

Dichotomy of State and Divine; a study of early Muslim Statehood

Dr. Ayse Kulahi

Lecturer, Bartin University.

Dr. Muhammad Danyal Khan

Lecturer, Gillani Law College, Multan.

Rais Nouman Ahmad

Assistant Professor, Gillani Law College Multan.

Alper Gunes

Phd Candide in Security Studies, National Defence University, Turkey.

Abstract

The study analyses the interaction of divine guidelines with the formation of state and its authority with the context of early Muslim State in Madinah. The investigation presents the documentary analysis of early state practices to define the status of divine and the state authority. To conduct the documentary analysis, the research benefits from black-letter approach. The examination tries to contend that the early state practices were not theological rather they were based on principles of non-discrimination, equal participation from different religious groups, and impartiality before the state authority. The study aims at contributing to modern trends in Muslim

Keyword: *State, divine, religion, constitution, law, non-discrimination*

Introduction

The divine religions abstained from the establishment of state but later, when they got power eventually states were formed (Solove, 2006). Christianity took a long till the Constantine embraced it and incepted a religious state and the same was the case with Judaism in the past (Finnis, 2006). Islam also adopted

the same attitude towards a state in initial years at Makkah but later on it was the Quraysh (staunch opposition to new religion) who forced Muslims to migrate from Makkah to Madinah and there they formed a confederation with neighbouring tribes as a social institution for protection against anticipated attack from Quraysh (Guillaume, 2008). This stance can be fortified on the notion of early ideas of migration towards various other destinations other than Madinah (Guillaume, 2008). The same was advocated by Prophet Muhammad in his words that he is neither a king nor a master but a person among them who has a mission to spread the message of God (March, 2015). This notion can be corroborated by the idea that no specific *modus vivendi* of the state is fixed by the prophet.

Establishment of state in Madinah was made through a treaty which was earlier named as *Wathiqah* (agreement) (Berween, 2003). It can be established that believers and non-believers were not discriminated in term of their religion and the word *Ummah* was used in a broader sense for both Muslims and Jews of Madinah. The treaty rendered same rights to every tribe (party) to the treaty (Berween, 2003). This treaty was done on the prevalent standards of local traditions of collective self-defence. This created an early model of confederation where all tribes would share the defence of one another and would not help any external force to invade their peace. Word *Ummah* means mother and it was initially used for motherland and its inhabitants not for the specific group (Kamali, 1993). Prophet Muhammad was chosen as the sole arbitrator of this confederation and in case of any dispute among tribes or factions; the matter would be decided by the arbitration. This notion of early state was also based upon the local traditions of Arabs (Kamali, 1993). The era of the prophet of Islam elaborates through many examples where state remained aloof to the influence of religion in state affairs.

The same tradition of the dichotomy of religion from the state was observed after the prophet of Islam. Mode of choosing caliphs was not enshrined by any divine instruction. The mode of governance and appointment of other officers were also not divinely inspired (Adam et al., 2014). The idea of peace and

war was also the sole discretion of the head of state. The model in the times of caliphs was based upon the obedience of head of state on the injunctions of Quran: “O ye who believe! Obey Allah, and obey the messenger and those of you who are in authority; and if ye have a dispute concerning any matter, refer it to Allah and the messenger if ye are (in truth) believers in Allah and the Last Day. That is better and more seemly in the end” (Al-Quran, An-Nisa 4:59). It can be observed by the working of state in the times of caliphs that in the matter of something novel to divine was settled by *ijtihad* and the authority to interpret the divine was the head of state (Okon, 2012). Muslim caliph used to take opinion from the masses especially from the people well versed in Islamic divine but the finality of decision belonged to head of state. This clearly states that the origin of law in the times of Muslim Caliphs was state authority (Hashish, 2010). It is admitted fact that Muslim Caliphs gave a great weightage to the traditions of the prophet as well as the prevalent practices of local society (Hashish, 2010).

The next transition of Muslim State was towards the formation of an empire with all its parameters. Muslim caliph was replaced by a monarch and the sovereignty rested absolutely in the head of state (Esposito, 1988). First Muslim Empire was established by *Ummayyad* dynasty. They grabbed the legislative, executive as well as the interpretive authority to the monarch. It was the time where divine was out of state affairs. The *Ummayyads* were replaced with *Abbasids* and the last Muslim empire was *Ottoman* which ended at the dawn of 20th century. These can be called Muslim empires not because of the divine but because of king believing in Islam. The monarch in empires grabbed more authority over the masses as compared to caliphs and established the system of state on the orientation of contemporary empires of their times. It became the sole authority of monarch to codify the law and enforce it (Esposito, 1988). Muslim jurists endeavoured to spread their understanding of earlier eras of Islam but this effort was not under the authority of the state. It can be observed from the decision of *Imam Abu Hanifa* by not joining the government as a judge. Later on, the tradition got wide acceptance as Muslim

scholars adopted a free character instead of adopting the version of state (Ilahi, 1993:6). The state was governed by the king and the divine was by the scholars of Islam. Muslim scholars, in this era, established various doctrines for the state such as *Shura*, *Maslaha*, *Maqasid-e-Alshari'ah* and *Siyasah Al-Shari'ah*. The doctrines gained popularity on state levels. Later, these doctrines were taken as guidelines in various Muslim nation states in their constitution making.

Nation-State System was introduced through Pact of Westphalia in 1648 to put an end to the 30-year European war based on religion, culture and racial superiority. It was the time when the Muslim empire was decaying (Fischer, 2012: 13). After Muslim Empire ended up in Turkey and India, nation state system created modern states. Muslim states encountered a new state system equipped with democratic sovereignty, legal positivism and then the idea of the universality of human rights. A faction of Muslim states adopted the monarchy on the pattern of predecessor empire system where divine was the guideline but the finality of interpretation was the authority of the state (Riaz, 2002: 54). The main challenge was put the states who adopted the democratic version. Most of the states started validation of new ideas of state from the divine. This effort led towards an interpretive tussle between the traditionalists and liberalists (Emon, 2012: 59). This phenomenon led towards constitutional derailment several times in Muslim countries such as Afghanistan, Iran, Iraq, Egypt and Pakistan (Emon, 2012: 62).

This chapter will try to analytically state the transition of Muslim state from inception to adoption modern nation-state by the Muslim states. It will elaborate on the doctrinal framework of the Islamic state in history. Then, this chapter will lead towards a critical study of modern ideas of nation-state in the perspective of divine validation debate.

Foundations of 1st Muslim State at Madinah

After migration to Madinah, Prophet Muhammad established two institutions immediately (Hamidullah, 1975). One was spiritual in the shape of Masjid-e-Nabvi and the second was the

maintenance of peace among various tribes of Madinah (Al-Hibri, 1999). Masjid had the specific purpose of the emancipation of the Muslim community in knowledge and spirituality and for the maintenance of peace as a first step was a creation of brotherhood among believers of two tribes; *Bani Aws* and *Khizraj*. The latter step was the formation of a confederation through *Mithaq-e-Madinah* (Treaty of Madinah). The Treaty of Madinah was designed to establish the concept of *Ummah* (Kamali, 1993).

Treaty of Madinah elaborated the concept of Madinah in a way that it included both believers and non-believers (Jew Tribes) in the definition of *Ummah*. Article 2 of the treaty elaborates:

“Article 2 Constitutional Subjects of the State (This shall be a pact) between the Muslims of Quraysh, the people of Yathrib (the Citizens of Madina) and those who shall follow them and become attached to them (politically) and fight along with them. (All these communities shall be the constitutional subjects of the state)”(Treaty of Madinah, Article 2).

Here it is clearly stated that the believers of Madinah among the two tribes of *Aws* and *Khazraj*, immigrants from Makkah, and those who followed this treaty will form a single *Ummah* (Community). In this ideological unity, the treaty accommodated all factions of the society of Madinah without any discrimination of belief or religion, and this establishes that the initial formation of the state bore a little impact of spirituality on the state, but it was created equality to its followers (Emon, 2002). To add to arguments, Article 25 of the treaty further clarified the notion by stating that: *“the Jews of Banu Awf are Ummah (Community) along with the believers. To the Jews their religion and to the believers their religion”*(Treaty of Madinah, Article 25). Here, it is mentioned that both Muslims and Jews are free to profess their religion and they form a unified community. It may be stated that the Prophet bifurcated between spirituality and state to create peace

by the way of coexistence in a multi-religious society. This treaty created a confederation with an idea of collective self-defense and cooperation in weal and woe (Emon, 2002). The creation of political dichotomy from the divine mentions that the principle of coexistence with non-believers was formulated by the Prophet himself. These notions rule out the contemporary interpretation of religious scholars who in their interpretation turn the non-believers into minority dependant on Muslim rule (Emon, 2002). Anwar Ibrahim, one of the contemporary writers, states that Muslims created the concept of *Ummah* that respected other communities and engaged other nations, religions, views, and ideologies to establish moral objectives and we must go with. This idea of unity was forwarded by Muslims and meant for the whole mankind (Ibrahim, 1991: 309).

The idea of the unity of humankind was not consistent with race, colour or religion and invited other communities to cooperate for coexistence. Moreover, it can be stated that this treaty and onward Muslim treatment with non-believers were not of subject but citizens. Afterwards, the main purpose of decline was the adoption of the system of various contemporary empires which considers non-conformists as second-class citizens. The concept of *Dar-ul-Islam* and *Dar-ul-Kufr* were the later interpretations by the divine scholars on the nation of Muslim superiority on other nations (Emon, 2002). The idea of *Ummah* was also interpreted by *Al-Farabi* and the understanding was that it constitutes various communities such as Persians, Abyssinians, Syrians and Indians. *Farabi* also distinguished the concept of *Ummah* from *millah* and termed *millah* as the principles of life for a community. The notion of *Ummah*, according to *Al-Mawardi* and *Ibne Khaldun*, was also of something which pertains to a community without any reference to a particular belief. Anwar Ibrahim considers *Ummah* as a unity in diversity (Hassan, 2015: 30). All this leads towards the idea of inclusion of non-Muslim to the citizenship of the state without any consideration of belief or religion. It is stressed by thinkers that *Ummah* does not mean a close community but rather it is a diversified community united under a rule. This stance can be further proved by taking the

attitude of *Umayyads* and *Abbasids* towards empire where they put a little towards the idea of *Ummah* rather they converted the state towards the family rule on the notion of contemporary empires around (Asad, 1966: 13). The main purpose of the treaty was the formation of political instruction to restored peace and security among the inhabitants of Madinah (Hamidullah, 1975). Furthermore, this treaty created religious pluralism instead of a theocratic state.

The formation of Confederation in Madinah by the Treaty of Madinah followed several traditions of Arab and contemporary ideas of state. The main factor was the Arabian tradition to keep the promises and especially the commitments by the tribes as units. The concept of the sanctity of treaties was established and to abide by the treaties was considered as prime duty in good faith. This tradition was invoked by Prophet Muhammad to get all factions of Madinah on one page of the establishment of peace and security for all. It was inspired by the idea of 'together we stand and divided we fall'. The long war between the two main tribes of Madinah was put to an end and brotherhood was created between them with spiritual force. Then,, an *Ummah* was established through the treaty which led towards the formation of the state as a political institution. It is pertinent to mention that the source of the confederative state was *Urf* (Local Traditions). The idea of collective self-defense, cooperation in weal and woe, equality of tribal status, the maxim of blood money and the condition of cooperation as well as punishment for defying the treaty was purely based upon local customs instead of religious or divine guidelines.

Muslim State upheld *Urf* (Contemporary Customs)

Quran provides enormous guidelines to the believers on spiritual affairs as more than seven hundred verses of Quran are explaining the prayer but concerning the state, about eighty verses of Quran talk about the state and society (Coulson, 1964: viii). Muslims, in the guidelines of Prophet Muhammad, have adopted several local customs, pre-Islamic laws (Greek, Romans, Persian, and Abyssinian), and previous divine instructions (Donner, 1998: 3). Islam, in earlier years, focused on character building of believers to make them best among the

society and the verses of the Quran and Hadith were focused on divinity. It was later that the state was established and the main source of the state laws and dealing with other tribes and the state was mainly *Urf* (Contemporary Customs)

The state creates social order and it is impossible without considering the norms and the culture of society (Pierre, 1987: 805-813). Moreover, it is rightly stated that the legal system is successful only if it provides two opposite objectives and they are being stable enough to establish community and the attribute of accommodating the change (Feibleman, 1987: 64). Prophet Muhammad succeeded in the main reason for adhering to the local traditions and culture of his time (Hursh, 2009). The brief foundation of the Treaty of Madinah was formatted based on local culture and customs (Hursh, 2009: 1421). The idea of confederation on the ideal of self-defense was already prevalent among Arab tribes. The Treaty of Madinah attained peace in the city on the nation of cooperation instead of conflict. It established cooperation in the shape of brotherhood and this idea was not novel to Arabs as they used it as their tradition to cooperate and coexist. Later on, the treaty led towards the notion that attack on one party to the treaty will be termed as an attack on the community at large, and cooperation to defend any injustice or aggression can be found in the writings of pre-Islamic poets and prose writers.

To add further, the Treaty of *Hudaibia* can be quoted here as an example of adhering with the local customs and dichotomy of the divine from affairs of state. After successfully dealing with the joint forces led by Quraysh in the Battle of Trench, Prophet Muhammad went to perform pilgrimage in the company of 1500 believers. He took with his animals to sacrifice to show that it will be just a peaceful pilgrimage as other people perform. Quraysh tried to stop him from this, and Prophet Muhammad stayed some 9 kilometers out of Makkah. Then, a treaty was signed between Quraysh and Muslims agreeing that Muslims will perform pilgrimage next year and will turn back to Madinah. Great deals of stipulations of this treaty were unilaterally benefitting Quraysh and the status of divine prophethood was erased from the treaty. The extradition of

prisoners and run-away was accepted as unilateral. Companion of the prophet protested but the treaty was signed and accepted on the notion of contemporary diplomacy tactics which resulted in Muslims conquering Makkah in less than two years afterward (Istanbuli, 2001: 85).

Moreover, Islam has borrowed a great deal from previous religions in divinity and followed local customs to form a society. It is pertinent to illustrate that the punishment of stoning to death is not Islamic rather was borrowed from Jewish divinity (Hursh, 2009: 1403). It is not stated in any verse of the Quran. John Burton in his book, 'Laws and Exegesis: The Penalty for Adultery in Islam, in approaches to the Quran' has made it clear that this punishment was adopted by Muslims as the result of a case of adultery committed by a Jewish couple. The matter was raised to the Prophet Muhammad as he had the status of an arbitrator by the way of Treaty of Madinah. The prophet asked one of the Jew to convert as Muslims about the penalty of a married person in the Torah (Divine book of Judaism) (Hursh, 2009: 1401). It was stated to the prophet that the penalty is stoning. So, the penalty was imposed in compliance with the religion of the accused. This clearly states the principle of adoption of local practices as well as freedom of religion (Hursh, 2009: 1403).

Historically, it may be stated that Shariah started in the shape of various interpretations of the Quran and Hadith after the death of Prophet Muhammad (Ansari, 1972: 259). There appeared four main Sunni interpretations as *Hanafi*, *Shafi*, *Hanbali*, and *Maliki* and it can be seen there was a clear impact of locality on all of them. For example, Hanafi's interpretation of the divine was influence by *Kufa* traditions of rationalism and reasoning as it was influenced by the Iranian legacy on logic and reasoning (Hallaq, 2004: 29). Maliki on the other side did not accept the notion of reason's validation of the divine as the scholars were influenced by the idea of following the prophetic traditions out of their love for being the inhabitants of Madinah (Hallaq, 2004: 31). It was later that the Shafi school of thought emerged as reconciliation between the former two and took the

independent rational to the word *Qiyas* (analogy) followed by primary sources of Islamic divine (Hallaq, 2004: 32).

The interaction of the state with divine

Scholars who argue in favour of theocratic state put forward their stance that God does not like anarchy and requires believers to form a state for the establishment of peace and order among the community (Mutwali, 1964: 64). It is further stated that Quran commands as under:

O ye who believe! Obey Allah, and obey the messenger and those of you who are in authority; and if ye have a dispute concerning any matter, refer it to Allah and the messenger if ye are (in truth) believers in Allah and the Last Day. That is better and more seemly in the end (Al-Quran, An-Nisa 4:59).

It is commanded by Allah to obey him, prophet, and authority among them. Later it is advised that in case of dispute it should be referred to Allah and his messenger. Another argument is forwarded that the Prophet Muhammad established a state in Madinah and articulated a constitution. Moreover, it is stated by many scholars that the prophet assumed the authority of the head of state and acted as the legislature, the head of the executive, and chief justice. Also, the later expansion of the Muslim empire in the time of Caliphs in a decade after the death of Prophet Muhammad is quoted to justify the stance of the establishment of the state by the divine. It is further argued that it was the divine that established the Muslim state and the basic foundation of the state was divine commands (Ahmad, 1963: 244). Another argument is that God is the creator of the universe and all powers of man are bestowed by God and everything which we use belongs to Almighty God and he is the actual owner. No one deserves sovereignty beyond the power of God (Siddiqui, 1952: 62). It can be observed from the arguments that all arguments are from divine books and traditions of Islam and the same ideas somehow were argued by other religious scholars. Analysing the arguments of those who believe, the state and the divine are different in their approach.

The debate of dichotomy of religion and state has been elaborated by Ali Abdul Raziq in his book *Al-Islam wa Usul-ul-hukm* and Muhammad Hussain in his book *Al-Itijahat al-wataniyyah*. Both of the books carry their arguments in support of the dichotomy of state from the divine. Here, we will analyse the arguments for and against the idea of the dichotomy of the state from the divine. First, we take the arguments of people who claim that religion and state are the same and the Islamic divine does not consider them different. Scholars have discussed a lot of arguments on the notion of the establishment of the state in Madinah. Some of them agree with the notion of dichotomy while others have stressed the similitude of the state and the divine. After going through the debate, the most concrete tradition of Prophet Muhammad states as Angel *Israafil* asked him to choose between being a king or a prophethood (*abd*). The prophet asked Angel Gabriel for consultation and was advised to choose the second and he chose the prophethood, not kingship (Ibn-I Majah, 2008: 1102). The second hadith talks the same idea when Prophet Muhammad got a scary man before him. The prophet relaxed him saying that he was not a king or tyrant leader (Kathir, 1966: 648). Divine history witnesses that prophets did not aspire to form the state. We can quote the examples of Jesus Christ, Moses and many others who did not form any state rather focused on divinity and teaching people good morals. It is quoted in the Quran that Allah does not change its tradition. Quran states:

*(Shown in their) behaving arrogantly in the land and plotting evil; and the evil plot encloseth but the men who make it. Then, can they expect aught save the treatment of the folk of old? **Thou wilt not find for Allah's way of treatment any substitute, nor wilt thou find for Allah's way of treatment aught of power to change** (Al-Quran, Fatir 35:43).*

It can be observed that religious scholars are unanimous on the authority of the Quran and Sunnah as primary sources of the

divine. Here, it can be claimed that all religions before Islam did not aspire to establish any state and the divine is the same as it started from Prophet Adam. Now, how the tradition of Allah can change in the case of Prophet Muhammad. Moreover, it can be observed that more stress in the Islamic divine is on worship than the affairs of the state.¹ The stance of the dichotomy of the state from the divine can be fortified by the idea that the prophet did not approve or recommend any method of the state in his life (Raziq, 1925: 455). It is further argued that the divine theories of the state are not compatible with the modern state system. These theories advocate the sovereignty of God and where the will of God will be interpreted by an individual or group of particular individuals and this will certainly lead towards the dictatorship (Hallaq, 2004:455).

Prophet Muhammad stated, ‘My community will never agree upon an error’ (Hamidullah, 1945:24). This notion leads towards the formation of the state-based upon the aspiration of community and states that it is not the divine who will motivate the decisions of the state but the consensus of society. Moreover, the era of prophethood ended after his death and later the interpretation of the state, and the related theories cannot be termed as the divine. Those were inspired by the contemporary customs, traditions, and standards of diplomacy. Moreover, all arguments forwarded by the scholars who elaborate state the same as divine are based upon the divine justifications, and the people who advocate the dichotomy of the state from the divine not only prove their stance from both internal and external sources. It can be observed that Prophet Muhammad, during his time at Makkah, never advocated the formation of the state and after migration to Madinah elaborated the concept of community peace and order not the formation of the state. The prophet did not refer to any specific mode of state functioning and appointment of the head of the state.

¹ 700 verses in *Quran* command about prayer only and about 80 talk about community and society.

Conclusion

The study finds that the early Muslim state saperated religion from the state authrORITY to uphold the principles of non-discrimination, equal participation, and state impartiality. The evidence from documentary analysis of the sources ascertains that the state endorsed protection of every member of state without any reference to religion, race, or any political affiliation. The state adopted the then prevalent customs and local traditions in case of community level decisions. Moreover, the study finds that the Muslims and non-Muslim were treated without any discrimination before the eyes of law. The similar principle of states' impartiality is included in modern constitutionalism.

References

1. Abd al-Raziq, A. (1925). *Al-Islam Wa Usul-Ul-Hukm*. <https://www.worldcat.org/title/islam-wa-usul-al-hukm/oclc/48360000>
2. Adam, F., Rahman, AA. and Ali, EMTE. (2014). Islamic Khilafah (Caliphate) In The History Of Muslim Civilization: The Conflict Between Sunni And Shi'I. *Middle-East Journal of Scientific Research*, 22 (8), 1253-1258.
3. Ahmad, I. (1963). *Sovereignty In Islam*. Allies Book Corp.
4. Al-Hibri, AY. (1999). Islamic And American Constitutional Law: Borrowing Possibilities Or A History Of Borrowing?. 1 U. Pa. J. Const. L. 492-527.
5. Ansari, ZI. (1972). Islamic Juristic Terminology Before Safi'I: A Semantic Analysis With Special Reference To Kufa. *Arabica*, 9, 255-300.
6. Asad, M. (1966). *The Principles Of State And Government In Islam*. Barkley University of California Press.
7. Berween, M. (2003). Al-Wathiqah: The First Islamic State Constitution. *Journal of Muslim Minority Affairs*, 23(1), 103-120.
8. Coulson, NJ. (1964). *A History Of Islamic Law*. Edinburgh University Press.
9. Donner, FM. (1998). *Narratives Of Islamic Origin: The Beginnings Of Islamic Historical Writing*. Darwin Press.
10. Emon, A. (2002). "Constitution Of Medina": An Essay On Methodology And Ideology In Islamic Legal History. *UCLA Journal of Islamic and Near Eastern Law*, 1(2), 103-133.
11. Emon, AM. (2012). *Shari'A And Modern State*, Emon,AM, Ellis, M. and Glahn B. (eds),
12. *Islamic Law and International Law: Searching for Common Ground*, (pp. 52-81). Oxford: Oxford University Press
13. Esposito, JL. (1988). *Islam: The Straight Path*. Oxford: Oxford University Press.
14. Fischer, R. (2012). *The Peace Of Westphalia And World States: A case for causal pluralism in International Relations*. (Master dissertation, Central European University, Budapest) retrieved from: http://www.etd.ceu.edu/2012/fischer_raoul.pdf.
15. Finnis, J. (2006). Religion And State: Some Main Issues And Sources. *American Journal of Jurisprudence*, 51(1), 107-130.
16. Feibleman, JK. (1987). *Justice, Law, And Culture*. Springer.
17. Guillaume, A. (2008). *The Life Of Muhammad*. Oxford University Press.
18. Hallaq, WB. (2004). *The History of Islamic Legal Theories; An Introduction with Sunni Usul-Ul-Fiqh*. Cambridge University Press.
19. Hamidullah, M. (1945). *The Muslim Conduct Of State*. Lahore: Ashraf.

20. Hashish, AA. (2010). Ijtihad Institutions: The Key To Islamic Democracy Bridging And Balancing Political And Intellectual Islam. *Richmond Journal of Global Law and Business*, 9(1), 61-84.
21. Hassan, M. (2015). Unity Of Muslim Ummah, It's Need, Importance And Suggestions. *International Multilingual Journal of Contemporary Research*, 3(1), 26-32.
22. Hursh, J. (2009). The role of culture in the creation of Islamic law. *Ind. LJ*, 84, 1401-1424.
23. Ibn Mājah AA. (2008). *Sunan Ibn Mājah* Beirut: Dar Al-Kotob Al-Ilmiyah.
24. Ibrahim, A. (1991). *The Ummah and Tomorrow's World*. Butterworth Heinemann Ltd.
25. Ilahi, MA. (1993). *Imam Abu-Hanifa*
26. Istanbuli, Y. (2001). *Diplomacy And Diplomatic Practice In The Early Islamic Era*. Oxford University Press.
27. Kamali, H. (1993). Characteristics Of The Islamic State. *Islamic Studies*, 32 (1), 17-40.
28. Kathir, I. (1966). *Al-Bidaya wan-nihaya*. Beirut,
29. March, AF. (2015). Political Islam: Theory. *Annual Review of Political Science*, 18, 103-123.
30. Mutwali, A. (1964). *Al-Qanun Al-Dasturi Wa Al-Anzimah Al-Siyasiyyah*.
31. Okon, EE. (2012). The Sources And Schools Of Islamic Jurisprudence. *American Journal Of Social And Management Sciences*, 3(3), 106-111 retrieved from: <http://www.scihub.org/AJSMS/PDF/2012/3/AJSMS-3-3-106-111.pdf>
32. Pierre, B. (1987). The Force Of Law: Towards A Sociology Of The Juridical Field. *Hastings Law Journal*, 38, 805-813.
33. Riaz, A. (2002). Nations, Nation-State And Politics Of Muslim Identity In South Asia. *Comparative Studies of South Asia, Africa and the Middle East*, 22, 53-58.
34. Siddiqui, A. (1952) Sovereignty in Islam in theory and practice. *The proceedings of Pakistan history conference*.
35. Solove, D. (2006). Religion And State Power. *Brian Lieter's Law School Report* retrieved from: <http://leiterlawschool.typepad.com/leiter/2006/week30/index.html>.
36. Farhat Naz Rehman. (2015). Medina Charter and Just Peacemaking Theory. Retrieved from https://www.researchgate.net/publication/287196731_Medina_Charter_and_Just_Peacemaking_Theory.