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The Islamic Social Order and its Premises in Modern Territorial Boundaries:

An Analytical Perspective

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Abstract:

The early human being was unlegislated and warlike. They have started living together under the social terms and laws very late in history. While Muslims believe that the early communities were also been granted the law, the identity of religion, and prophets to lead them towards victorious life in this world and the world hereafter. Therefore the religious identity should have a degree of precedence over territorial identity. Contemporarily, Muslims have confined themselves to regional boundaries. They are now identified by "Yours" and "Mine" piece of land. This perseverance has left the oppressed Muslims in misery and isolation. The anti-Islamic powers are continuously massacring the weak Muslim states and individuals around the world. It is a dire recall the Islamic Social Order to unify all Muslims to protect the Muslim population universally.

Keywords: Islamic Society, Muslim Minorities, Oppressed, Reconstruction & State Laws

1. Introduction:

The history of early human civilization predicated by modern philosophers is still unjustified. They believe that the human being has started living together from an unknown period. Humanity once remained lawless and no power was existing to steer them at all. Consequently, the group of humans thought to develop standards of living together. They socialized to be protected under the supervision of their commanders and to be recognized with specific identity by region, tradition, and professions they do belongings from. Therefore the early socialization was existing among hunters, fishers, root diggers, and fruit gatherers.

Muslims believe that humanity never remains uncontrolled. They were been granted the law of religion since the beginning of life on earth and the ruler to implement those laws on them. The early societies were not professional and traditional based only while it was a religious-based community that has given them a reason for living together. If it does not, then who suggested establishing the law and the ruler? When all the humanity was drowning in ignorance and warlike.

Religious laws and standards also keep advancing with passing time. Each group of people was been given different laws and orders from the previous and repealed afterward. Finally, humanity is blessed with the religion of Islam which has settled all the deficiencies of previous living styles. Now the Quran and Hadiths are a basic code of conduct for the religious population. Islam has presented a very definite illustration that Muslims are centrally connected with the roots of Islam whether they are living in the same place or some of them are scattered in a different part of the world. It is referred as to the Hadiths of Holy Prophet Muhammad (ﷺ):

"A believer to another believer is like a building whose different parts enforce each other."

The Prophet (#) then clasped his hands with the fingers interlaced"

All Muslims have a physical and sentimental association. The territorial boundaries are only need-based and cannot confine cooperation with the Muslims living in the Heathen territories. It is referred to as Hadith of Holy Prophet Muhammad (**):

"Muslims are equal in respect of blood. The lowest of them is entitled to give protection on behalf of them, and the one residing far away may give protection on behalf of them. They are like one hand over against all those who are outside the community"

¹ Muhammad Bin Ismail Bukhari, "Sahih Bukhari", Dar ul Hadara Li' Nashar Wa Al Taudih (1436):973, Hadith No. 6026.

² Salman Bin Ash'as Al Sajistani, "Sunnan Abi Daud" Dar ul Hadara Li' Nashar Wa Al Taudih (1436):348, Hadith No. 2751

Therefore, the Muslim minorities have to be treated as the religious ambassadors and preacher of Allah's commandments. Unfortunately, in the present scenario, each Head of Muslim territory assumes himself responsible for the particular piece of land, whereas such kind of behavior has grabbed the suppressed Muslim individuals into isolation. It has divided the nation into different parts and each part of the body is now segregated from the other. It needs to remind the divine law of unity and unify all Muslim populations in a single chain.

2. The Evolution of Human Socialization:

2.1. The Modern Perspective:

The behavioral and territorial boundaries in human civilization are essential to discuss. In contemporary studies of human sciences, it is still uncertain that when the practices of socialization been started and what kind of standards the early humans have established for living together. The historians have not any approved speech at the beginning of the territorial communities. However, it can be divided into two evolutionary periods.

2.1.1. State of Nature:

The First period belongs with no definite constituted piece of land. Humanity was living in the State of Nature. Each human was free with no restriction of land, & physical boundary, only such regulation were required that nature was supposed to prescribe. ³ The natural state of humans was unsocial and warlike, therefore the man is unpolitical by nature; admitting, however at the same time to live what Aristotle called "good life" 4 man has accepted nature to commands him.⁵ The fundamental law of nature imposes upon natural men are around fourteen commandments to observe. 6 Those were not to kill or injure people and not to occupy the property of others e.g. the living standard of that era can be understood by the Hadiths of Holy Prophet "The Momin is from his hand and tongue, the other humans are protected". 7

2.1.2. State of the Law:

Man is being social by nature, required an organized life. In the words of the Muslim thinker and Sociologist Ibn Khaldun:

"Social Organization is necessary to human species without it the existence of human beings would be incomplete. And God's desires to settle the world with human beings and to leave them as His representatives on earth would not be materialized." 8

³ Arjun Appadorai, "The Substance of Politics," Humphrey Milford Oxford University Press, (1944):21.

⁴ James Willford Garner, "Political Science and Government," The World Press Limited, (1952):50.

⁵ Charles Edward Merriam, "Hobbe's Doctrine of the State of Nature" Proceedings of the American Political Science Association, Vol 3, (1906):155.

⁶ Ibid, 153.

⁷ Sahih Bukhari, Dar ul Hadara Li' Nashar Wa Al Taudih (1436):13, Hadith No. 10.

⁸ Dr. Muhammad Nazeer Kaka Khel, "Foundation of The Islamic State at Medina and its Constitution," Islamic Studies, 21 (3), (1982):04

Equality among humans cannot be proposed until the authority restrict them from violating the rights of others. The humans are, as a whole, cannot merely equal for claiming themselves any benefit which another may not entitle as he is. If any two-man desire for the same things which nevertheless they cannot both enjoy at the same time, they become enemies. Provision of right benefits, safety, and glory cannot be assured until any common power stands among them. Despite the existence of police and Courts people acts illegally than how they cannot go for illicit activities with no existence of Law. When a newly born child cannot grow himself then how society can grow up without the supervisor.

Therefore, the men decided to format a particular head to obey and to establish the law for the protection of rights and glory. The early societies were formatted among hunters, fishers, root diggers, and fruit gather, 9 and the community of ancient hunters used to protect their tribal people and land without marking the territorial boundaries. It was not only dangerous but could be deadly for men to enter their areas. ¹⁰

It is provided by James Willford, that the first state was emerged by Orient Mexicans and Peru. They were the very first in history to format the earliest civilized state. Thereafter the Sumerians, Assyrians, Persians, Egyptians, and the Chinese have established the empires. Among them all, the Persians have attained a degree of stability in the political system and organized geographical boundaries. 11

Further, in history, a civilized and well-formed populated state was established by Greeks. It was developed too far from the orient states of Mexicans and Peru. However, gradually it has placed a very well environment for the growth of politics. ¹² The Greeks set the boundaries from the Black Sea to Sicily and The West Coast of Italy. They have planted the seed of political evolution in each city. ¹³

2.1.3. The Early Relations Between the Ruler and the Population:

When it is important to analyze the evolution of human societies in modern studies, it is also important to identify the relation between the population and ruler at the same time. The policies for the selection of a ruler can be understood by the given example of Maulana Maududi, that the blind men who altogether touch the elephant and one who is only able to touch the tail, the other its legs, the thirds its belly and forth reached its ears only. 14 There are around six different theories to understand the relation between the ruler and population "The theory of divine Origin (rulers are appointed by God)", "force theory (War begat the king)", "Patriarchal theory" (the male head of family, tribe or community), "Matriarchal theory"

⁹ Robert Marrison Maciver, "The Modern State," Oxford University Press, (1928):5.

¹⁰ Giuliano Bellezza, "On Borders: From Ancient to Postmodern Times", Joint Workshop on Boundaries modelling and understanding for global sustainability, Beijing China, (2013):01.

¹¹ James Willford Garner, "Political Science and Government," The World Press Limited, (1952):60

¹² Ibid. 61

¹³ Robert Marrison Maciver, "The Modern State," Oxford University Press, (1928):75.

¹⁴ Syyid Abul A'La Maududi, "The Islamic Law and Constitution," Islamic Publications, Lahore, (1960):122.

(the mother or women is a supreme authority), "Evolutionary theory" (state coming into existence as a result of natural evolution), "Priesthood theory"

The theory of divine origin is the most authentic and dominating among all. The theory of *force, patriarchal, evolutionary, and priesthood*" can be incorporated with it. Whereas the patriarchal was prevailed for a specific period and abolished afterward. The philosophy of Divine origin is also found in Hindu script as well as it is reported that the group of the people was in a state of nature, approached to God (Brahma) with sorrow saying that:

"Without a Chief, O Lord," they said. "We are perishing Give us a chief whom we shall worship in concert and who will protect us" 15

The Hindu political writers said that after the worship of that group, God has appointed *Manu* to rule over them. The *Manusmriti* is considered the sacred law was also conveyed by the same Ruler *Manu*.

2.2. The Islamic Perspective:

Allah has created everything, then He invited the human species to explore the originator between the earth and sky so that the infinite power of its creator is acknowledged. Humanity has not completed its growth instantly while they have identified gradually the purpose of life on earth. Allah has sent numerous messengers for the guidance of humans in different phases. The messengers provided dos and don'ts for the human species. They interpreted how to earn the happiness of Allah Almighty and how to succeed in this world and the world hereafter. It is referred to as the verse of the Holy Quran:

"He hath ordained for you that religion which He commended unto Noah, and that which we inspire in thee (Muhammad), and that which we commended unto Abraham and Moses and Jesus, saying: Establish the religion, and be not divided therein"

Each group of people following the messenger's instruction was been given the basic creed of the oneness of Allah Almighty and appropriate standards as per need of the time. When humanity recognized the existence of Allah and his supremacy upon each creation, then it becomes easy for them to obey his orders submitting the sovereignty of God on earth. However, the relationship between the population and ruler is also elaborated that the rulers of the states are divinely appointed. It is indicated in the verses of the Holy Quran:

¹⁵ U. Goshal, "A History of Hindu Political Theories," Oxford University Press, (1923):175.

¹⁶ Al-Quran, Ash-Shuraa 42:13

"Indeed, I will make upon the earth a successive authority."

It is also written in an available version of the Bible that the ruler is appointed by god only, therefore his teachings are supposed to be the godly instructions. While the Christian also believe that the states are established by God:

"Let everyone be subject to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God." ¹⁸

The Philosophy of "Successor" is opposed by Robert Filmer. It is because Christianity believes that the rulers are divinely appointed. Therefore, they are accountable by God only. The ruler can never be monstrously vicious, even if he is wicked, and it means God has appointed him as a punishment for people's sins. Therefore Filmer says that neither God has given his power to someone in particular nor He has obtained his power. It is approved by Holy Scripts that All humanity is created equally therefore He cannot give his power to specific or in Multitude. ¹⁹

The Islamic Philosophy for the succession is exempted from this criticism. It is recommended to the Muslim community to choose their leader by mutual consultation. Any individual having communal power cannot choose himself the leader on Muslims, and the ruler is accountable for any illicit activities at the same time from the local jury. Therefore, *Filmer's* criticism applies only to the *Priesthood theory*. The consultation is a preliminary requirement in choosing a leader, this is what the Quran says:

"Those who have responded to their lord and established prayer and whose affair is [determined by] consultation among themselves"

Filmer has argued in his Patriarcha that Adam A.S was the first who been blessed with the governance on earth. ²¹ The very first religious society was established by him. He further submitted that Adam was the first king with Power over his family, though the political communities of his era were not organized as per modern definitions however, the essence of his established system was influenced in communities organized after him. ²² It is certified by the Quran the existence of Law in ancient nations is:

¹⁷ Al-Quran, Al-Baqrah 02:30

¹⁸ Romans, XIII

¹⁹ Robert Filmer, "Patriarcha; or the Natural Power of Kings", Ric, Chiefwell, London, (1680):11

²⁰ Al-Quran, Ash-Shuraa 42:38

²¹ Arjun Appadorai, "The Substance of Politics," Humphrey Milford Oxford University Press, (1944):34

²² Robert Filmer, "Patriarcha; or the Natural Power of Kings", Ric, Chiefwell, London, (1680):32:33.

"The established way of Allah with those who passed on before; and you will not find in the way of Allah any change"

It is acknowledged that neither the men remain codeless nor he remains in the community without the imposer of law. He is never deprived of the essence of the social community. The sole purpose of humanity was to stay peaceful and enjoy rightful things obeying the orders of his creator. However, the increasing population requires additional departments to cater to the necessities of a group of people that later called tribes or states.

2.2.1. The Elements of the Modern State and Islamic Society:

Modern sciences believe that whenever a human being lives together for a length of time then there we find an organized standard and the authority for the compliance of the law. That organized system of living together is called State. ²⁴ The human-operated territorial system is based upon the four elements (a) sovereignty (b) territory (c) population (d) government. ²⁵

- (a) Sovereignty: It means supremacy, the power behind the state in the establishment of the law with all means. It is used in the sense in Great Britain where the king of the state is "sovereign". The executions of law in the name of "our Sovereign Lord the King" ²⁶ Whereas in Muslims states Allah is the Sovereign and He is only the power behind the legislation.
- (b) Territory: It is an essential element to impose the constituted law. The size in length, the number of population is not worthy for the consideration of state. At present time it is around 200 territories existing on a world map and each has one have a piece of land of different size and with a different population.
- (c) **Population:** It is the second supreme element of the state. In Islam population has to choose the appropriate *Caliphate* from them for the execution of Sharia's law.
- (d) Government: It is temporary than the state. It is a supporting group of people who performed the role of machinery for the state. The Government will have further three departments (i) Legislature (ii) Executives (iii) Judiciary. In Islam it essential that the group of government should have enough knowledge to extract the legislation from the basic source of law Quran and Sunnah, but if they are not capable as it is in contemporary governments are, Muslims Scholars will be supreme legislature or they will be consulted before every legislation. The remaining body of Government are executives who carry the Law and the Judiciary is to

²⁴ Eddy Asirvatham, "Political Theory, The Upper India Publishing House," Lucknow (1936):18.

²³ Al-Quran, Al-Ahzab 33:62

²⁵ Arjun Appadorai, "The Substance of Politics," Humphrey Milford Oxford University Press, (1944):11-12

²⁶ James Willford Garner, "Political Science and Government," The World Press Limited, (1952):160.

interpret the law and its application in individual cases. The legislature will always have a degree of control over the Judiciary and Executives. ²⁷

The Territorial States under Islamic Society:

The modern expert of political studies says that society is not an operational element of the state. It is something broader or narrower than the state. The majority of the expert completely deny the relation between both. It is because society is a group of unorganized people with no defined law whereas the state has both, organized people with law and orders.²⁸

The Greek authors indicated that the state and societies are having similar definitions. The modern authors criticize saying that the Greeks were restricted in city-states. The majority of the people from different states meet each other for the legislation and they have relations at the same time. Therefore they do not distinguish between states and societies. ²⁹ Summarizing the conflict, *A Appadorai* stated that societies are before states in relationships among people because societies are connected with another in a sense of religion, education, and domestic matters whereas the states do not. ³⁰

The perspective of Islam is somehow similar to the Greeks methodology for living together. Islamic society is wider than the state boundaries and it is a group of organized people with operational laws of the *Quran and Sunnah*. It is a religion that allows socializing with other people whether they are belongings from any part of the world. It does not restrict from sheltering anyone's belongings from some other territorial nationality as it is also referred to Hadith of Holy Prophet Muhammad (ﷺ):

"The lowest of them is entitled to give protection on behalf of them, and the one residing far away may give protection on behalf of them"

The first demonstrated government of Holy Prophet Muhammad (*) was also based upon the same standard. It was decided in the covenant between Muslims and Jews that "The refugee will enjoy the status of a person who sheltered him" ³² witnesses, that Islam does not distinguish the status from a piece of land. It is because the Quran has identified the whole Muslim community as One *Ummah*, and it does not discriminate the humans on territories.

²⁹ Eddy Asirvatham, "Political Theory", the Upper India Publishing House, Lucknow, (1936):19.

²⁷ Arjun Appadorai, "The Substance of Politics," Humphrey Milford Oxford University Press, (1944):13.

²⁸ Ibid, 15.

³⁰Arjun Appadorai, "The Substance of Politics," Humphrey Milford Oxford University Press, (1944):14.

³¹ Sunnan Abi Daud, Dar ul Hadara Li' Nashar Wa Al Taudih (1436):348, Hadith No. 2751

³² Muhammad Ibrahim Tahir Kiyani, Tanver Ahmed, and Abdullah Nasir, "Seerat Encyclopedia", Dar ul Islam Research Centre, Vol 5, (1433):59

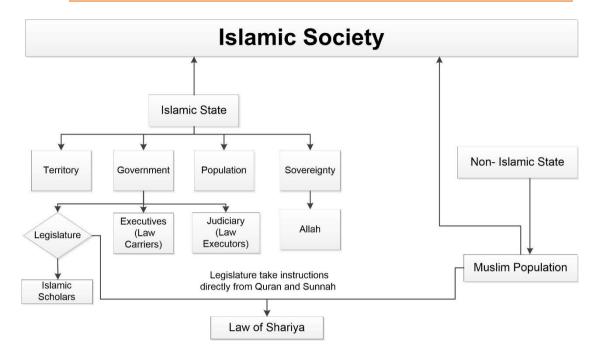


Figure 1: structure of territorial state under Islamic Society

3. The identity of Muslim minorities in Islamic Society:

The word "Minority" is a political term that was introduced as the result of various geographical migrations. Each human is recognized from certain groups, distinguished by the region, religion, language, and some other structures. Contemporarily, Religion is the basic tool used to measure the minority among the major group of people with other religions. The Muslims holding the nationality of non-Islamic states will also be known as a minority because they are less in number from the other religious population living along with them. The minority is known as weak while the majority is symbolized as absolute power and strength of the state. Quran has also measured the population with numbers:

"And remember when you were few and He increased you"

The Quran further endorsed the phenomena of minority as weakness saying that:

"And remember when you were few and weak in the land, fearing that people might abduct you.

³³ Al-Quran, Al A'raf 07: 86

³⁴Al-Quran, Al Anfal 08:26

3.1. Muslim Minorities: The Ambassadors of Islamic Society:

The civilizations keep moderating their living style with every passing minute. *Ibne Khaldun* discovered that humans cannot live without the help of others. Each human is dependent to fulfill his basic needs of life. One cannot be a mechanic, electrician, and baker at the same time, while he needs the help of other humans to fulfill these jobs. Therefore the human sometimes needs to travel to other states to expand their businesses, medical treatment, sale purchase of items, improving higher studies and for such kind of permitted reasons they sometimes become a permanent resident of that communities. The Muslims are also encouraged to travel the heathen states, where they fulfill their contemporary needs they will also be emphasized to spread the message of Islam by impressing their religious behavior and values. *Dr. Mahmood Ahmad Ghazi* has affirmed this strategy by presenting different examples that how much beneficial traveling is and how previous Muslim businessmen have inspired disbelievers. ³⁵

Therefore, *Qarzawi* stated that Muslims living in non-Islamic societies are to be considered the ambassadors of Islam. This strategy was also been applied in the era of Holy Prophet Muhammad (*) while making the peace agreement with the population of Mecca that the newborn Muslim neither will be enforced to get apart from the territory of Mecca nor they will be allowed to settle in Medina until further orders. Where this strategy has played an effective role in the political victory, it has also played a very positive role in spreading the message of the Quran among the people of Mecca at the same time. The *Qarzawi* described the status of Muslim minorities as a part of Islamic Society:

The Muslim minorities are a part of Muslim Society. (Ummah)

Therefore the Muslims have been granted the liberty to go outside to fulfill their needs by expanding their merchandising assets or for medical treatments e.g. However, they will be restricted from unsafe and anti-Islamic communities where this is not safe to stay for them.

3.2. The Guardianship of Muslims over Muslim Minorities:

Islam is a sphere of religious people and whoever submits the Oneness of Allah enters inside it. Most Muslims have possession of the land and they enjoy the laws of the *Quran*, *Sunnah* with liberty and contemporary needs and values. While some Muslims have converted to Islam in Non-Islamic communities or settled in that area for permitted reasons. Those Muslims have to face sometimes religious and communal violations. The Muslims holding the power have to take responsibility to supervise them in any religious offense in particular and violation in general. It is referred to as the hadith of Holy Prophet Muhammad (PBUH):

³⁵ Dr. Mehmood Ahmad Ghazi, "Khutbate Bahwalpur", Shariya Academy, IIU, Islamabad, (2007):491-493

³⁶ Yousaf Al Qarzwi, Fi Fiqh Al Aqliyat Al Muslima, Dar ul Sharaf, Cairo, (1968):32

"Help your brother, whether he is an oppressor or he is an oppressed one. People asked, "O Allah's Messenger! It is all right to help him if he is oppressed, but how should we help him if he is an oppressor?" The Prophet said, "By preventing him from oppressing others.

It is declared that the help of Muslims is mandatory in both conditions. The heathen states oppressing the Muslim population will be restricted forcefully from doing that while the Muslim states oppressing the people unlawfully will also be stopped based on religious kindness. The help of oppressing Muslims in pagan states can be justified by the following discussion. It is provided by the Holy Quran is:

But those who believed and did not emigrate (from oppressed land) - for you there is no guardianship of them until they emigrate. And if they seek the help of you for the religion, then you must help, except against a people between yourselves and who is a treaty..... And those who disbelieved are allies of one another. If you do not do so, there will be fitnah on earth and great corruption.

The verses interpreting the two different elements of *fitnah* on earth. The *Mufasirien* says that either the *fitnah* will be caused by interfering in internal matters of the oppressing state, while between you and them the treaty exists or by not paying a role of guardianship for oppressed Muslim Minorities seeking help from you in their religious matters.

The first tradition of *Mufasirien* ³⁹ believes that the treaty with the heathen state is deterring from paying a role of guardianship. They believe that the support cannot be awarded to minorities, honoring the treaties established between you and them. However, they can be sheltered until they migrate to the nearer Muslim dominant territories.

While the second tradition of the *Mufasirien* ⁴⁰ declared that the minorities will be supported either the treaty does exist or not. They believe that the alliance of disbelievers mentioned in the second verse "disbelieved are allies of one another" is to warn the Muslim leaders. They are advised, that if you will also keep escaping from helping minorities then there

³⁷ Sahih Bukhari, Dar ul Hadara Li' Nashar Wa Al Taudih (1436):393, Hadith No. 2444.

³⁸ Al-Quran, Al Anfal 08:72-73

³⁹ Zia ul Quran, and Tafhim ul Quran

⁴⁰ Tafseer Khazain ul Irfan, Safwa tu Tafasir, and Tafsir Usmani

will be an immense *fitnah* of a massacre on earth. It is further provided about the help of Muslims living in oppression:

And what is [the matter] with you that you fight not in the cause of Allah and [for] the oppressed among men, women, and children who say, "Our Lord, take us out of this city of oppressive people and appoint for us from Yourself a protector and appoint for us from Yourself a helper?"

Dr. Mehmood Ahmed Ghazi has also deliberated the opinion of the second tradition saying that if the Muslim leaders will not take an action against the violation and relied only upon the treaties among them, then very soon the Muslims seeking help will be completely be abducted. Spain was also occupied by non-Islamic authorities in 1492. The heathen governance emerges a variety of violations upon the Muslim population. However, none of the Islamic State has accepted the guardianship and brutal behavior of 200 years has completely removed the Muslim's existence. ⁴²

4. Conclusion:

The sole purpose of this work is to describe the infrastructure of early human socialization. It is to establish a vision to derive the attention of Muslims Leaders to support the oppressed Muslim minorities around the world. It is preliminary justified that early human societies were identified by religion. They were following the divine instructions and the leader of that society was also of religious origin. Therefore, Muslims need to recognize themselves by religion rather than the identity of a piece of land. The Muslims living in non-Islamic states having physical and sentimental relations with the people of Islamic Society. The minorities are religious ambassadors spreading the message of Islam in heathen societies and they will be protected over the religious offense. Otherwise, there will be great *fitnah* on earth.



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⁴¹ Al-Quran, An Nisa 04:75

⁴² Dr. Mehmood Ahmad Ghazi, "Khutbate Bahwalpur", Shariya Academy, IIU, Islamabad, (2007):485-486