are the best path to successful statehood.

CHAPTER TWO

Early Islamic Governance in the State of Medina

Before looking at the primary sources of political ethics in Islam, it is important to view the earliest example in practice. The first true Islamic state, the State of Medina, was founded by the Prophet Muhammad in the first *Hijra* year of the Islamic calendar (622 CE.) It established an ethical basis for engaging in the domestic and foreign politics of its time. Indeed, it is the purest example of the relationship between temporal power and spiritual authority in Islamic history. No other individual in Islamic history was able to manifest legitimacy in both material politics and spiritual leadership as the Prophet himself.[12] Upon invitation from the people of Yathrib, in 622 CE/1 AH the Prophet Muhammad and his companions entered the city and drafted a constitution to establish social and legal order within their new state.[13]

Before the establishment of the first Islamic state, between 610-622 CE the Prophet primarily led Muslims as a spiritual authority. Through the gradual revelation of the Quran, he emphasized a message that heavily stressed spiritual enlightenment and communal ethical change. Upon the later founding of the State of Medina, its constitution marks a dramatic shift in the Prophet's role as the political leader of the Muslim community as well. One might argue that the *Constitution of Medina* is not

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[12] While it is arguable that the Rashidun Caliphs had temporal power and spiritual authority, none of them served as true spiritual heads. Rather, they merely utilized the Prophetic tradition and the Quran for their rhetoric and policies. With possible exception to Ali bin Abi Talib due to the spiritual legitimacy vested in him by the Prophet, it is overly presumptuous to assume that any other individual throughout Islamic history had a complete grasp over both the temporal and spiritual.

[13] Martin Lings. *Muhammad: His Life Based on the Earliest Sources*. Rochester, VT: Inner Traditions. 2006. 121.

"constitutional" in the modern sense and thus, serves as a poor example of how an Islamic ethic can flourish in modern constitutional states. This is a weak argument for several reasons but, primarily because it looks at the *Constitution of Medina* as a literal basis for Islamic governance. One could counter-argue that in fact, it is much like a modern constitution in that the rule of law superseded the influence of the wealthy and powerful. Furthermore, the constitution created a pluralistic society that promoted religious freedom, social equity under a single *ummah* which paved the way for a framework for an ideal Islamic state.

Approximately 47 edicts were amalgamated into the *Constitution of Medina*.[14] This constitution contained several agreements between the tribal and religious groups of Yathrib and the newly arrived Meccans. Many treaties, political changes, and military campaigns began under the Prophet Muhammad's leadership. For example, the constitution established legal frameworks for not only Muslims but, non-Muslim subjects as well.[15] Among the most important characteristics, the Prophet established a new concept of social cooperation and order within Medinan society. Indeed, religious plurality and legal representation became the strongest political pillars for early Islamic society.[16] Thus, it is important to look at the components of the State of Medina to understand what type of ethical trends were implanted during this period.

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[14]Muhammad Hamidullah. *The First Written Constitution in the World: An Important Document of the Time of the Holy Prophet.* 3d rev. ed. Lahore, Pakistan: Sh. Muhammad Ashraf, 1394/1975.
[15] Ibid.
[16] This is reaffirmed by the *Sahaba*, especially the Rashidun Caliph, Imam Ali bin Abi Talib. However, Islamic social egalitarianism changed post-Umayyad expansion of the Islamic world. Under the Umayyads, Persian, and Byzantine influence began to seep into the Islamic political stage, and Arab populations began to take priority under their rule. Political influences were predominantly rooted in Sassanid Persian ethics which were well-established methods for governance in the pre-Islamic era. Imam Ali's predecessor Umar

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Ibn Ishaq, the great historian documents the full proclamation in his *Sirat al-Rasul Allah* (*Life of the Messenger of God*.) In these documents, the Prophet begins with the establishment of loyalty to the Banu 'Awf and other Jewish tribes of the former Yathrib.[17] The Prophet introduces justice and kindness as the first tenets of this constitution and addresses it to not only Muslims but, all the believers.[18] State loyalty superseded religious and tribal affiliations, which in theory is not much different from the expectations of loyalty to the state found in modern constitutional democracies. This is evident when the constitution claims that "*Yathrib shall be sanctuary for the people of this document*."[19] Why is this statement important? It politically establishes that the state and not necessarily Islam is what the people owe allegiance to.

Indeed, while the Muslims and Jews derive their spiritual authority from different sources, the mutual acceptance of each other under the state is what allows for a pluralistic society. This pluralistic society is subject to the laws within the constitution which in turn derive from the ethical parameters of Islam. For it would be impossible to argue that the Prophet and his companions had a political ethic that countered Islamic values.

Thus, if it does not fall outside of the Islamic ethical framework, then it can be implemented with ethics in mind. While this does not make a particular law or tradition inherently Islamic, the very fact that a law is in consultation with spiritual authority

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saw social egalitarianism as a necessity to a growing Arab population in Kufa, Yemen, Persia, and Byzantium. However, he and Ali had differences on what political ethics should enter the first Islamic state.
[17] See, Ibn Ishaq's *Sirat Rasul Allah - The Life of Muhammad* Translated by A. Guillaume. 232.
[18] Ibid. 232
[19] Ibid. 233.

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establishes a political connection between statecraft and religion. Since Islam is the natural and primary source of ethical social life in today's Islamic world, there is no reason to assume that it can be successfully avoided in politics either. As a primary source of ethics in today's Islamic societies, one does not need to look further than the very interactions between Muslims. Social traditions such as the manners in which one must have when communicating to members of the community or, institutional traditions such as *masajid* as the centers of local Islamic communities, exemplify the materialized Islamic tradition that guides the lives of Muslims everywhere. Ultimately, an ideal Muslim character is one that embodies the characteristics of the *Sunnah*. In other words, Islamic ethics in their life and society.

The Prophet Muhammad implemented something that is not necessarily exceptional but, rather unique. Justice and law are a focal point for the ethical basis of an Islamic political order. Furthermore, the Prophet's constant reference to the roles of each tribe in Yathrib, that of Muslims and Jews, establishes a sense of order and social cooperation that was necessary to the State of Medina (and continues to be an important principle throughout Islamic history.)[20] Thus, with the inclusion of diverse tribes, religions, and peoples, much like in war, politics began to incorporate other traditions that fell within the parameters of Islam. Different societies posed different levels of influence but, almost immediately after the fall of the Rashidun Caliphate and the rise of the Umayyads, Persian and Greek traditions entered the Muslim political realm.

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[20] Ibid. 232

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While the Rashidun Caliphate was much more tied to the pre-Islamic Arabian way of life, the succeeding caliphs had serious discussions as to what extent foreign traditions should be followed. For example, Umar ibn al-Khattab desired limitations to the inclusion of Sassanid ethics in the State of Medina while Ali bin Abi Talib incorporated fiscal and legal equity found within Sassanid traditions.[21] Eventually, Mu'awiyya the founder of the Umayyad Dynasty abandoned the Rashidun frameworks for preference over the institutionalization of tribal oligarchy.

These examples serve to pose a question: what is "*Islamic politics*?" One may argue that *Islamic politics* is not necessarily purely rooted in Islamic sources but, rather is influenced by a series of ethical principles that stem, almost perennially, from other traditions that have no conflict with Islamic values. The earliest Islamic sources such as the Quran, *ahadith*, and even the *Nahj al-Balagha* do not provide a direct manual on how to govern. Instead, they provide a series of examples for which succeeding Islamic societies derived values and ethics that influence politics, whether they were Persian, Turkish, Arab, etc. Nevertheless, justice, social order, and public welfare continued to be principles that were emphasized throughout Islamic political history. An analysis of the earliest source materials exemplifies this.

Early Islamic Governance through the Earliest Sources

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[21] It was Ali bin Abi Talib who claimed that the lowest of wealth is the highest in the eyes of God and that without knowledge there is no merit to a man. These principles continue to exist in the political writings of individuals such, Abu Nasr al-Farabi, and Nasir ad-Din Tusi, who conceptualized theoretical frameworks for Islamic social classes as solutions to the inequities within their societies. For more specific examples see, Sharīf al-Raḍī, Muḥammad ibn al-Ḥusayn, and Naqvī, 'Alī Naqī. *Nahj Al-Balāghah: Selection from Sermons, Letters, and Sayings of Amir Al-Mu'minin, 'Ali Ibn Abi Talib*. Qum: Ansariyan Publications, 2002.

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Justice, order, and public welfare are often mentioned throughout the Quran, *ahadith*, and the *Nahj al-Balagha*. Throughout the Quran alone, "justice" appears 24 times within 22 verses.[22] According to Dr. Seyyed Hossein Nasr, the concept of justice "*is a key concern in the Quran.*"[23] One of the first important mentions of justice is in *Surah al-Nisa* (Chapter on The Women) which claims:

> "*O you who believe! Be steadfast maintainers of justice,*
> *witnesses for God, though it be against yourselves, or your*
> *parents and kinsfolk, and whether it be someone rich or*
> *poor, for God is nearer unto both. So follow not your*
> *caprice, that you may act justly. If you distort or turn away,*
> *truly God is Aware of whatsoever you do.*"[24]

In a connection between both the physical and metaphysical, God establishes the concept of balance in revelation. As a result of this emphasis within the Quran, numerous verses have mentioned balance in affairs of justice and order.[25] In the *Nahj al-Balagha*, Ali bin Abi Talib was quoted as saying: "*No individual is lost and no nation is refused prosperity and success if the foundations of their thoughts and actions rest upon piety and godliness, and upon truth and justice.*"[26] As the first official judge (*qadi)* to succeed the Prophet, Ali bin Abi Talib's *Nahj al-Balagha* serves as a continuation of the ethical foundation for governance and regulating society found in Islam's socio-political beginnings.

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[22] Seyyed Hossein Nasr. *The Study Quran: A New Translation and Commentary.* First edition. New York, NY: HarperOne, Collins Publishers, 2015. 252.

[23] Ibid. 253.

[24] Seyyed Hossein Nasr, *The Study Quran.* 4:135. 252.

[25] Ibid. In Dr. Nasr's commentary, various examples pertaining to order, or in this case, balance can be found in verses 15:19. 55:7, 57:25. Furthermore, God's love for the "just" can be found in verses: 5:42, 49:9, and 60:8. This paper equates social order with spiritual connotations of balance. However, due to the scope, goal, and limitations of this paper, it cannot go through every verse and commentary. Rather these verses should be referenced as examples for to establish an ethic of justice in Islamic politics.

[26] See, Sermon #21 in the *Nahjul-Balagha, Sermons, Letters and Sayings of Imam 'Ali*, translated by Syed Mohammed Askari Jafery, Tahrike Tarsile Qur'an, New York, Second American Edition, 1981.

Justice yet again becomes the primary ethical principle upon which early Islamic governance is primarily based and becomes a crux for which social order and the provision of public welfare are maintained in society. The concept of order is much more nuanced. Stemming from justice, the concept of order/balance *(al-mizan)* was pivotal to the establishment of sound governance in the Islamic tradition.[27] In *Surat al Nahl* (Chapter on The Bee), God says "*Truly God commands justice, virtue, and giving to kinsfolk, and He forbids indecency, wrong, and rebelliousness. And He admonishes you, that haply you may remember.*"[28]

Justice in this sense has a linguistic connotation to balance or moderation.[29] Thus, spiritually speaking, there is undoubtedly a connection between temporal manifestations of moderate law, and the ethics and morality behind its implementation (whether that temporal implementation is political or legal.) Early *ahadith* confirm this alongside the sermons of Ali bin Abi Talib, as well as in the ethical themes of the *Constitution of Medina*, which established that justice and order were mutually aligned. More simply, justice prefaces order and puts everything in its proper place.[30]

Finally, regarding public welfare, the idea should be distinguished with the historical context in mind. Indeed, this study will later state that constitutionalism can provision the state-establishment of social services and welfare. However, in the Early Islamic Era, this took the form of *zakat* as not only a religious necessity but, an institution

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[27] Ali M. Lakhani, Leonard Lewisohn, and Reza Shah-Kazemi. *The Sacred Foundations of Justice in Islam: The Teachings of ʿAlī Ibn Abī Ṭālib*, Bloomington, Indiana: World Wisdom, 2006. xiv.
[28] Seyyed Hossein Nasr. *The Study Quran*. 16:90. 681-682.
[29] Ibid. 681.
[30] Ali M Lakhani, Leonard Lewisohn, and Reza Shah-Kazemi. 27.

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for public welfare. Basic human necessities were often explained by the Prophet in the *ahadith,* serving as a basis for what mankind is owed by the ruling authority. According to al-Tirmidhi, in the *Hadith* narrated by 'Uthman ibn Affan, "The *Prophet (peace be upon him) said, "There is no right that the son of Adam is more entitled to other than these (four) rights: A home to live in, a garment to cover his nakedness, a piece of bread, and water."*[31]

The Prophet perceived bread, water, shelter, and clothing, as necessities for humans to live.[32] This example is important, as now human beings face different kinds of challenges concerning health, security, safety, etc. Thus, by analyzing these early *ahadith*, scholars can infer that modern standards of human rights and basic necessity must be met in their respective states (i.e. electricity, proper living facilities, healthcare, education, etc.) In collected letters of the *Nahj al-Balagha*, Ali bin Abi Talib made direct mention to the necessity of local governors ensuring that the less fortunate of their communities be helped financially.[33]

Indeed, the sources of Islamic political guidance in the form of the Quran, *ahadith*, *sunnah*, and the *Nahj al-Balagha*, explore and prioritize the very themes of justice, order, and public welfare. As the oldest sources for Islamic political ethics, these records should be explored further. The aforementioned examples are not intended to be

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[31] Nawawī, and Shuʻayb Arnāʼūt,. Riyāḍ al-ṣāliḥīn, (1st. ed.) Bayrūt: Muʼassasat al-Risālah, 1982. 105.
[32] In fact, to this day, if one looks to the grievances of protesters in the Arab world, these very same issues are central to their movements. These very same things are still important to sustaining human life.
[33] Ali M Lakhani, Leonard Lewisohn, and Reza Shah-Kazemi. 92.

analyzed comprehensively in the scope of this study, but rather to establish the earliest traditions and themes in Islamic ethics and politics.

The next part of this chapter sets out to explain that, like in the *Constitution of Medina*, Islamic ethics of governance emphasized and perhaps even necessitated justice, social order, and public welfare. However, Islamic ethics, while not always explicit, remain at the heart of Islamic political advice and doctrine. With these ethics in mind, it is important to briefly look at the aforementioned themes and influences in the Islamic world following the rise of Umayyads, Abbassids, Mamelukes, and various other dynasties. More specifically, it will look at the brief inclusion of Persian, Greek, and other ethical influences.

Development of Classical Works and Themes Classical

While The Prophet Muhammad introduced many socio-political changes to the Arabian Peninsula, the eventual expansion of the Rashidun Caliphate extended to Persia and Byzantium. With Islam came a new establishment and basis of ethics but, administration and political evolution are also indebted to other intellectual and political traditions. Sassanid, Greek, Byzantine, and various other traditions entered into Islamic political development. With different political values and an ever-expanding Islamic world on the horizon, many of the new patricians of the Muslim communities brought with them scholars and statesmen that advised rulers on how to govern effectively and ethically.

Thus, Plato, Aristotle, the Sassanid's, and others, play a significant role in the intellectual development of Islamic politics. This can be seen through individuals from

the 8th century Umayyad and Abbassid statesmen, Ibn Muqaffa to the 13th-century scholar Ibn Khaldun. By analyzing the works by elite Muslim statesmen from Ibn Muqaffa to Ibn Khaldun, the evolution of justice, social order, and public welfare remain while simultaneously changing in implementation within their respective societies.

Abdallah bin al-Muqaffa's *Risala fi al-Sahaba* contains his thoughts on issues particular to the Abbassid state.[34] Justice and order play a major role in his discourse on the caliph's court and ironically, he was executed by the Abbasids as a political opponent and for questioning Caliph al-Mansur.[35] Abu Nasr Muhammad al-Farabi believed that sound governance was the source of social order and just leadership stemmed from achieving societal happiness. In his book, al-Madīna al-Fāḍila, his advocacy of social cohesion calls for the importance of justice, order, and can often be routed back to the jurisprudential principle of *maslaha*.

In Nizam al-Mulk's *Siyāsat-Nameh* (*The Book of Government*,) themes of just governance and order are pivotal to his understanding of how to govern. Nasir ad-Din Tusi culminated the writings of the aforementioned scholars into a comprehensive text called the *Akhlāq al-Nasiri, (The Nasirean Ethics*.) In Ibn Khaldun's *Muqaddimah* (Introduction,) social order is based on economics, cyclical theory, and history. Unlike the other scholars whose literary works are primarily focused on the ethics of their respective elites, Ibn Khaldun's analysis focuses on history as the mode of studying social concepts such as class.

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[34] István Kristó-Nagy. "Reason, Religion and Power in Ibn Al-Muqaffa." *Acta Orientalia Academiae Scientiarum Hungaricae* 62, no. 3 (2009): 285.
[35] *Oxford Islamic Studies Online*. "Ibn al-Muqaffa, Abd Allah."

In fact, in his *Muqaddimah*, he does not focus on justice, social order, or public welfare from the position of the ruler, but rather innately from the viewpoint of a functional society. With these scholars in mind, this study will exemplify how Muslim political thinkers were constantly concerned with the principles of justice, social order, and public welfare, in their respective states. Since justice is the crux of effective Islamic governance, it is interesting to see how justice is referred to by the aforementioned scholars.

Classical Islamic Political Thought on Justice

As discussed in earlier parts of this study, justice is central to the Islamic political ethic. The Arabic word for justice *'adl* etymologically stems from the meaning of "to straighten."[36] When looking at justice from the position of a ruling institution over a community, the relationship between language and politics deepens. Nizam al-Mulk quotes the Prophet Muhammad in saying "*A kingdom may last while there is irreligion, but it will not endure when there is oppression.*"[37] According to the early Islamic traditions, oppression is the antithesis to justice

Islamic intellects were often concerned with the possibility of oppression from within the ruling court. Distributions of power and the enactment of justice were of primary concern to Islamic thinkers.[38] According to Hans Daiber's analysis of Ibn Muqaffa's *Kitāb al-Ādāb al-Kabīr*:

> "*Central themes are friendship, prudence, justice, and moderation; knowledge and reason are cornerstones, which explicitly do not exclude the values of religion…. concepts of Aristotle's Nicomachean Ethics… and with parallels in the Zoroastrian encyclopaedia, Dēnkard Ibn al-Muqaffaʿ turns out to be a representative of Iranian-Sassanian traditions of the mirror of princes including*

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[36] Sümeyye Kuşakcı and İyigün, N. "An Ethical Administration Trilogy: The Concepts of Integrity, Justice, and Benevolence Based on Kutadgu Bilig and Siyasat-Nama." Is Ahlakı Dergisi 10, no. 1 (April 1, 2017): 121.

[37] Sümeyye Kuşakcı and İyigün, N. 130.

[38] See, Dalir Nayere. "Analytical Review of the Government-People Relationships Based on the Theory of 'Power and Justice' from the Perspective of Khadjeh Nizam al-Mulk." *Dulat/pizhūhī* 4, no. 15 (July 1, 2018): 41–77.

their Greek sources, and Islamic parenetic literature, as reflected in his contemporary Ṣāliḥ b. ʿAbd al-Quddūs."[39]

In his analysis, general trends are found in the influence of sources for concepts of justice. Furthermore, justice was, for Ibn Muqaffa, of immediate concern for the caliphate. In an attempt to espouse a just transition of power in the caliph's court, Ibn Muqaffa argued for the centralization of legal and political authority.[40] It is interesting to note his emphasis on law, which in other words is the application of justice and political practice. However, Ibn Muqaffa's ideas never fully lifted off, primarily because it challenged the al-Mansur's absolutist rule. Furthermore, upholding justice, moral righteousness, and the avoidance of luxury and opulence were recurring themes in his writings.[41]

The question of political legitimacy was a major issue during this time primarily because the fall of the Umayyads and subsequent rise of the Abbasids originated in the heat of rebellion.[42] Thus, for Ibn Muqaffa, the sensitivities of his time are evident in his *Risala*. Similarly to Alfarabian discourse, he believed justice to accompany virtue which in turn is accompanied by the nobility.[43] Al-Farabi interestingly shifts these ideas from the royal court to the foundations of society.

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[39] H. Daiber. "Das Kitab Al-Adab Al-Kabir Des ibn Al-Muqaffa' Als Ausdruck Griechischer Ethik, Islamischer Ideologie Und Iranisch-Sassanidischer Hofetikette." Oriens 43, no. 3-4 (2015): 273–292.

[40] Najm Al-Din Yousefi. "Islam Without Fuqahāʾ: Ibn Al-Muqaffaʿ and His Perso-Islamic Solution to the Caliphate's Crisis of Legitimacy (70-142 AH/690-760 CE)." *Iranian Studies* 50, no. 1 (January 2, 2017): 10.

[41] Ibn al-Muqaffaʿ, ʿAbd Allāh. "*Al-Adab ʾl-Kabīr.*" In *Rasāʾil ʾl-Bulaghāʾ*, edited by M. Kurd ʿAlī, 4th ed. Cairo: Matbạ ʿat Lajnat ʾl-Taʾlīf wa ʾl-Tarjama wa ʾl-Nashr. 76.

[42] Ibid. 14.

[43] Ibid. 16.

The *Virtuous City*, in the eyes of al-Farabi, requires a strong foundation of justice and order. One could argue that this concept of a perfect state mirrors that of a welfare state for its emphasis on justice, order, and serving the public good.[44] Furthermore, according to al-Farabi social cohesion provides a proper framework for justice and efficiency. The inhabitants of this city have different ranks depending on their status and closeness to the Caliph.[45]

According to al-Farabi, hierarchy functions in correlation to the central leadership which determines how society develops.[46] When justice is not a primary concern to build social order, al-Farabi argues that social cohesion collapses and the community regresses. For example, he defines a society lacking justice and morality as *al-Madīna al-Jāhila* (the Ignorant City) or the *al-Madīna al-Fāsiqa* (Sinful City) in which happiness is sought through corrupt practices.[47] The goal of these types of cities is to constantly subdue or destroy one another.[48]

In *The Perfect State*, *al-Mabādi ara Ahl al-Madīna al Fāḍila*, al-Farabi asserts that God is the central figure which guides people to societal happiness.[49] Furthermore, since society requires perfection, its inhabitants must work together to preserve and

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[44] For more details read, Galiya Kurmangaliyeva, and Aslan Azerbayev. "Al-Farabi's Virtuous City and Its Contemporary Significance (Social State in Al-Farabi's Philosophy)." *The Anthropologist* 26, no. 1-2 (October 1, 2016): 88–96.

[45] Muḥammad Al- Fārābī, Walzer Richardus, and Endre Gerhard. *Al-Farabi on the Perfect State: Abū Naṣr Al-Fārābī's Mabādi Ārā Ahl Al-Madīna Al-Fāḍila*. Oxford: Clarendon Press, 1985. 94.

[46] Macarimbang, Acmad Toquero. "Envisioning A Perfect City: An Introduction to Al-Farabi's Political Philosophy. "*Journal for Islamic Identities and Dialogue in Southeast Asia*, 1 (2013): 77.

[47] *Al-Fārābi's Mabādi Ārā Ahl Al-Madīna Al-Fāḍila*. 38.

[48] Ibid. 34. Inhabitants of the Ignorant City live in a permanent conflict and struggle between the classes. Interestingly, it almost predicts a scenario like the rise of Marxism which was generally implemented into anti-religious doctrine while also emphasizing class conflict.

[49] *Al-Fārābi's Mabādi Ārā Ahl Al-Madīna Al-Fāḍila*. 34.

develop it.[50] He uses the analogy of a healthy body with limbs and organs to symbolize the *Virtuous City*.[51] While different parts of the body have different significances in the natural order of their workings, the existence of one is not any lesser than another.[52] The reason one would enter a city of ignorance as opposed to one of virtue is due to social classes that are no longer in tune with their natural symbiosis. Referencing bodily organs as examples of rank, al-Farabi starts with the "*heart*" as the source of the body's life and moves toward other ranks such as the "*brain, spleen, liver*," etc. all of which have a different rank in closeness with the *heart*, yet are necessary for the efficient control of a healthy body.[53]

Classical Islamic Political Thought on Social Order

Social order for Islamic political thinkers was based on organization, hierarchy, and social class cooperation. In fact, order was so significant to Islamic scholarship that it usually accompanied discussions of justice and governance. Nizam al-Mulk believed it imperative that order is maintained under the sultan. He is quoted as saying:

> "*No king… can afford not to possess and know this book,
> especially in these days, for the more he reads it, the more
> he will be enlightened upon spiritual and temporal matters,
> the better he will appreciate the qualities of friends and
> foes; the way of right conduct and the path of good
> government will be opened to him; the rules for the
> management of the court, the audience hall, the diwan, the
> royal palace, and the parade ground, and the methods of
> administering taxes, transacting business and settling the
> affairs of the people and the army will be clear to him; and
> nothing in the whole realm whether great or small, far or*

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[50] Ibid. 229.
[51] Ibid. 231.
[52] Ibid. 231.
[53] Acmad Toquero Macarimbang. 73.

near, will remain concealed (if Allah wills - be He
exalted)"[54]

In the eyes of Nizam al-Mulk order was derived from justice. This is also prevalent in the

cooperation of an established hierarchy. Different classes had different responsibilities in

the eyes of Nizam al-Mulk which bred bureaucracy and separation of power. Later

scholars such as Nasir ad-Din Tusi believed order stemmed from social egalitarianism

and class cooperation under law.

While the early period established this through the life of the Prophet and his

contemporaries, succeeding dynasties began to incorporate foreign ethical traditions in

compatibility with Islamic values. For example, contrary to the orientalist perception of

hierarchy in the Islamic world, complex social class norms were conceived by Islamic

political thinkers from Greek and Persian sources.

Ibn Muqaffa similarly addressed issues of authority in which he claims that:

> "*If a ruler enforces correct religion among his people, and*
> *it is their religion that authorizes their expectations from*
> *him and imposes on them their obligations towards him, the*
> *people will be content; even the disaffected among them*
> *will be like the contented in their acquiescence in word and*
> *deed.*"[55]

Beneath the Caliph are *the Loyal Men*, experts in religion and law. These men were sent

into every avenue of society to uphold the values of the Caliphate. The *Loyal Men* were

to be stretched from within the army to the dynastic borders and especially in the cities,

to take people from harmful innovation.[56] He also emphasized the importance of

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[54] *Siyasat Nameh*. 3.
[55] István Kristó-Nagy. 286.
[56] István Kristó-Nagy. 287.

surveillance by trusted agents so that "*if anyone makes a move in a matter that concerns the commonality of the people a loyal eye will be watching him.*"[57]

While the caliph's word is supreme in matters of state, war, the collection and allocation of revenues, state law, (in cases where there is no precedent from the practice of the Prophet) he held no religious authority over the Quran and therefore no divine authority over the people.[58] Social class cooperation in Alfarabian logic had little to do with active civic involvement. Instead, the social concept of collective mobilization for social development was itself an act of civic participation. While Greek logic, political theory, and philosophy influenced al-Farabi's political ideas, it did not take away from the focus of Islamic principles as reasoning for achieving happiness.

Nasir ad-Din Tusi's contributions to political thought are also found in his work on metaphysics and ethics, as well as his role as a statesman for the Mongols.[59] For Tusi, Islamic society was innately dependent on the concept of justice, which is how he rationalized social divisions.[60] Like al-Farabi, Tusi believed that the conditions of society were measured by the king. Mankind was divided into several categories starting with the *Men of the Pen*.[61] These were the accountants, judges, clerics, statesmen, scientists, etc. This class was responsible for the trajectory of society as a whole.[62] Following this category, came the *Men of the Sword*, who enacted the prior's will unto society.[63]

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[57] Kristó-Nagy. 290.
[58] A point on the authority complex of the Umayyads is Ibn al-Muqaffa's word against the absolutism of the Umayyad Caliphate in which, he argues that if the caliph is pushing society into a direction that clashes with Islamic principles, he no longer needs to be followed. See, Kristó-Nagy. 293.
[59] *The Nasirean Ethics*. 134.
[60] *The Nasirean Ethics*. 136.
[61] *The Nasirean Ethics*. 143.
[62] *The Nasirean Ethics*. 188.
[63] *The Nasirean Ethics*. 191.

Scholars such as Ibn Khaldun would expand on these ideas, but the basis was a social division of labor cooperation.[64]

Referencing *Sharia*, Tusi quotes in his third section, the *Virtuous City*, and claims that religion and leadership must exist with one another. This divinifies the role of the leader in which the ruler emulates the divine hierarchy unto society, reminiscent of al-Farabi.[65] Furthermore, Tusi claims that:

> *"A man must consider the relationship of his state to the state of all the classes of mankind, his relationship to each class necessarily falling into one of three categories in rank he is either superior to in that class or comparable to it, or beneath it…"*

At first glance, it may seem that this would fall into an elitist discourse on the status of man. But, the principle of stature in social class does not necessarily define its importance. Rather the *Nasirean Ethics* was meant for the aristocracy, thus befitting of the narrative that the patricians of society must lead the lower echelons of society. According to Ibn Khaldun, class distinction in terms of moral worth has no relevance to race or wealth in Islam. Rather religion is the priority, with Muslims as the first of equals.[66]

Ibn Khaldun, through his analysis of social class defined social roles such as the *Men of the Sword*, *Men of Commerce*, *Men of Husbandry*, etc., that have been repeated

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[64]Guang-Zhen Sun. "Nasir Ad-Din Tusi on Social Cooperation and the Division of Labor: Fragment from The Nasirean Ethics." *Journal of Institutional Economics* 4, no. 03 (2008): 403.

[65] *The Nasirean Ethics*. 215.

[66] Louise Marlow. *Hierarchy and Egalitarianism in Islamic Thought*. New York, NY: Cambridge University Press, 1997. 16.

since the integration of Sassanid political thought in the Islamic World.[67] Indeed, Ibn Khaldun distinguished the evolution of human society and class through, desert tribalism, caliphate, government civilizations, larger countries and regions, and then divides social classes based on the professions of individuals.[68]

His emphasis on work specialization is reminiscent of Tusi, who also divided society through the specialization of professions. On human society, he discerns that the desert bedouin class is the basis for all civilizational growth, dubbing it natural.[69] It is interesting to note here that Ibn Khaldun believes that the bedouin are living in tune with nature because they lack luxury and necessitate social cooperation. Thus, the nomadic social class is the origin of human civilizational development with human nature at its most natural state of simplicity and cohesion. Ibn Khaldun mentions the concept of *group feeling ('asabiyyah)*, stating that in order for a group to develop like the Umayyads or Abbasids, they must ensure social cooperation between the classes through the implementation of professional specialization.[70]

Concerning state authority, he claims that the royal class retains their authority through a connection to God and prophetic teachings. He also claims that the extent of reach in the dynasty is mostly dependent on the number of supporters that the dynasty has.[71] Thus, regardless of status or class, the dynasty needs public support to function effectively. With order and justice established under political thinkers of the classical era,

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[67] Nathaniel Schmidt. *Ibn Khaldun: Historian, Sociologist, and Philosopher*. Lahore: Universal Books, 1900. 28.
[68] *Muqaddimah*. 48.
[69] *Muqaddimah* . 93.
[70] *Muqaddimah*. 125.
[71] *Muqaddimah*. 130.

exemplifying its origins from the early Islamic era, public welfare should also be looked at as it was an institution that gathered public support. However, instead of looking at advice literature, it is likely more important to look at the praxis of public welfare through the example of the *waqf*.

The Waqf and Public Welfare

The historic usage of *awqaf* (pious endowments) is proof of the need for public welfare in the political socio-economic progress of the Islamic tradition. A *waqf* is an institution exemplified in not only charitable centers or actions but, also public institutions such as schools, hospitals, gardens, water wells, etc. While a *sadaqa* (charity) is more of a general term for a personal charity, most public institutions between the 8th and 18th centuries were installed as *awqaf*.[72] The *waqf* eventually became so important under the Saljuqs and Ottomans, that within certain cities such as; Jerusalem, Istanbul, or Damascus, public institutions almost entirely comprised of *awqaf*.[73] Public welfare was so important that when the British and French mandates removed the *awqaf* several major uprisings ensued.[74]

Before the Mameluke rule (1250-1517 CE,) the rulers of Fatimid Egypt ensured hundreds of dirhams were given to pay for the medicine and surgeries of patients within hospitals in Cairo and Fustat.[75] Furthermore, a *Hadith* mentions that the Prophet advised

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[72] Yaacov Lev. *Charity, Endowments, and Charitable Institutions in Medieval Islam*. Gainesville: University Press of Florida, 2005. 93.

[73] Muhammad Zubair Abbas,. 123.

[74] Y. Noorani. *Culture and Hegemony in the Colonial Middle East*. Palgrave Macmillan, 2016. 44. The term *waqf*, meaning being still, in the Islamic tradition, was so deeply tied to Islamic communities both practically and spiritually, that colonial powers were vehemently resisted upon their removal from the public sphere.

[75] Amy Singer. 28.

Umar Ibn Khattab who received a plot of land, to make it an inalienable public endowment.[76] Later, the earliest legal records of the *waqf* were found in the late 9th and early 10th century by legal jurists within the Hanafi *madhab*.

Under the Mamlukes, historians report that the *waqf* was classified in innumerable forms. One of the most interesting was the al-Azhar in Cairo which is still a significant endowment in Egypt.[77] The first-ever civil endowment in Cairo was with the construction of *Masjid Amr Ibn Al-'As* which started a tradition that eventually entered Islamic civil orthodoxy.[78] It is also important to note is that far before the Ottomans expanded the *awqaf* and incorporated women into the workforce of public institutions, in Egypt, female civil servants were already an established norm.[79] Administrative offices of schools, hospitals, markets, public gardens, etc., were often managed by women.[80] This speaks to a social practice that existed for generations before the era of colonialism which stripped women of their rights to work in Egypt and much of the Arab world.[81] The Mamelukes continued the practices and the *ulama* under them used the *awqaf* for a mode of political mobility.

The *awqaf* became a staple function of Islamic society, whether privately or publicly funded. The ultimate usage of the *awqaf* came from the disenfranchised and the sheer scale of the *awqaf* were so enormous, that according to some academics they

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[76] Ibn Ḥadjar al-ʿAsḳalānī, *Bulūgh al-Marām*, Cairo, no. 784. Quoted in "Waḳf," *Encyclopaedia of Islam.*
[77] Ron Shaham. 180.
[78] Amy Singer. 50.
[79] Amy Singer. 51. The waqf expanded into other avenues under ruling elites such as the Saljuqs, Fatimids, and Mamelukes, who organized charities to the poor but also salaries for public civil servants.
[80] Y. Noorani. 7.
[81] Amira El Azhary Sonbol. 32. This economic system also speaks to an order of salary work that started in Egypt under the Fatimids and Abbasids.

comprised of one and two-thirds of the property owned by the 20th century Ottoman Empire.[82] In Tunisia and Algeria, both a third and half of the property owned by their governments were *awqaf* and a comparable amount existed in Egypt.[83]

With this brief overview of the significance of *awqaf*, it is evident that public interest from an economic sense consistently existed in the Islamic world. Due to the scope and size of this study, it would require many more pages to analyze the *awqaf* more thoroughly. However, it is important to show not only thought but historical practice as well. Not only did the public institutions of Islamic society stem from social development but, there was enough room to innovate on the idea while still maintaining Islamic ethics at the core of their formation.[84]

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[82] Muhammad Zubair Abbasi. 123.
[83] Ibid. 123.
[84] Upon the colonial conquest of the Islamic world, these ethics and institutions came into question, as the modern nation-state seemingly challenged the political orthodoxy in the Islamic world.

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Islamic Ethics, Modernity, and Constitutionalism

With the aforementioned examples in the early and classical periods, a continuity of Islamic political traditions is evident. Concepts of justice, order, and public welfare are not only present as a basis for Islamic political theory but, historically also serve as the fundamental praxis of politics. However, a major question remains; why is it that the Islamic world still suffers injustice, weak institutional order, and a lack of public welfare? With centuries between Ibn Khaldun and the modern-day, this thesis could not possibly convey a fully comprehensive analysis of political evolution throughout these years. However, it will briefly cover the timeline of significant events leading to the current situation, to help further explain why Islam is important in the politics of the Muslim world today.

Following the Ottoman Empire's founding in 1283, it expanded throughout the Middle East, Europe, Africa, and Central Asia.[85] Over the centuries the empire gradually fractured and weakened in competition with its European imperial counterparts, specifically France and Britain. Following the end of the First World War, the subsequent 1916 Sykes-Picot Agreement, and the implementation of French and British Mandates over the Middle East, the former Arab territories of the Ottoman Empire were partitioned in an effort to divide and conquer the region.[86] This partition resulted in the formation of various nation-states that until then did not exist, leading to new economies, politics, and

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[85] For more information, see, Michael Provence. *The Last Ottoman Generation and the Making of the Modern Middle East.* Cambridge, United Kingdom: Cambridge University Press, 2017.
[86] William Cleveland. *A History of the Modern Middle East*. Westview Press. 2013. 131.

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governance practices formed under colonial control. Furthermore, with the adoption of the secular state model, Islam no longer had an official role in the political life of the Islamic world.

Scholars such as Muhammad Abduh (d.1905,) Rashid Rida (1935,) Muhammad Iqbal (d.1938) Shakib Arslan (d.1946,) and many others tried to define what role Islam should have in the frameworks of their states.[87] However, these discussions often approached the implementation of an Islamic constitution through a theoretical lens, never really constructing a unique approach to uniting the two. Instead, leaders attempted to mirror European approaches to church-state relations under constitutional frameworks. This study does not argue for any specific type of rule (i.e. democratic, monarchical, theocratic, etc.,) but, instead argues that a constitution must be posited above the ruling elite, the citizens of the Muslim majority states, and respective institutions. Indeed, with Islam at the heart of the constitutional ethical basis, a proper constitutional state in the Islamic world would undoubtedly be possible and efficient.[88]

Some scholars suggest that constitutionalism is only successful with democracy.[89] While it is true that most successful states today are democracies, to essentialize a constitutional framework on democracy is to limit other possibilities for effective governance. Other successful nations encompass variations of constitutional monarchies

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[87] See, Nazih N Ayubi, Nader Hashemi, and Emran Qureshi. "Islamic State." In *The Oxford Encyclopedia of the Islamic World. Oxford Islamic Studies Online*.

[88] This point does not take into consideration of any international relations theory, or transnational interests that might halt the formation of this hypothetical constitution. Idealistic as it is, it serves to have a basis for moving forward before concerning of practical challenges. Proper, in this study, means efficient, with a lack of rampant corruption, and where the basic rights of the times are met in the state.

[89] Richard Bellamy. "Constitutionalism". *Encyclopædia Britannica.* Encyclopædia Britannica, Inc. July 30, 2019.

such as Canada, the United Kingdom, Sweden, Malaysia, etc. In the Middle East, despite weak economies, Jordan and Morocco have survived the test of time in comparison to their neighbors due to constitutional concessions made in the interest of the public. Furthermore, one could argue that today's democratic states are not true democracies due to the national control by state bureaucracies, institutionalized race-oriented policy, corporatist monopoly over wealth and politics, etc., all of which contribute to a lack of proper civic engagement, and good governance.

However, constitutionalism as a political framework allows the moral and ethical parameters of a state to implement its historic values, and match civil ambitions for socio-economic progress. In the case of today's Arab states, the counterargument is true. Indeed, virtually every Arab state has some form of Islam apparent within its socio-political fabric. This is far more apparent in countries like Saudi Arabia and Morocco.[90] In the case of Egypt, where "Islamic law" is allegedly at the center of the constitution, political corruption, authoritarianism, and a blatant disregard for public welfare are still rampant.[91]

Practically speaking, the mere presence of a constitution is not enough to enforce a commitment and adherence to it. One could argue that these states all have constitutions yet govern in the most undemocratic, unjust, and un-Islamic manner. However, democracy does not necessitate adherence to a constitution. Instead, state accountability

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[90] Ann Marie Wainscott. *Bureaucratizing Islam: Morocco and the War on Terror*. Cambridge: Cambridge University Press, 2017. 8. Wainscott writes an interesting piece on the role of Islam in the political affairs of morocco, where religion has become a state tool for power as opposed to an ethical basis for law and politics.
[91] Said Amir Arjomand and Nathan Brown, J. *The Rule of Law, Islam, and Constitutional Politics in Egypt and Iran*. Albany, NY: State University of New York Press, 2013. 10.

to the constitution should represent a country's commitment to democratic values. Indeed, Egypt, Lebanon, and Iraq are all technically democracies yet, no legitimate analysis can claim that their ruling elite practice any true adherence to the rule of law. A strong rule of law should hold the ruling authority accountable and empower other state institutions to keep that authority in check whenever it is used to transgress constitutional allowances.

However, assuming a state wishes to not only survive but, also flourish, adherence to a central constitution will undoubtedly allow for an enhancement of national development, engagement of civil society, and anti-corruption. The question is where the values of a constitution come from. According to Khaled Abou El Fadl, a constitutional democracy posits the rule of law above all institutions, including the ruling elite.[92] With Islam at the heart of the development of the constitution, it will appease not only religious but, also cultural parameters by which citizens of a state live. Unlike in the western perception of church-state relations, the Islamic world is not so fully separated religiously and culturally. Islam is not exceptional as an ethical basis as much as it is unique to the lands which have submitted to it for generations.

Thus, the question of Islam and politics requires a unique approach. However, this study does not intend to answer that question with a solution, as it would require many more pages to discuss. Rather, this study seeks to establish a continuous ethical-political tradition through the exemplification of early and classical Islamic scholars. In doing so,

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[92] For more information on the compatibility of Islam and Democracy read, Khaled Abou El Fadl, Joshua Cohen, and Deborah Chasman. *Islam and the Challenge of Democracy*, Princeton, New Jersey: Princeton University Press, 2004.

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it proves that Islam has and likely always will be present in the politics of the Muslim majority states. Establishing this chain and focusing on justice, order, and public welfare, exemplify the historic presence, and dire need of these values today. Finally, a reevaluation of Islamic ethics and political theory on constitutionalism should breed future analyses on the proper place for Islam in today's politics within the Arab world.

Thus, studying a particular case or series of countries may broaden the field of studying contemporary politics and Islam in a way that has not been apparent in recent studies. To prove that ethics serve as a moral-ethical basis to this day in the Islamic world, this thesis will look at an Arab country often ignored for its contributions to the Islamic intellectual political traditions. The small country of Lebanon, often exemplified as a historically ideal western enclave in the Middle East, is a less researched example of the aforementioned dilemma. However, Shakib Arslan, the Lebanese thinker held a prominent position in Mandate Lebanon and devoted his life to reconciling the post-modern nation-state with Pan-Islamic political ideology.

The next section will analyze Arslan's understanding of Islam in politics and why he believed it must serve as a moral basis for constitutional statecraft. Arslan will also exemplify the desperate reactionary trends of Muslim political thinkers during the colonial era who advocated for an anti-colonial and anti-imperialist agenda to construct modern Islamic governance. The aforementioned themes of justice, order, and social welfare will continue to remain present in his critique of the colonial powers, and on how the Islamic world developed with them. Upon establishing Arslan's view of Islam to the

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modern nation-state, a final case example in Lebanon will further exemplify how these principles contribute to the legitimacy of the powers at play in the small country.

Shakib Arslan and the Moral Imperative of Islam in Politics

Born in 1869, Shakib Arslan, famously known as *Amir al-Bayan* (The Prince of Eloquence,) was a staunch supporter of the Ottoman Empire and the 20th century Pan-Islamic political ideology. Despite, being born into a prominent Druze family in Lebanon, and representing Palestine and Syria in the League of Nations, very few of his records and manuscripts are available to the public.[93] However, what scholars do know of Arslan is from his most famous manuscript titled, *Our Decline and Its Causes*.[94] As the title suggests, Arslan was deeply concerned with the decline of Islam, the Ottoman Empire, and the rise of Pan-Arabism in the wake of the decayed Ottoman Empire.

While lesser known than his contemporaries, Arslan played a major role in the 20th century's Islamic political revival. Despite being born a Druze *amir*, Arslan was an observant Sunni Muslim owing much of his political ideology to the well-known modern Muslim thinkers, Jamal ad-Din al-Afghani and Muhammad Abduh. By 1887 Arslan became a student of Abduh's during the latter's brief stay in Beirut.[95] It was then, that Arslan was exposed to the question of Islam and governance under colonial hegemony.[96] Arslan believed the West had subjugated the East, removing the ability for the Islamic

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[93] This is primarily due to censorship of his works by his descendant, who have left his writings in obscurity.

[94] William L Cleveland. *Islam Against the West: Shakib Arslan and the Campaign for Islamic Nationalism*. Austin: University of Texas Press. 8.

[95] Ibid. 8.

[96] Ibid. 47.

world in particular to outgrow colonialism.[97] In Arslan's work, there is an obsession with the Islamic "golden days" that passed, much like his contemporaries who viewed the modern Islamic world as some stagnant inconsistency in the grand story of Islamic history.[98]

According to Arslan, what allowed Muslims throughout history to achieve the level of greatness met at the height of the Ottoman Empire, was not in the Arab or various ethnic-cultures and communities that ruled over the Islamic domain but, in the moral centrality of Islam in governance.[99] When speaking of the Prophet Muhammad, his *Sahaba* (companions,) and especially the Rashidun, a romantic focus on the past is clear in his colonial experience. Arslan is quoted as saying: "*It is our duty while extolling their achievements, to study how they were awakened, how they became masters of the world, won victories and acquired supremacy, and how they attained to such greatness and rose to the pinnacle of glory*."[100] Arslan like his contemporaries viewed the then-state of the Islamic world, as dire. He viewed the then-Arab world as degraded, a "*shadow of iman (faith), a decayed skeleton" of its former self*.[101] Readers can gather Arslan's political opinion through his pages, however, what is interesting is that Arslan asks "*where is the honor for the Muslims?*" [102]

Interestingly, he references "*honor*" several times throughout his work, associating it with justice and injustice. [103] These are recurring themes in the

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[97] Shakīb Arslān. *Our Decline: Its Causes and Remedies*. Kuala Lumpur: Islamic Book Trust. 3.
[98] Ibid. 6.
[99] Ibid. 6.
[100] Ibid. 6.
[101] Ibid. 6.
[102] Ibid. 7.
[103] Ibid. 7.

aforementioned chapters which intellects like Arslan continued to focus on under European control. When discussing the usage of wealth for the betterment of the *ummah*, Arslan specifically mentions the *waqf* and chastises the Muslim leadership for destroying rather preserving them.[104] Again, readers can see an emphasis on support for the usage of public welfare, asking for a mere fraction of what is spent by the new elites. As an ardent supporter of the Palestinian cause, Arslan comments on the lack of proper economic management, claiming that the Zionist settler-colonial movement for the creation of a new state could have easily been stopped had the Arabs spent a fraction of what was spent among Jewish communities.[105]

Arslan continuously parallels the declining Islamic world with that of European advancement which, not only controlled the lands of the former Ottoman Empire but, also culturally, economically, and even philosophically defeated the Arab states through their projects. Thus, through these passages, readers can see that despite the emphasis on looking to the past failures and successes of Muslim governance, there is no tangible answer or model to the question of governance in these lands. Much of the rhetoric used by Muslim leadership of this time, were either anti-colonial or echoing their colonial benefactors. The result of the politics of the modern Middle East became nothing short of a legacy of colonialism, and the desire to escape from that legacy.

The arguments of these writers should be studied further to fully understand the grievances and desires of Muslim leaders throughout history. Due to the limitations of

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[104] Ibid. 17. When he speaks of the "Muslims" it can be inferred that he means the Muslim leadership, not the entirety of the *ummah*.
[105] Ibid. 20

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this study, one cannot presume to investigate every point of each thinker's writing. However, one cannot doubt that the themes of justice, order, and public welfare, generally espouse the concerns of Muslims resisting colonial control. To Arslan, if these principles were upheld as they were meant to be, the Islamic world would not have declined as it did. Arslan said in his conclusion, that: "*If Muslims will resolve and strive, taking Inspiration from the Quran, they can attain the rank of the European, the Americans, and the Japanese…*"[106]

A further study should build upon this investigation of modern thinkers, in comparison to classical ones and look more thoroughly to how Islamic ethics can lead to good governance. In none other than the orientalist dubbed "Paris of the East" was Arslan's political philosophy formed. Lebanon is often ignored when it comes to the presence and implementation of Islamic principles in public life. That is primarily because modern Lebanon itself was born out of the French Mandate and intended to be a Christian majority state. Of the many Muslim thinkers that discussed the role of Islam in the modern nation-state, very few came from Lebanon. However, Shakib Arslan had a vested interest in the role of Islam in state governance.

Despite its so-called secular constitution, Lebanon is a country heavily confined by the misapplication of religious governance. More specifically, Lebanese governance is segregated by pseudo-sectarian and consociational divisions based on religion, politics, and ethnicity. Among the various religiously defined elites, Hezbollah remains dominant in the country. Hezbollah is not only the strongest military force in

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[106] Ibid, 144.

Lebanon but, is also the only significant Islamist group in the country as well. The group has arguably been able to retain this position atop the Lebanese elite through its mission to provide what it perceives as justice, social order, and social welfare. Furthermore, despite the controversial existence of the Lebanese party, Hezbollah's objectives are undoubtedly driven by its Islamic ideologies.

CHAPTER FIVE

The Case of Hezbollah's Governance in Consistency with Islamic Ethics

First, it is important to note, that at the time of this thesis' writing, Hezbollah is as unpopular in Lebanon as it has ever been. This is primarily because the party came to the aid of the ruling establishment during the Lebanese October 2019 revolution that continues today.[107] Nevertheless, this controversial organization is heavily embedded in the Lebanese state and owns significant clout and veto power among the ruling elite. Despite Hezbollah's terrorist designation by the US, UK, Germany, and many other countries, this study does not attempt to discuss whether Hezbollah is legitimate in the eyes of the international community. Nor, will it go as far as to say that Hezbollah in effect, controls Lebanon as an Iranian proxy. This is primarily because the party does not officially rule over the country, nor is it viewed as a legitimate power by the "Free World." More importantly, in Lebanon, many Lebanese view Hezbollah as an illegitimate force on par with the ruling establishment which they are currently resisting.

What is important for this study despite these points is that Hezbollah is the most powerful force in Lebanon. It is the only one with religious ideological bases and one that governs as a state-within-a-state in many ways. Furthermore, it is a Shiite organization born of anti-neocolonial sentiment in Lebanon. Thus, it presents an interesting case

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[107] It is important to note for the purpose of this paper, the numbers of support for the group grew in 2006, where Hezbollah received approximately 81% of Lebanese support during the Israeli Invasion of Lebanon. This is primarily because it was perceived to be a defender of Lebanon's sovereignty against Israel. Whereas now, the party represents the elite's control over the country to the local population. Furthermore, before the events of 2006, Hezbollah popularized itself on a religious foundation, while pushing secular social agendas on the Lebanese economy.

example of Muslim governance in a secular country, with a Muslim majority population. This study does not argue for or against any perspectives of authenticity on the party's legitimacy as a regional power. Nor will this study focus on Hezbollah's military capabilities, relationship with foreign powers such as Iran, or US policy influence on its presence.

Instead, this study argues, that Hezbollah did not gain its political clout by being militarily powerful alone. The reason the party was able to gain legitimacy and trust from its governed areas, was because it provided institutional services that the official Lebanese government could not. The party's legitimacy was given by its followers and locals, not because of its power but, because it was able to provide what was lacking by official leadership. Of the many institutions developed by the party, social programs were designed for all confessions in Lebanon while predominantly drawing support from the Shiite population.[108] Furthermore, despite its Shiite origins, Hezbollah's adherence to a political ideology based on religious leanings brought a sense of dignity to a major sector of a national cross-sectarian audience that existed for many years. Finally, this section will seek to answer to what degree Hezbollah's governance is in tune with the ethics of justice, order, and public welfare.

Before, investigating the party's governance, it is important to understand the origins of Hezbollah. Led by Secretary-General Hassan Nasrallah, Hezbollah was founded in 1985 as a resistance movement to liberate the south of Lebanon during the Lebanese Civil War. Supported by renowned Shiite clerics such as Musa Sadr (d.1978)

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[108] F. Dionigi. *Hezbollah, Islamist Politics, and International Society*: Palgrave Macmillan, 2015. 81.

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and Mohammad Fadhallah (d.2010), the party initially expended control over Shiite slums of Lebanon.[109] Interestingly, popular support was found in lower socioeconomic demographics in Lebanese society rather than from the Shiite community alone.[110] The party was inspired by *Wilayat al-Faqih* (Guardianship of the Jurors,) and Iranian revolutionary (possibly pseudo-socialist) ideologies for social inclusion of the economically disenfranchised.[111] Often to the detriment of the party's public image, Hezbollah explicitly advocated for *Wilayat al-Faqih* during its early days.[112] However, today the party is much more subtle in their advocacy for the political ideology.

Concerning *Wilayat al-Faqih,* it is interesting to note that Ayatollah Ruhollah Khomeini (the doctrine's founder) explicitly stated that the *Faqih*, must have several practical administrative qualifications and be well-versed in Islamic law, and justice.[113] For, Hezbollah, like in Iran, the ideology was never fully implemented as Khomeini intended. But, in Lebanon, Hezbollah was more influenced by the famous Scholar Muhammad Baqr al-Sadr, an Iraqi cleric who claimed that Islamic government and sovereignty belonged to the *ummah*, and therefore the people had a right to how Islamic governance was to be conducted.[114] This influence is ever more present in modern Hezbollah than during its early years. In a famous speech during Hezbollah's formative years, Nasrallah said: "*What is the nature of the regime that Hizbullah wants for Lebanon*

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[109] Imad Salamey and Frederic Pearson. "Hezbollah: A Proletarian Party with an Islamic Manifesto – A Sociopolitical Analysis of Islamist Populism in Lebanon and the Middle East." *Small Wars & Insurgencies* 18, no. 3 (2007): 422.

[110] Imad Salamey and Frederic Pearson. 422.

[111] Imad Salamey and Frederic Pearson. 422.

[112] Jason Wimberly. "Wilayat Al-Faqih in Hizballah's Web of Concepts: A Perspective on Ideology." *Middle Eastern Studies* 51, no. 5 (September 3, 2015): 690.

[113] Ibid. 690.

[114] See, J. al-Rikabi's "Baqir al-Sadr and the Islamic State: A Theory for "Islamic Democracy", *Journal of Shi'a Islamic Studies*, Vol.5, No.3 (2012): 249–75.

at present, in light of the state of the country and the numerous sects… We believe that we should remove the colonialism and the Israeli [occupation], and only then can a plan be implemented."[115]

It is immediately clear, the party's modus operandi was originally concerned with freedom from Lebanon's neocolonial occupiers. While in 1989 Lebanon was still very much in the heat of the Lebanese civil war, by 2009 Hezbollah changed both subtly and dramatically. According to Jason Wimberly:

> "…*the radical change in the Lebanese national context required Hizballah to rearticulate the concept in order to make room for the reintegration of the social and political spheres at the national level and the reemergence of the state of Lebanon upon the end of the Lebanese Civil War. Changes in Iran following the death of Khomeini and intellectual contributions by Shia scholars enabled Hizballah leaders to separate political from religious authority and to decentralize the political power of wilayat al-faqih. By modifying the concept, Hizballah leaders were able to continue their Islamic revolutionary mission in a new way, using a bottom-up strategy, and in a new context.*"

Until Hezbollah's new manifesto was presented in 2009, the party was primarily concerned with attaining governance within the atmosphere of the Lebanese Civil War. Some authors have argued that during the civil war period, the advocacy for *Wilayat al-Faqih* was far more totalitarian.[116] However, the tone of the party changed in 2009, becoming more inclusive of a national movement. In fact, as a part of the 2009 Doha Agreement, Hezbollah advocated for the abolition of sectarianism, electoral legal reform,

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[115] See, Abdallah Ben Sadok. *Resistance and the Nation-State: The Reconciliation between the Utilization of Arab Nationalism and Shiite Martyrdom Culture in Hezbollah's Ideological Framework*. Center for Middle Eastern Studies. 2019.
[116] Jason Wimberly. 691.

restructuring of the Ministry of Planning (for local development,) decentralization of ruling administrations, judicial reform, etc.[117] Unfortunately, for the Lebanese these claims were never implemented, resulting in a gradual increase of distrust between the party and civil society.

Furthermore, the party's anti-Western and anti-Israeli views alienated it from foreign aid which eventually led to a stronger alliance between Hezbollah and Iran. Following the Islamic Republic of Iran's model, Hezbollah as a non-government institution entered economic areas that would benefit its supporters outside of the military. According to Imad Salamy:

> "... It also supported a wide network of social services for poor Shi'ite families. Hezbollah has provided monthly pensions to families of 'martyrs' as well as to party veterans and ex-detainees released from Israeli prisons, in addition to socialized programmes such as free schooling and access to hospitalization for everyone among the faithful in need. Furthermore, the party has been able to mount and conspicuously publicise post-war rebuilding and development programmes throughout the Shi'ite rural areas, undercutting whatever resentment might have existed against its leaders for instigating the hostilities that brought all this on. Neither the government nor a bourgeois capitalist-based economy with a democratic agenda was prepared instantly and efficiently to provide any serious alternative services to this broad section of the population."[118]

Much like the Muslim Brotherhood in Egypt and Syria, which utilized local education and social positions within its controlled areas, Hezbollah to a much larger extent was able to provide the Lebanese with not only a space for religious-based governance but,

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[117] Joseph Alagha. *Hizbullah's Documents: From the 1985 Open Letter to the 2009 Manifesto*. Amsterdam: Amsterdam University Press, 2011. 93.
[118] Pearson Salamey. 431.

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also economic support unattainable through the Lebanese government. Furthermore, they received their governing legitimacy from the support of the Lebanese people based on communal recognition.[119] Legitimacy, in effect, was locally gained by the provision of public services. In this particular instance, it is questionable as to what true legitimacy is. Despite, being designated a mere terrorist group by the United States Department of State, Hezbollah operates in a way that is state-like.[120] Hezbollah's legitimacy in the eyes of the Lebanese government and the Lebanese people is not ultimately determined by foreign acknowledgment but, rather by local public support.

The uniqueness of Hezbollah is not only its social participation with the masses but, also its political participation. Over 20 Islamist groups have existed in Lebanon since the elections of 1998.[121] These groups have fallen into two parties: those that believe in the Islamist mold within a democratic framework, and those that believe in the incompatibility of Islam and democracy.[122] Hezbollah, likely due to its origins as a resistance movement, has sat on the fence of both camps. The direction that the party will move toward is still speculative since its relationship with Iran still plays a significant role in how the group operates. Nevertheless, its participation in the Lebanese democratic system is very active compared to many official political parties. It even succeeded in part of the democratic process by gaining more seats than ever in the Lebanese

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[119] J. Dionigi. 66.

[120] See, U.S. Department of State. "Foreign Terrorist Organizations." U.S. Department of State. https://www.state.gov/j/ct/rls/other/des/123085.htm.

[121] Naʿīm Qāsim. *Hizbullah: The Story from Within*. London: Saqi, 2010. 187.

[122] Nizar A. Hamzeh. "Lebanon's Islamists and Local Politics: A New Reality." *Third World Quarterly* 21, no. 5 (2000): 741.

Cabinet.[123] Beyond the discussion of Hezbollah's legitimacy in the global sphere, it would be unrealistic to ignore its importance in regional politics.

Another unique aspect of Hezbollah's role in Lebanese politics and the existence is the fact that they have been able to bypass the politics of patronage that often dictate domestic politics.[124] This is done through the inclusion of social services that are provided by the party to the Lebanese. They are adept at engaging in civic involvement, which for the development of their growth is far superior to what the Lebanese government has been capable of. The party is capable of developing public infrastructure such as power plants, schools, roads, etc.[125] Furthermore, Hezbollah has been tasked by the Lebanese government with collecting land taxes in their constituencies from farms to small businesses, slaughterhouses, cinemas, etc. Thus, in Lebanon, unlike Egypt or even Syria for that matter, non-state actors have the mobility to grow through civic engagement. This governing role that Hezbollah plays regardless of definition exemplifies its potential as a governing political power.

For example, unlike the case of non-governmental parties in Syria, support for Hezbollah did not originally come from an overeducated youth bulge. Instead popular local support came from within the Lebanese Civil War by an uneducated class making up more than 50% of their preliminary following.[126] Hezbollah also found success in promoting the development of infrastructure, healthcare, socio-economic institutions, and

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[123] Na'īm Qāsim. 188.
[124] Nizar A. Hamzeh.742.
[125] Nizar A. Hamzeh.744.
[126] Rula Jurdi Abissab. *Shi'ites of Lebanon: Modernism, Communism, and Hizbullah's Islamists*. S.l.: Syracuse University Press, 2017. 58.

the growth of civic participation.[127] In theory, these are not only progressive by the standards of Islamist groups but, of the Middle East as a whole. The question is, how does it fare differently when being recognized by both the domestic and international community?

Concerning Hezbollah's acknowledgment by the Lebanese government, this may be due to the consociational democratic system that exists in Lebanon. The Lebanese system is meant to operate based on a sectarian division of powers. Hezbollah has taken advantage of this situation by expanding past what it was originally allowed. Aside from Hezbollah's insistence on its necessary existence for the national security of Lebanon, the party has become an essential player in local politics due to its reach into the fabric of the country's socioeconomic affairs. Thus, it is more practical rather than theoretical to view Hezbollah as a significant player within regional security studies as opposed to a mere Iranian proxy or militia. Hezbollah will not be able to maintain its popularity and domestic acceptance based on security interests against Israel alone, especially as its overt relationship with Iran continues to increase. Furthermore, the party is no longer viewed by the Lebanese through its commitment to its Islamist ideological origins but, rather as a practical party with national and regional ambitions for political expansion.

By creating social services, and providing to public welfare initiatives, Hezbollah certainly continues theoretical Islamic political traditions of balances and social welfare. What separates this organization from others in the Arab world and what has led to its growth over the Lebanese government, is the very fact that it had something to offer to

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[127] Nizar A. Hamzeh, 744.

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the Lebanese public. However, its militant doctrine, anti-imperialist, Israeli, and western rhetoric, have posited the group against the international community. Lebanon's delicate consociational order is ultimately stuck due to Hezbollah's presence. Furthermore, the party's existence contributes to a significant reason for Lebanon's weak position in the international community. One could argue against the authenticity of political order if it is enforced by fear of war or national collapse due to a military presence.[128] Furthermore, while Hezbollah's ethical framework espouses a commitment to Islamic conceptions of justice, its participation in Lebanon's corruption contradicts Islamic ethics.

Hezbollah maintains power through the status quo of Lebanon's corrupt political framework. Without Lebanon's consociational politics and the party's continued claim to defending Lebanon against Israel, the party loses its platform to exist as the major power. Thus, it actively takes part in corrupt Lebanese politics, navigating the political stage to implement its strategies. However, if the party was truly committed to Islamic ethics on anticorruption it would also seek to change Lebanon's political makeup. Of course, one could argue that the group is being pragmatic in its approach, utilizing the tools at hand since it will not gain international recognition due to its alliance with Iran and Syria.

However, a famous *Hadith* authenticated by Imam al-Nawawī is often referenced on the topic of political corruption. *"On the authority of Abu Sa`eed al-Khudree (may Allah be pleased with him) who said: I heard the Messenger of Allah (ﷺ) say,*

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[128] Public opinion in Lebanon today shows that confessionalist support by each group is still prevalent however, Hezbollah in particular still has relatively strong support both by Shi'a and other communities. However, much of the informal data and public opinion polling does not look at exactly why it is the organization receives local backing. Future studies should analyze this, and ask whether it is due to confessional loyalties, pragmatism, or support under duress/due to fear of instability.

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"Whosoever of you sees an evil, let him change it with his hand; and if he is not able to do so, then [let him change it] with his tongue; and if he is not able to do so, then with his heart — and that is the weakest of faith."[129] While this *Hadith* is often used for many political reasons in various parts of the Islamic world throughout time, it is a testament to the need for sound governance. There is not a single piece of genuine scholarship that can claim Lebanon's political system is stable, efficient, or sound. Corruption is rampant according to Lebanese public opinion which is of grave concern to locals.[130]

If Hezbollah seeks to claim Islam as its ideological compass, it must challenge the sources of corruption in Lebanon. Throughout Islamic history, classical Muslim scholars were deeply concerned with the utilization of state-supported corruption. For example, the famous Ottoman statesmen Kocu Bey (d. 1060/1650) and Katip Celebi (d. 1068/1657) ardently opposed state-sponsored corruption. According to Ahmet T. Kuru:

> *"…the Ottoman system was deteriorating, and the main problem was corruption – specifically favoritism and bribery in judicial and governmental appointments…A decade later, Katip Çelebi submitted a treatise to a third sultan. Inspired by Ibn Khaldun's idea of cyclical history, Katip Celebi regarded the Ottoman problems as natural consequences of the empire's aging."*[131]

Thus, this study cannot in good conscience claim that Hezbollah truly follows the Islamic tradition in its entirety. However, the party's commitment to providing public welfare and social services separates the organization from others who claim to be engaging in

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[129] See, Nawawī, "40 Hadith." No. 34.

[130] For more information on Lebanese popular opinion see, the Arab Barometer's 2019 Public Opinion report https://www.arabbarometer.org/wp-content/uploads/lebanon-report-Public-Opinion-2019.pdf

[131] Ahmet T. Kuru. *Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison.* Cambridge University Press. 2019. 178.

Islamic politics. Unfortunately, for Lebanon, like much of the Arab world, the nature of the state is one based off of a corrupt post-colonial framework. Thus, it will likely be impossible for good governance to be implemented in the country so long as the powers at play continue to exist.

However, one cannot ignore that yet another example in the Arab world exists where an ideologically Islamic organization reigns supreme. That is not by coincidence but, rather because of the significance that Islam has on socio-political ideology. However, using Hezbollah as a case example shows that committing to Islamic values in politics can lead to a pragmatic application of policy. The development of social services and local governance is completely possible. The issue is not with the compatibility of Islam and democracy or the concept of a modern state. The incompatibility lies within the nature of the modern states as they exist now. These states were designed to exclude the natural moral-ethical values of the Arab world, which are primarily based on Islam.

Thus, if modern Arab Muslim majority states are to succeed, they must reform through anti-corruption programs, targeting public interest, and developing a sustainable form of governance that can provide for citizens. In Lebanon specifically, it is entirely possible that Hezbollah will eventually reign overtly supreme. Thus, the country cannot afford to ignore these ethics that promote justice, order, and public welfare. A future study should explore this further and look at other state and non-state governing actors who implement similar policy based on Islamic doctrine, to see where successes and failures lie among the general population.

CONCLUSION

Islamic Political Ethics and Constitutionalism

The question of Islam's relevance to modern politics is often reduced to discussions on Islamism as a reaction to neocolonialism, terrorism in response to American hegemony, and anachronistic application of Islamic source material both from foreign entities and within Muslim communities. The fallacy with these views is that they ignore a millennia of Islamic political tradition. Instead what exists in practice are unjust, unstable, and economically weak states in the Arab world and beyond. What is left is a neocolonial legacy that propped up authoritarian rulers, and corrupt political systems while simultaneously repressing civil societies, religious establishments, and the economic potential of these countries.

Furthermore, Islam is used in every single Arab state as a tool of political control, rather than a tradition that empowers the institutions and people. Yet despite this, Islam is still the most significant, motivating, and empowering source of politics in the region. It is important to note, above all else that Islam is not a monolith. While in some countries Islam has played a progressive role, in others it plays a more repressive role. Thus, every Arab state does not employ the use of Islam in the same way. Nevertheless, Islam is used as an ideological principle for public support, and legitimacy. Below are some examples of the different circumstances in which Islam has been championed and used in the history of the modern Middle East.

Historically, within every Arab country, the most infamous resistance groups or individuals came from a clerical or religious background/establishment. In Algeria, resistance against the French was spearheaded by religious clerics such as Abdelkader al-Jizairi. Libya's most famous symbol of resistance against Italian colonialism was Omar al-Mukhtar, a teacher of Islam. In Lebanon, Hezbollah was able to climb the political ladder from a resistance movement to the most influential political party in the country.

Islamic legitimacy also plays a major role in most states such as Morocco and Jordan, where the institution of the monarchy receives legitimacy through heritage to the Prophet Muhammad. In Saudi Arabia, the religious establishment has played one of the most significant roles in the monarchy forming, governing, and expanding the influence of the Saudi State.[132] Upon a coup in Syria, the al-Assad family gained further legitimacy through inclusion into the Shiism by the infamous cleric Musa al-Sadr, despite not being acknowledged as part of Shiite Orthodoxy before the 20th century. [133]

During the Arab Spring, the only democratically elected parties were the Islamist ones. In Tunisia, *Ennahda* has since acquired the most significant veto power of any political party. Before Abdel Fattah el-Sissi's coup against the late Mohammed Morsi, the Muslim Brotherhood to this day is recognized as the only legitimate democratically elected party in Egypt. These examples serve to posit the fact that the only thing these various groups and individuals have in common is their ties to Islam as a source of political mobilization. Although most of these leaders claim to speak for Islam, they

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[132] For more information on the expansion of the Wahhabi mission, see Michael Farquhar. *Circuits of Faith: Migration, Education and the Wahhabi Mission.* Stanford: Stanford University Press, 2017.
[133] See, Patrick Seale. *The Struggle for the Middle East*. Berkley, CA. University of California Press. 1989.

merely represent different interpretations of the religion in order to gain political clout and legitimacy over a significant portion of their populations.

What is important for truly genuine statecraft is not the ability for a group to gain power but, to employ good governance. Islamic ethics, as stated above are clearly in line with genuine ideological bases for socio-economic development. However, the Arab elite in the Middle East today are some of the most repressive and unjust political leaders in the world. Why is this? It is not because of the inherent nature of Islam, nor even their interpretations of it but, rather how they used it alongside their post-colonial standards of governance. Islam is not used as a moral-ethical source for any of these countries but, rather as a tool for recognition and accumulation of political capital.

If Islam is indeed the most significant motivating force, and Islamic ethics ensure the promotion of justice, order, and public welfare, then Muslim majority states need to organically employ these ethics into their constitutional frameworks. A constitutionally based governance should ideally posit the rule of law above state leadership regardless of whether it follows a monarchal, democratic, or theocratic political ideology. For the counterargument advocating for purely secular political statecraft, this study argues that it is impossible to remove religion from politics entirely. The source of law in constitutionalism today is based on prior moral-ethical beliefs centered on religion.

In the Islamic world, Islam is still the largest driving force of political mobilization. Regarding the desires of Muslims or even non-Muslims in the Arab world, what can be gathered from the civil unrest in these countries, is that the people seek justice, stability (order,) and a strong economy (which public welfare is usually indicative

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of.) Thus, to stay true to the natural disposition of the Arab Muslim socio-historic origins, Islamic ethics must be utilized in the formation of modern law, politics, and governance.

This claim does not mean that *sharia* needs to be implemented or even brought up explicitly at every level of governance but, rather should be consulted ethically when devising strategy and policy for the development of the Arab and Muslim majority world. By creating a sound constitution, rule of law, and good governance practices based on the moral-ethical guidelines of Islam, theoretically, the issues that plague the Islamic world today can be effectively challenged. As for whether or not justice, order, and public welfare exist in practice today in the Arab Islamic world, there are unfortunately little to no indications of their existence. This is primarily because these issues are not of concern to the ruling elite in the region.

However, if a true commitment to the rule of law and constitutionalism is implemented with these principles of goals in mind, as classical thinkers once suggested, the region should have a political and ideological compass to design a proper system of governance. What this form of governance looks like unfortunately, cannot be answered in this study. However, it is clear from the examples above, that these Islamic principles of justice, order, and public welfare are of primary concern to forming a political order centered around the spiritual connection to Islam. In committing to these principles and practically applying them, Muslim leaders can provide a political system that serves the people and the wellbeing of the state above the elite.

As classical Muslim scholars insisted upon these political ethics and continued a tradition that spanned more than a thousand years, it would be useful to revisit these

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manuscripts in order to understand the position of Islam on governance in both theory and practice. This study should be built upon in future iterations of this topic to explore how more ethics, practices, and modern results can be utilized to devise a less theoretical and more practical answer to Islam's role in modern politics.

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