

## CRITICAL ANALYSIS OF THE CONCEPT OF SOVEREIGNTY AND AUTHORITY IN ISLAMIC STATE

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### **ABSTRACT**

*Sovereignty is the supreme power of the state; it also means every authority which gives a final decision. The rights to self-governance without interference from out-side. In Islam, sovereignty means the source of power. The sovereignty of Allah is not limited to religious matters alone, but extends over political matters as over all aspects of life. Statement of the problem of this paper contained a critical analysis of the concept in Islam, constitutional and Political, at this point some question may occur such as: what is the concept of Sovereignty, in both subjects. Limitations of this research consisted the constitutional and Political and it highlight the different between Sovereignty of the Nation and that of God finally it discussed the characteristic of God. The paper signified and aimed the theory of Sovereignty and it established the tangible experience and it made critical compares on the topic and authority in Islamic State. The method of this research is data collection from both primary and secondary sources, of the Sovereignty. These materials include text books; journals published and unpublished manuscripts from library and history bureaus. The research will be analytical analysis.*

### **1. INTRODUCTION**

This paper deals with the critical analysis of the concept of Sovereignty in Islam, characteristics of sovereignty as determined by scholars of constitutional law and political science, while it has nine portions starting from concept of sovereignty, Sovereignty in Islam, Sovereignty of the Nation, Sovereignty of God, Characteristic of the Sovereignty of God, Opponents of the concept of Sovereignty, Authority, Islamic Authority in Practice and finally conclusion.

### **2. THE CONCEPT OF SOVEREIGNTY**

In the beginning, before Allah created Adam, He was the Sole Authority over His creation and the universe with regards to any of them having the ability to disobey Him. Then Allah created and placed mankind upon earth. Mankind was to rule and control the earth on His behalf, this is the meaning of the term Khilafah (Islamic governing system), knowing full well some people will disobey Him regarding His legislation and Shari'ah. Allah's Dominance is divided into 2 categories: -

*Al-qadaa' al kwani, Dominance* of creation by definition and nature. Man has no role in this part. This is Allah's control over the stars and the planets and other natural phenomenon. This also includes such 'natural laws' as gravity, grass growing, the earth rotating, the sun giving off rays of light, etc.

*Tashri'i* (Legislation), these are the laws that Allah gave mankind to judge amongst themselves with here on the earth. Allah gave mankind the free will to choose between His legislation and from the legislation of the Shaitan, with the condition that whoever chooses the Shari'ah of Shaitan will be punished by Him. After knowing these definitions, we should understand that Allah sent Messengers to mankind so that they believe in Him alone, dominate and control the earth, so that Shaitan and the forces of Kufr do not tempt mankind. This is the "real battle" between the Shaitan and man. Although Allah dominates every creation, as He is the Creator, He also wants the believers to dominate earth. They can then influence people so that kufr (unbelief) has no influence over Muslims to change their beliefs. To this battle Allah added some rules:

1. Whoever is winning this battle will be in control of the earth.
2. The Nation that does control earth or a part of earth will have the ability to dictate the policies of that part of the earth. ( Hashim. Y. A., 2008, p.36)
3. A nation must have strength and power to prevail. This is why there is an order from Allah to the believers to control the earth so that they can enforce the policies of Allah. If the believers don't enforce the Law of Allah at a place, then some other people will make and utilize their own law. This is the "real battle" between Imaan and kufr. ( Hashim. Y. A.2008, p.36).

Sovereignty or Domination as called for by al-Maududi and Qutb is attributed to Allah only, they don't mean that Allah makes scholars and governors rule in His Name. Instead, this domination is confined to the legislative one. ( Al-Qardawi p.85). Thus sovereignty doesn't necessitate calling for a theocracy, yet it was denounced by Qutb and al-Maududi (May Allah forgive them). Sayid Qutb said in

his book *Ma'alim 'fi At-Tariq* about sovereignty, "The Kingdom of Allah on earth can't be established by those clergymen, who seize power on earth as was the case with the Churches authority. It doesn't need 'men representatives' gods as it was known in Europe or sacred Divine rule. Instead, it is established through dominance of the ordinances of Allah and tracing everything to Him according to plain Shari'ah.( Al-Ghazli,Al-Mustafa,1-85,p.84).

It is mentioned in *fatawa Al-Rahamat* that the whole Ummah is in consensus that there is no ruling except from Allah ( Al-Qardawi ,p.84).

Sovereignty is the supreme power of the state, and as Hashim and Bluntschli said it is, "Every authority which gives a final decision (Hashim, 2008, p.463) and as Burgess explained it is an "original, absolute, unlimited universal power over the individual subject and over all associations of subject" (Burgess, J.W. vol.1, p.52).

The main characteristics of sovereignty as determined by scholars of constitutional law and political science are:

- a. It is universal:  
The authority of the sovereign power extends over all its subjects and all foreigners who live in the state.
- b. Absolute:  
The power of the sovereign is absolute and not challenged by any other authority from within or from outside the state.
- c. Permanent:  
The sovereign power does not depend on the life of governors, but it is attached to the life of the state and the nation.
- d. Individual: In a state the sovereignty is not shared. There is but only one single authority.( Burgess, J.W.p.52-56)
- e. Inalienable:

The nature of sovereignty does not allow it to be transferred from its holder to another. The idea of sovereignty is found in Aristotle's *Politics*, and the classical body of Roman law.( Merriam,1900,p.11.) As Dr Hashim mentioned in his book of governmental system of Prophet Muhammad (peace be upon him) were he quoted from the *History of the theory of sovereignty*:

It was not basis political theories and it was not a great concern of writers until the sixteenth century when Jean Bodin made the first system of study of sovereignty.

The main theories of sovereignty were:

- a. The King as a sovereign: In order to strengthen the position of the King in his struggle against the power of Feudatory lords and the authority of the Church, Bodin outline his theory the king was the only holder of sovereignty.( Merriam,1900.11.).
- b. The nation as sovereign: This theory derived its basis from the theory of social contract which was advocated by such writers as Locke and Rousseau. Which they adopted these ideas and transferred the right of sovereignty from the king to the nation.( Merriam. , 1900.p,13)
- c. The state as sovereign: This theory was advocated by the German writers who regarded the state as a legal person, enjoying rights and bearing obligations and expressing the will of the nation and the government. Therefore they suggested that the state is the holder of sovereignty.( Merriam. E, 1900.13.)
- d. Divine right and sovereignty: Some writers suggested that God alone is the source of all rights and sovereignty, because He is as the "Creator, the only power from whom authority could legitimately derive".( Merriam. E, 1900.P.62).

The aim of these theories was to prove that the final authority of the king was derived directly from God. But this theory in itself can be interpreted in favour of the people, as well as, of Kings, because each side can claim that his sovereign right derived from God.(Hashim,pp,42-46).

### 3. SOVEREIGNTY IN ISLAM

The idea of Sovereignty is found in the Qur'an, Prophetic sayings and scholars explained it, and declared that the holder of sovereignty in Islam is Allah, and that the Prophet Muhammad is His creature and Messenger to the people (Merriam,p.62.).

The main duty of the Prophets (peace be upon them) is to deliver the Divine message and apply it to the people. The prophet based his authority on the idea of the Sovereignty of God.( Merriam,p.62).

The Muslim scholars dealt with this subject as it was expressed by Hashim Y. Al-Mallah under the heading of 'Sovereignty in Islam',( Hashim,p.73.) and 'the faith matters', al-'aqa'id waa ;ilm

al-Kalam'(See al-Shaharastani,nihayat al-iqdam fi 'ilm al-kalam.) and the governmental conduct, al-ahkam al-sultaniyyah(al-Mwardi n.d.). They used the technical term al-Wilayah to mean "the sovereign power or the power delegated by the sovereign, the office of the governor (a Wali), and implies arrangement power and action"( Al-Adhami,1963,p.25.). But the Muslim scholars did not elaborate the idea of sovereignty in special theories as some western scholars did later.( Mutwali,p576-586.). Some contemporary Muslim writers try to deal with this topic under the guidance of western theories of sovereignty and under the title of al-siyadah or al-hakimiyah (Mutwali, p551-552.) There are two main theories in this field:

Dr Ali Gasim in his article "Aqidah-al-mahdiyyah, fasl-al-Imamah wal-Khilafah"

(Ali, Awad, G. 2011, and pp.6-7.), said: Sovereignty is attributed to Allah to alone. Despite that He sent Prophet and Messengers on earth to serve as His "Khulafah" and to deliver his messages to mankind; after them He raised up revivalists "Mujaddidin" to revive His messaged to mankind at the edge of every century. Thus Khulafa were Imams who has the power to call people to the right path and fight them if they disobey, and they are twelve in number Shehu Danfodiyo was among them, at number eleven before Mahdi.( Ali,Awad,G 2011,p.7.)

The Prophet (peace be upon him) said: If only one day of this world remained. Allah would lengthen that day (according to the version of Za'idah), till He raised up in it a man who belongs to me or to my family whose father's name is the same as my father's, who will fill the earth with equity and justice as it has been filled with oppression and tyranny, (Ali, Awad, G, p.7) (According to the version of Fitr). Sufyan's version says: The world will not pass away before the Arabs are ruled by a man of my family whose name will be the same as mine.( .Abi |Dawud,sunan,H.4269).

Gasim supported his view with authentic saying as follow:

According to the Qur'anic verse Allah made a Prophet Dawud "Khalifah" on this earth and to judge people with justice as this:

O David! We did indeed make Thee a vicegerent on earth: so judge Thou between men in truth (and justice): nor follow Thou the lusts (of Thy heart), for they will mislead Thee from the path of Allah. For those who wander astray from the path of Allah, is a penalty grievous, for that they forget the Day of account.(Qur'an, surah Sad .V:26) With this on whoever wishes to obey Allah must obey His Messengers, as it was mentioned earlier in as I quoted in chapter one: O you, who believe, obey Allah, His Apostle and those in Authority, from amongst you.( Qur'an, surah An-Nisa'I,v:59). Indeed there is good example, which we have to copy from the life of Prophet Muhammad (Peace be upon him). There is no doubt that 'khulafa'a' are the representatives of Allah after the Prophets on this earth and scholars were the heirs to the of Prophet, so obedience to them is just like obedient to Allah and His Messenger.

It has been reported on the authority of Jabir b. Samura who said: I heard the Messenger of Allah (peace be upon him) say: The affairs of the people will continue to be conducted (well) as long as they are governed by twelve men. Then the Holy Prophet (peace be upon him) said words they there were obscured to me. I asked my father: what did the Messenger of Allah (May peace be upon him) say? He said: Al of the (twelve men) will be from Quraish.( Sahih Muslim.Book 020.Hadith 4478).

Bazzar reported a tradition from Abi Juhaifah Hadith 'Mar'fu' the Prophet (peace be upon him) said: The affairs of my people will continued to be well as long as they are governed by twelve 'Khulafa'ah'(Ali Awad Gasim.Qidah l-Mahdiya,p.7). The view of the Islamic scholars has differed, some expressed that they are in sequence while others say no. Ibn al-Jauzi said: The authentic view says: At the edge of each century a 'Khalifah' as a 'Mujaddid' will be raised to revive the religion.( Ali Awad Gasim.2011.p7).

#### 4. THE SOVEREIGNTY OF THE NATION

According to Hashim Al-mallah in his book (Hashim Y, p.73), that some modern Muslim writers have idea that the holder of sovereignty in Islam is the nation for these reasons:

1. The prophet said: لا تجتمع أمتي على ضلالة: 'My community will never agree upon error' (Sahih Muslim).
2. The assertion that the government in Islam is based on consultation between the government and the governed.

3. The basis from which the Caliphate took its legality is the contract (al-bay'ah), between the Caliph and his nation (Maududi, nd, vol.1).

##### 5. THE SOVEREIGNTY OF GOD

Sovereignty means the source of power. In Islam, Allah is the source of all powers and laws.( Maududi,nd,vol.1.) It is Allah who knows what is good and what is bad for His servants. His saying is final. All human beings unitedly cannot change His law. The Qur'an says, As for the thief -male and female, chop off their hands. It is the rewards of their own actions an exemplary punishment from Allah. Allah is mighty Wise. (Qur'an: 5:37).

According to Islam, this order is unchangeable by any parliament or any government which claims to be Islamic. There are many more laws in the Qur'an concerning our life, and those laws must be put to practice by an Islamic state. The majority of the writers suggest that sovereignty in Islam does not belong to the nation, to a governor, a family, or a class but only to God, for these reasons:

1. God is creator of the Universe.
2. All the powers of man are bestowed by God,
3. Every which man uses belongs to God, the real owner.
4. In order to bring about harmony between the creatures of God, they must submit to the one supreme power, which is God (Qur'an: 5:37).
5. No one deserve to be sovereign in the world except God, because  
"He is Living, self-existent, self-sufficient, eternal, free from all kinds of or weakness"( Maududi, aizariyat ,npp.150-151.).
6. The meaning of Islam is submission to the order of God, and Muslim is one who submits to the orders embodied in the Qur'an; the word of God, and the Sunnah traditions and works of His Messenger.( Hashim,2008,p.76).
7. In Islam, Allah (God) is the ultimate source of law. Muslim regarded their army as the army of God, and public treasury as 'the treasury of God. "Even the public functionaries are 'the (employees of God).( Hashim,2011,p76.).

The doctrine of the sovereignty of God is more convincing than the "sovereignty of nation" doctrine for these reasons:

1. The Prophet's tradition that "My community will never agree upon an error" In this, he did not refer to the nation as sovereign, but to its actions in the context of defining right and wrong which are both defined in Islam as according to God's order.
2. Constitution is the basis for good behavior and smooth running of government; but is not a characteristic of sovereignty.
3. The contract, al-bay'ah between Caliph and people was just a way of choosing leaders after the time of the Prophet, and thus does not provide an adequate proof of the sovereignty of the nation.( Mutwal,nd.pp-579-580.).

The pledge of the Madinans at Al-aqabah to submit to the order of God and the authority of His Messenger could be regarded as evidence to prove that the sovereignty in Islam belongs to Allah only.( Hashim,2011,pp29-30.).

##### 6. THE CHARACTERISTICS OF SOVEREIGNTY OF GOD:

The characteristics of sovereignty of God which were mentioned before can be found in the sovereignty of God typified as follows:

- i. Universal: The sovereignty of God as the Qur'an maintained because Allah is the creator of all things, He says:
- ii. He to whom belongs the dominion of the heavens and the earth: no son has He begotten, nor has He a partner In His dominion: it is He who created all things, and ordered them in due proportions. (Qur'an: Surah al-Furqan v:2). The sovereignty of Allah is not limited to religious matters alone, but extends over political matters as well as over all aspects of life, as the Allahemphasized:

Say: 'O Allah! Lord of power (and Rule), Thou givest power to whom Thou pleases, and Thou strip pest off power from whom Thou pleaset: Thou endues with honour whom Thou pleaset, and Thou bringest low whom Thou please: In Thy hand is all Good. Verily, over all things Thou hast power. (Qur'an, Surah al-Imran: 26).

- iii. Absolutely: The sovereignty of Allah over His Creatures is unlimited; His authority is over and above the authority of governors and Kings. If He wants to do anything, He will do it, because He is omnipotent and as the Qur'anmentioned:

The only words we say to a thing, when we desire it, is that we say to it 'Be', and it is. (Sura, al-Nahl: 40). There is no power in the universe equal to His power, all powers submit to His Absolute power because as the Qur'an emphasized:

Say: 'He is God, One, God, the Everlasting Refuge who has not begotten, and has not been begotten, and equal to He is not anyone. (Sura, al-Ikhlās: 1-4).

iv. Permanent: Allah is eternal, while man is mortal. No one is immortal except Him

Because He is the first and original truth as the Qur'an maintained:

He is the All-mighty, the All-wise. To Him belongs the Kingdom of the heavens and the earth; He gives life, and He makes to die, and He is powerful over everything. He is the First and the Last, the Outward and the Inward. He has knowledge of everything. (Qur'an, al-Hadid, v:2).

v. Indivisible: The sovereignty of Allah (God) is indivisible because God in Islamic faith has no son, or partner, and no one is able to share His sovereignty with Him as the Qur'an argued;

They say: 'The All-merciful has taken to Him a son'. Glory be to Him! Nay, but they are honoured servants that outstrip Him not in speech, and perform as He commands. He knows what is before them and behind them, and they intercede not save for him with whom He is well-pleased, and they tremble in awe of Him. If any of them says, 'I am god apart from Him', such a one we recompense with Hell; even so we recompense the evildoers'. (Qur'an, al-Anbiya: 26-29).

v. Inalienable: It is impossible to transfer the sovereignty of Allah to another power, because no one is able to enjoy His prerogative. Moreover, as God is eternal, there is no reason to transfer His sovereignty (domination) to anyone else. But through revelations God chooses some persons as His messengers on earth to deliver His orders to the people as we shall explain.

## 7. OPPONENTS OF THE CONCEPT OF SOVEREIGNTY

Like other human concepts, the concept of sovereignty or domination did not escape criticisms. The strongest critics of this theory were Duguit (1859-1928) and George Sale (1884-1960) in France (Hashim, Y. Al-Mallah, 2008 p.80, also see Ghazali Mabadi' al-ulum al-Siyasiyyah, P. 210.). The main criticisms which they made were:

- a. This theory is based on the fiction that the sovereign is absolute, while he is in fact limited by several factors.
- b. The sovereignty of the state is illegal and not only contradicts itself, but contradicts the idea of international law, because the state cannot enjoy absolute sovereignty and submit to the law at the same time.
- c. The sovereignty of the state would represent a threat to international law because the individual sovereign state might tend to regard submission to international law as a threat to its sovereignty. (Hashim, 2008 p.80 and al-Ghazali pp. 210-211; al-Jurf, nazariyat al-daulah, pp. 146-151).

These views could be criticized in the following way:

- a. The absolute sovereignty of the state is relative; because nothing in this world is perfectly absolute.
- b. There is no contradiction between the sovereignty of the state and its voluntary submission to the rule of law because it creates the law and submits to it of its own free will.
- c. International law is still in force although; the states are now considered the bases of their separate sovereignties.

To the same view of the opponents of the theory of sovereignty, Dr. 'Abd al-Hamid Mutwali opposes the idea of sovereignty in Islam, because he thinks that the circumstances which gave rise to this theory in Europe have changed, and the theory has become reactionary, besides this, the theory of sovereignty is harmful because it encourages the sovereign to act as a tyrant. (Mutwali, A nd. pp.564-588).

It seems that this view is extreme for these reasons:

- a. The theory of sovereignty is still in force, and most-if not all- of the constitutions in the contemporary world identify the holder of the sovereignty. Moreover Article 2 in the Charter of the United Nations states, "The organizations are based on the principle of the sovereign equality of all its members". (Dolivet, L, 1964, p.151.).

Sovereignty in Islam does not encourage tyranny; because if we regard God the Sovereign, we cannot imagine that God will be tyrant. The orders of God are embodied in the Qur'ân,so, in practice, the sovereign is the Qur'an which is available to all for study. If some scholars tried to use the Qur'an to support tyranny, the responsibility of this misuse should lie on them, and not on the sovereignty as a great limitation on the will of governors, because they have no right to legislate according to their wishes and in defiance of Qur'ân. (Schacht, 1959, vol, 8,p...144, also see Gouloson and A, 1958, vol. 33, pp. 920-929). In practice, it is undeniable that most of the Muslim governors did not bind themselves strictly by the Qur'ânicrules. But in these cases, they alone were responsible their behavior and not the sovereignty of the Qur'ân.

If we consider for the nation's sovereignty in Islam, the result will be the same, because the Muslim nation must respect the orders of God which are embodied in the Qur'an and is not allowed to act against them.( Zaydan, 'A.,1965,p16).

## 8. AUTHORITY

Authority from the point of view of law is a supreme power which practices absolute rule.( Willoughby, W.1896,p353.).In order to govern the people it lays down a legal system.( Hashim,2008,p.82, also Al-Jurf,p.29 ).

According to its functions, this authority is divided into three main divisions; legislative, executive, and judicial.( Gray, The nature and sources of the law, p. 70).

The main characteristics of authority force:

- i. It can back its dictates with force (Wilson, W. 1918, p.26.).
- ii. It has the ability to organize itself and enforce its orders without reference to any other authority inside or outside the state (Al-jurf, nd, p.94-95.).

Historically, an authority comes into existence when the members of a society divide into two groups:

- a. The governing clan which possess one or more of the elements of force; wealth, military power, and ideology, which form the basis of its rule.
- b. The populace which submits to the rule of the governing clan.( Zaydan, 'A.1965.p16.)

Authority usually rests in one individual who takes on his shoulders responsibility for government with the assistance of subordinates.

The main ways of choosing the governor are:

- a. Heredity: This means that authority is transmitted from the governor to his heir after his death, in the same way as property. This method is typical of monarchies.
- b. Nomination: Here the governor himself has the right to choose the person who will inherit his authority.
- c. Election: According to this system, the governor comes to power via an election. He can be elected directly or indirectly by the people's representatives or by a particular class. This method is popular in modern times, and is typical of the democratic system.( Ghazali,nd,pp.359-361).

Allah says:

- By the star when it plunges, your comrade is not astray; neither errs, nor speaks him out of caprice. This is naught but a revelation revealed, taught him by one terrible in power. (Qur'an, 53: 3-5).

## 9. ISLAMIC AUTHORITY

Islamic authority began in al-Madinah after the migration of the Prophet Muhammad who established the Islamic state and become its head.( Hashim,2008,pp48-50).The Qur'ânused the word al-hukum to express authority (Qur'an Surah al-anbiyah:, 79.), but the Muslim scholars use al-wilayah, as a technical term to mean "the sovereign power or the power delegated by the sovereign, the office of governor (a wall), and implies arrangement, power and action".( Al-Adhami, A. M., 1963, P. 25).

The Prophet (peace be upon him) did not receive his office by heredity or nomination from a previous governor, or by election. But he held it simply an account of his Prophet Hood, and he based his authority on the following points:

- a. He was the Messenger of God, the real sovereign visible source of authority in Islam. (Khadduri, 1947, p. 328.).
- b. God commands the Muslims to obey the Prophet because as the Qur'an determined; Whoever obeys the Messenger thereby obeys God. (Qur'an: IV.V: 80).
- d. The Muslims believed in him as the Messenger of God, and pledge obedience to him. The Allahstated that: God's hand is over their

hands. Then whoever breaks his oath breaks it but to his own hurt; and whoever fulfils his covenant made with God, God will give him a mighty wage. (Qur'an, al-al-Nisaa.v:80).

This way of receiving authority could not be repeated according to the Islamic belief; because the Prophet Muhammad was the last prophet, Kahtam Al-Nabiyin, as Allah described: Muhammad is not the father of any of your men, but (He is) the Messenger of Allah, and the seal of the Prophets. (Qur'an, 33,V: 40).

The Prophet Muhammad died without specifying the manner of choosing his successor in authority. Therefore, the Muslims after that were divided about this critical matter into two main sects; the Sunni who inferred that the Prophet had left this matter to the Muslims to choose their governor according to their opinion, and the Shi'ite who suggested that the Prophet had appointed 'Ali Ibn Abi Talib to be his successor". (Ibn Hisham, al-Sirah, vol.2, pp.653-654). For more details see: Ibn Hisham, al-sirah... vol. 2, pp. 653-654; Ibn Sa'd, al-tabaqa Vol. 2, p 246, vol. 3, p. 183; al-Tabari, Tarikh vol. 3, pp. 193-194; 196; Arnold, the Caliphate. P. 19; Levy. The social structure of Islam, pp. 276-277; Watt, Islam and the integration of society, p. 163.

The main characteristics of Islamic authority in the Prophet's time were:

- a. All authority was centralized in God's hands, and the Prophet Muhammad exercised only executive and judicial authority in the name of God and under His direct control according to his capacity as the Messenger of God. (Muhammad. K.A. chapter IV, pp. 210-213) .
- b. Islamic authority was not exclusive a religious or political affairs, but was comprehensive in scope. (Goitein, (nd), p.39.)
- c. It depended basically on general acceptance by Muslims who supported it in order to satisfy their beliefs. (Siegman, H. 1964, vol. 54, p. 15.).
- d. It enforced its command in two ways:
  1. Through religious sanctions, so that the people carried out its order under the influence of 'Wa'd' which means that he who obeys God and His messenger Muhammad, will go to Paradise, and the Wa'idi which means that he who disobeys God and his Prophet, will go down to Hell in the Hereafter (Qur'an, IV: 69-74).
  2. In the event of the failure of the first means, various material sanctions were used against guilty persons to restore order and to prevent crime, as we shall see later. (Qur'an, 11: 178; IV: 92; V: 33, 38; 45).

## 10. ISLAMIC AUTHORITY IN PRACTICE

Theoretically all authority was centralized in the Prophet's hands, but in practice he delegated powers to others. Therefore he depended on their assistance to administer the state. From the beginning, he delegated responsibility for the affairs of the Madinan clans: (the adherents), to their representatives, al-nuqaba; as they were before. Prophet undertook the responsibility of conducting the affairs of the Qurayshite emigrants, in addition to his other responsibilities as Prophet and the supreme leader of the Muslims (al-Dhahabi, 1960, pp. 35-38). The policy of the state was decided according to the revelations and consultations with Muslim leaders in the cases which the revelation did not deal with as will be explained later. In order to achieve his aims, the Prophet set up some specialized functions which grew in importance as the state expanded. The main functions were:

- a. The secretariat, al-Kuttab; whose duties were to write down the revelation; Al-Qur'an, and send letters to kings, princes, and tribal chiefs according to the Prophet's directions. The work in this office was not permanent, and was filled by several men, such as Ubayy Ibn Ka'ab, Zayd Ibn Thabi and Mu'awiyya bn Abi Sufyant. (Ibn Khyayyat, 1967, vol.1, p.64).
- b. The leadership of the prayers, Imamah, which was generally performed by the prophet himself. (Ibn Hisham, al-sirah... vol. 2 p, 15)
- c. The call to prayer, Adhan, which was performed by several persons, but the most distinguished Mu'adhin was Bilal bn Rabah. (Ibn Hisham, al-sirah. vol. 2 p.20).
- d. The preaching of Islam by the Prophet himself, some of his followers were sent to different places to preach and teach people the Qur'an. (Ibn Hisham, (nd) vol.2, p.354)
- e. The appointment of leaders of expedition, Umar al-al-Sarayya, setup to attack specific targets or carryout special duties. (Ibn Sa'd, (nd) al-tabaqat, vol.1, pp. 339-351).
- f. The supreme command for the army was with the Prophet, and when he went out to the battle with his army he alone was leading it. (Gaudefroy-D. (nd) p.109)
- g. The deputy leadership in al-Madinah, appointed by the Prophet in his absence. (Ibn Khayyat, vol.1, pp.61-62).

- h. Collectors, al'ummal, appointed as the Islamic state expended, to collect, Al-Zakah, from Muslims and the contribution, Al-Jizyah, from non-Muslims.(Ibn Khayyat,(nd),vol. 1, p 62).
- I. Treasurer: It was transmitted that Bilal ibn bn Ribah was working as treasurer to the Prophet.( Ibn .Qayyim,(nd) Zad al-ma'ad,vol.1.p.65).
- J. Trade inspector, al-Muhtasib: The Qur'ancriticized cheating (Ibn al-Qayyim,(nd)vol.1, p 65), and ordered Muslims to be just, and to prevent dishonor al-munkar(Qur'an, 83:1-3). Therefore it was transmitted that the Prophet himself tried to control the market in order to prevent cheating and sharp practices,( Qur'an, III: 110; 104.),and he punished the guilty as al-Bukhari transmitted(Ibn Sa'd, al-tabaqat,vol.1,pp.339-351), it was mentioned that after the capture of Mecca the prophet appointed Sa'ad Ibn Sa'id al-As to work as trade inspector in the market of al-Makkah(Al-Halabi,as-Sirah,vol 3,p.356).This indicated that the function of trade inspector in Islam, al-Muhtasib, probably found its basis in the Prophet's time.
- k. Judges: He acted as judge in al-Madinah, but he appointed some of his companions as judges in the more distant areas.( Hashim.A,2008p.89).
- L. There were some people working behind the Prophet to carry out the punishment on guilty persons.( Ibn Sayyid ,vol,2,pp316-317).
- m. District governors, wullat, were appointed in Makkah and al-Ta'if, etc, to govern The people in the Prophet's name.( Ibn Hashim,vol.2.p.311.).
- n. Ambassadors, rusul, were sent for several reasons, the main ones being dispatch of the letters to kings, princes, and tribal chiefs.( Ibn Khayyat,(1967) vol.1 pp.62-63).
- q. After the capture of Makkah the Prophet began to organize the performance of the pilgrimage. So he appointed Abubakar in 9 A.H., to the office of (Amir al-Hajj); the officer for pilgrimage,( Ibn Hazim,p.258), and in the tenth year, he led himself. (Ibn Hazim,(nd) P.258), the main principles which the Prophet followed in organizing the administration were:
- The prophet told the Muslims that if there were three of them on a journey, they must choose one of them as a chief, (Amir) because he wanted order to prevail. (Ibn Taimiyyah, p.138).  
إذا كنتم ثلاثة فأمروا أحداكم.
  - The Qur'an ordered the Muslim to obey the Prophet and their governors as follows:  
You, who believe! Obey Allah, and obey the Messenger, and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger, if ye do believe In Allah and the Last Day: that is best, and most suitable for final determination.  
(Qur'an, al-Nisaa v: 59).
  - Consultation was recommended as a basis for relations between Muslims, especially between the governors and their subjects.
  - The Qur'an ordered Muslim to govern with justice in all cases, as it was mentioned above.( Qur'an.,chapter: 29).
  - Prophet Muhammad prohibited bribery and the offering of gifts to his agents.( , Sahih Muslim, vol. 3,p. 1465).
  - His agents especially the tax collectors, were accountable for their actions. Therefore the Prophet dismissed Ibn al-Latbiyah, the alms collector, when he discovered that he had accepted gifts from people in the course of his work.( Ibn a-Qayim,1053.p.288).
  - The Prophet was concerned with the abuses and wrong doings of his agents. So he blamed Khalid Ibn Walid when he engaged in war with Banu Judhaymah instead of preaching Islam among them first according to the orders of the Prophet. And he sent Ali Ibn Abi Talib to give them blood money for the persons killed and to apologize for the fault of Khalid in the name of the Prophet.( Ibn Hisham,(nd) vol.2. pp. 428-430.).  
Prophet Muhammad (peace be upon him) made some rules and regulations in appointing his governors. The main considerations which the Prophet adhered to in appointing governors and other agent were:  
He must be a man, because he did not appoint women to act as his agent; in accordance to the statement:

Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (Next), refuse to share their beds, (and last) beat them (lightly); but if They return to obedience, seek



not against them means (of annoyance): for Allah is Most High, great (above you all). (Qur'an:an-Nisaa,v: 34.).

Therefore when the Prophet heard that the Persians had chosen a woman Empress, he said, "People who entrust their affair to woman will not succeed. ( Al-Bukhari, Sahih,vol. 6, p. 10.).

Fidelity in religion and the ability to fill an office were very important conditions, and therefore when Abu Zar al-Ghaffari, a very sincere companion asked the Prophet to appoint him to an office the Prophet refused because he had no administrative ability.( Muslim,vol 3.pp.1457-1458.).

The Prophet did not consider the age of the person appointed if he fulfilled the other conditions, and thus he appointed 'Attab Ibn Usayd to govern Makkah, Uthman Ibn Abi al-'As to govern al-Ta'if, and Usamah bn Zayd to lead an army which included the distinguished companions Abu-Bakar and Umar.( Hashim,2008.p.92.).

The Prophet considered the tribal feeling among the Arabs, and so he chose the Makkan governors from Makkah and the governor of al-Ta'if from it and so on.( Ibn Hashamal, vol.2.pp.311:326).

Appointment to post was according to the Prophet's decree, and not according to the eagerness of candidates to fill the vacant offices.( Muslim,vol.,3.p1456). The most noticeable features of the administrative system of this period were:

1. All the offices were temporary except the office of governor, wali Therefore 'Attab Ibn Usayd; the governor of Makkah, and 'Uthman Ibn Abi al-As; the governor of al-Ta'if continued in their offices even after the death of Prophet Muhammad.( Al-Kittani, vol.1, pp.240:243).

2. The Prophet reserved for himself the vital functions such as leading the prayer, judging disputes, and leading the army, and he appointed some of his followers to fill some executive functions such as writing revelation and his letters, calling to prayer, collecting taxes and leading small expeditions.( Hashim,2008.p.92).

3. There was no sharp distinction between offices, and thus it was possible for man to fill more than one office at the same time. So the governors led the prayers as well as directed the affairs of government. And when the Prophet sent Mu'adh Ibn Jabal to the Yemen, he gave him the duties of leading the army, judging dispute and collecting alms.( Ibn Khayyat,vol.i.p.62).

Lastly, posts did not carry a fixed salary, but the holders were paid certain sums, usually fixed according to their needs and the resources of the state.( Abu Daud, vol.2,p.121.).

## 11. CONCLUSION

Sovereignty is the total power of the state which belongs to the leader without interferences from any other authority; especially over a state. Also it discovered that Sovereignty in Islam does not encourage tyranny. Power belong to Almighty, it is also He Who knows what is good and what is bad for His servants. His say is final. All human beings unitedly cannot change His law.

## 12. RECOMMENDATIONS

It is good and sensible thing to the Muslims to adopt the teaching of Islam, according to the concept of Sovereignty teaches in the paper. This highlights the arms of Government in the Authority of Islamic State and in State in general.

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