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**CONCEPT OF STATE UNDER THE ISLAMIC LEGAL SYSTEM: AN
APPRAISAL
BY
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1.0 INTRODUCTION

Shariah has been conventionally used for Islamic Law. Literally, Shariah is derived from the Arabic words *Shin*, *Ra* and *Ya*. The word connotes; He made apparent, manifest or plain a road or an affair or a case and in like manner, religion. However, the word *Shariah* is literally defined as;

The path or the road leading to the water or a place to which men come to drink therefrom and to draw water into which they sometime make their beasts to enter to drink.

The legal usage of *Shariah* as understood from its conventional and technical sense in the science of Islam means the religious law of Allah, consisting of ordinances as those of fasting, prayer, pilgrimage, the giving of the poor-rate, marriage and other acts of piety or obedience to Allah or of duty to Him and to men. From this definition, it could be deduced that *Shariah* correlate to *Din*, because it is a way of belief and practice in respect of religion, or because it is a conduct manifest and right in religion. The only difference in the two words is that while *Shariah* is the ordained way and its proper subject is 'Allah', *Din* is the following of that way and its subject is 'man'. It is in this vein that the Qur'an says;

Allah hath ordained a way to be followed.

Under the *Shariah*, sovereignty over the universe belongs to God, but mankind who are God's vicegerents are vested with authority in certain spheres as a trust for which they are answerable and committable to God. The prophet of Islam was reported to have said:

"Every one of you is a steward and every one of you is answerable for that which is committed to his care".

As God's sovereignty extends over the universe, the ultimate ideals of a state under the Sharia i.e. a state of Islam is a universal federation, or confederation of autonomous states, associated together for upholding freedom of conscience, for the maintenance of peace, and for cooperation in promoting human welfare.

In pursuit of this ideal, the Islamic state established by the Prophet spread rapidly westward through Egypt and North Africa to Spain, and eastward through Iraq, Iran and Central Asia to the countries of China. It instituted a single citizenship entailing overall allegiance to a single head of state, the Caliph who was the guardian of the Islamic state and was responsible for the welfare of all sections of the vast populations united and inspired by common ideals and under the fold of Islam.

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¹ Lane .E.W., An Arabic-English Lexicon, (Book 1, Part 4, London), p. 1534

² An Arabic-English Lexicon, p. 1535

³ Qur'an 42 (As-Shura) vs. 14

Whosoever possesses attributive title (of Islam) may belong to any race, community, country, or clan is a Muslim and can claim to be a citizen of the world (of Islam) under the *Shariah*.

"O! Mankind, We have created you of male and female and made you into clans and tribes".

And also in Qur'an 23 vs. 52 where Allah says;

"Verily, this community (Ummah) of yours is but one and I am your Lord..."

In this paper, an attempt will be made to examine the Islamic perception of what a State is, the ideal features and characteristics of a state and structure of state through the provision of the Holy Qur'an and the hadith of the holy prophet Muhammad (S.A.W).

2.0 CONCEPT OF STATE UNDER ISLAMIC LEGAL SYSTEM

There is no dichotomy in Islam between the temporal and spiritual. The bifurcation of the unity of structure of Islam is essentially religion-political. The bifurcation of the unity of Islam into temporal and spiritual is totally done away with. The Christian doctrine of "Give unto Caesar what is Caesar's and unto God which is God's" is replaced by the theory propounded by the prophet (PBUH) himself that "the whole of this earth is a mosque (everything is God's) therefore, the political system of Islam is based on the same fundamental principles, which form the basis of Islam itself. These principles are Tawheed (unity of God), Risalah (the prophethood of Muhammad PBUH) and Khilafah (Vicegerency of man).

A study of the Glorious Quran reveals that same ideals and objectives, differing with regards to the scope of the authority of the state and the manner of establishment. The ideal again is a state in which the head of state exercises authority in both secular and spiritual spheres.

The Quran says:

"Allah has promised those among you who believe and do good works that he will surely make them successors in the earth as he made the predecessors from among those who were before them; and that he will surely establish for them their religion, which He has chosen for them; and that he will surely give them in exchange security after their fear. They will worship me and will not associate anything with me. Then whose is ungrateful after that they will be rebellious".

The office of a caliph is elective. He may be elected directly or as it happened in the case of Umar (RA), the second caliph of the Prophet of Islam, he may be nominated by his predecessor, the nomination being subject to approval by the people after the death of the nominating caliph.

The caliph holds office for life. He is not permitted to abdicate and cannot

¹ Imam Abu Isa Tirmizi, *Shama'il - e - Tirmizi* (2nd edition 2006, Nusrat Ali nasri for Kitab Bhawan, New Delhi, India) pg 249, Muhyud-Din Yahya Ibn Sharaf An-Nawawi: *Riyadus-Salihin*, (Arabic version, Darul Khair Publication, Bairut, Lebanon 1996), p. 14.
² The word ISLAM in Arabic means peace, submission, surrender and obedience. As a religion, Islam stands for complete submission and obedience to Allah. That is why it is called Islam, and is an attributive title.
³ Qur'an 49 (Al- Hujurat) vs. 14
⁴ Peace and Blessing of Allah be upon Him

called upon to do so. He must devote his whole time, all of his faculties and his full capacity to the service of the people. He is bound by the ordinances of Divine laws (Shariah) and by the principles on which they are based. He must carry them out both in the letter and in the spirit and see that they are put into effect within the state in the most beneficent manner possible.

The caliph may decide questions of policy and all major questions of administration after consultation with the chosen representatives of the people, both for the purpose of informing himself, in arriving at a decision with regards to the matter in hand, and also in order to train the representatives in the conduct of public affairs. Indeed, the administration of public affairs through appropriate consultation of competent persons is necessary and it is referred to as the *Majlis Al-Shurah*.

On the part of the people, cooperation with and obedience to those set in authority and entrusted with the conduct of public affairs is a duty which is as obligatory as the duty of obedience owed to God and to his messenger has promise of divine support so long as the institution maintains the character with the Qur'an invest it and does not merely bear the title. This concept of caliphate implies five basis things;

- (i) Man is merely an administrator and does not hold his position as a matter of his personal right
- (ii) He has to administer in accordance with the directions provided by God.
- (iii) He has to exercise this authority within the limits prescribed by God.
- (iv) While exercising these powers he has to fulfill the intention of the Almighty.
- (v) Whosoever is in authority is accountable for his actions.

The state which is established in accordance with this political theory will in fact be a caliphate under the sovereignty of God, for fulfillment of the purpose and will of God on God's creatures with the limits and standard prescribed by him and in accordance with his instructions and injunctions.

The other type of state is that in which the head of state is a representative of the people with duties and responsibilities corresponding to that of the caliph, but with regard to his tenure of office, the scope of his authority and the limitations upon it, he is bound by the provisions of the constitution by virtue of which he is elected or appointed to office and which he must uphold. In his case, the emphasis is upon his role as a representative of the people though different from the caliph as may be removed among other things.

There are two obligations contained in Qur'an 4 vs. 58 the one laid upon the people to choose the representatives wisely and the other laid upon those who are chosen to exercise their authority equitably and with justice are the very essence of good administration. The verse concludes: "surely, excellent is that which Allah

* Qur'an 24 (An-Nur) vs. 55

* Qur'an 3 (Al-Imran) vs. 159

*** Qur'an 4 (An-Nisa) vs. 59

admonishes you. Allah is All-Hearing, All-Seeing". This implies that the Muslims might from time to time be tempted to depart from these two Damietta principles and to try other experiments but they are worsened that what Allah has admonished them with is alone the most excellent and the most beneficent method by which these responsibilities might be discharged. Allah would watch the discharge of these duties and responsibilities and those upon whom they are laid would be accountable to him. This is concisely expressed in the admonition of the Prophet of Islam (PBUH) that "everyone of you is a steward and is responsible and accountable for his people, every man is responsible and answerable for the members of his family, every human is responsible and answerable for her home and children and every servant is responsible for the property of his master that is in his care/charge".

2.0 NEITHER DEMOCRACY NOR THEOCRACY

"Allah hath promised those among you who believe and do good that He will surely make them Caliph (successors) in the earth, as he made caliphs (successors) from among those who were before them and will surely establish their religion for them ..."

The above referred verse of the Qur'an makes it clear that no individual dynasty or class is entitled (as of right) to be caliph, but the authority of caliphate is bestowed upon the entire group of people, the community as a whole, if it fulfills the conditions of representation after ascribing to the principles of Tawheed and Risalah, such a society carries the responsibility of caliphate as a whole and each individual share it. *"There is no ruler and no ruled"*

This is the point where democracy begins in Islam and every person in an Islamic society enjoys the right and powers of vicegerent of God and in respect to all individual is equal. The agency for running the affairs of the state will be formed according to the will of these individual and authority of the state is an extension of powers of individuals delegated to it. Their opinions will be considerable in the formation of government which will run with their advices and in accordance with their wishes subject to divine guidance. Whosoever gains their confidence will undertake the duty and obligation of caliphate based on certain stipulated standards.

In this respect, the political system of a state under the Shariah is the most perfect manifestation of democracy. The differences between the western concept of democracy and Islamic concept of democracy is that in the former the sovereignty rests in the people while in the latter sovereignty is rested in God and the people are merely His vicegerent. In the former, people make their own laws while in the latter, they have to follow and obey the laws of the Shariah given by God through His prophet (PBUH) except via efforts of the scholars by way of Ijtihad and through Ijma (consensus of opinion) or Qiyas (Analogical deductions) which must be based on the two primary sources. In one, the government undertakes to fulfill the will of the people, while in the other both the government as well as the people undertake to

¹¹ On becoming the Khalifah, Abubakr AS-Siddeeq, said in his opening address "indeed I have been made the leader over you but I am not the best of you, when you see me on the truth, then assist me, but when you see me on falsehood, then caution me, obey me as long as I obey Allah among you, if I disobey Him, then I do not deserve your obedience (followership)."
¹² Qur'an 4 (An-Nisa) vs. 58

fulfill the purpose of God. Simply put, western democracy is kind of absolute authority which exercise its powers in the free and uncontrolled manners whereas the Islamic State is subservient to the divine law and exercise its authority within the limits prescribed by the Shariah.

This concept of Islamic state is entirely different from the concept of theocracy in which one particular group of clergy (priestly class) is supposed to be the representative of God and not the whole of the community of the state as in Islam. In other words, under the Islamic state, both the clergies/scholars and the entire members of the community has one role or the other to play in the development of the society by playing designated role to them by Allah, the Almighty. Thus, each individual as well as group of people is/are answerable to God in their respective designations and representative capacities.

3.0 ISLAMIC STATE – AN IDEOLOGICAL STATE

Islamic state is an ideological state and is based on an ideology and its purpose is to establish that ideology. The state is the instrument of reform and must act accordingly and such a state should be run only by those who believe in the ideology on which it is based and in the divine law which it is assigned to administer; Islam does not recognize any geographical, linguistic or colour difference(s) in this respect. Whoever accepts Islam, irrespective of his race, nation or country can join the community that runs the Islamic state. Allah declares that **“the believer are but single brotherhood”** and describes them as friends and protectors of one another but those who do not accept its ideology are not entitled to have a hand in drawing fundamental policy of the state.

They can live within the confines of the state as non-Muslim citizens (Dhimmis). This aspect of the state under the Shariah resembles that of a communist state. But the treatment meted out by the communist states to the persons holding creeds and ideologies other than its own bears no comparison with the attitude of state under Shariah.

According to Islamic history, the non-Muslim citizens of an Islamic state have specific rights and privilege. Their life, property, religion and honour are fully protected and they can occupy the posts of the state except those from where the ideological policy of the state can be influenced.

Islamic state gives its non-Muslim citizens right to live in accordance with their own culture. There is no distinction as to rights and privileges between the Muslims and non-Muslims in Islamic state. Whatsoever distinction is made between the two is in realm of political responsibility.

Islam regards the state as shepherd put in charge of a flock and as a shepherd is bound to protect and look after the flock and provide for all its needs – keeping the sheep from straying, guarding them from the prowling wolf, feeding and housing them, protecting them against the pestilence and disease – so it is the duty of the

13 Qur'an 24 (An-Nur) vs. 55

14 Hamoodur Rehman J., "Islamic Concept of State", Journal of Muslim League (October, 1979), p. 42.

15 Qur'an 3 (Al-Imran) vs. 26

Islamic state to safeguard the people against dissension, disorder, disturbance and oppression; to secure them from attacks from outside and to make provision for their intellectual and material needs. A principal duty of the Islamic state is to safeguard the security of the state and to maintain its defense arrangements in proper conditions.

Shariah pioneered the best and most effective concept of the welfare state. The dignity of labour was emphasized when on one occasion the Prophet held the calloused hands of a labourer between his own soft palm, and massaging them and gently observed, "these hands are very dear to God", Islam laid down that it was the duty of the Muslim state to ensure the provision of the average necessities of life for all its citizens. This is regarded as the minimum requirement of a beneficial social organization. During Umar's tenure as the caliph, he discovered by chance on one occasion that outside the city was a woman and her three children who had been left without proper provisions for two days for lack of means. He returned immediately to the treasury where he collected flour, butter, meals and dates in a large bag and got the assistance of a servant to put it on his (Umar's) back. The servant protested and offered to carry it but Umar declined, observing that: 'no doubt you can carry this for me now, but who will carry my burden on the Day of Judgment'. He then carried it to the woman, who blessed him for his kindness and exclaimed, 'you are far fitter to be caliph than Umar. He knows not how the people fare'. 'Well, mother perhaps Umar is not so bad', said the caliph, gently smiling.

The duty of the Islamic state to make provision for the intellectual development of the people was early emphasized by the Prophet of Islam (PBUH). He announced after the battle of Badr that a Makkan prisoner of war who was literate would earn his freedom by instructing ten Muslims in the elements of reading and writing. This duty by Islamic history was so well discharged by his immediate successors that within a brief period, the camel drivers of the desert despised by the Romans and Byzantium became the teachers of the world and torch-bearers of enlightenment.

Provisions were made for the administration of justice at a very high level. The Prophet (PBUH) was entrusted with the duties of chief Executive in Medina. Umar was appointed one of the judges and the Prophet himself often performed the judicial function. Judges must carry out their duties with strict impartiality and justice. No party should attempt to corrupt the course of justice through bribery or by presenting false evidence. Emphatically, Allah says:

"O ye who believe! Be strict in observing justice, being witnessed by the sake of Allah, even though it be against your own selves or against your parents and kindred. Whether he be rich or poor, Allah is more regardful of them both than you are. Therefore, follow not his desires so that you may be able to act equitably. And if you conceal the truth or evade it, then remember that Allah is well aware of what you do."

¹⁶ "Islamic Concept of State", Journal of Muslim League (October, 1979), p. 45
¹⁷ Qur'an 49 (Al-Hujurat) vs. 10
¹⁸ Qur'an 8 (Al-Anfal) vs. 72

do". Hostility towards a people should not incite a Muslim or a state under the Shariah to act unjustly or inequitably towards them.

"O ye who believe be steadfast in the cause of Allah, bearing interest in equity and let not a people's enmity incite you to act otherwise than with justice. Be always just, that is nearer to righteousness and fear Allah surely Allah is aware of that which you do".

Within this broad framework, a Muslim state or state under Shariah is free to make such regulations and adopts such measures as it may be suitable and appropriate to its requirement and to the needs of the people. The Qur'an discourages the tendency to seek regulation of everything by divine command, pointing out that such regulations would be restrictive and prove burdensome.

It is as a result of this standard that the rights, duties and obligations of non-Muslims of an Islamic state were said to be established, because they have submitted to the authority of the state by virtue of treaty or covenant and are regulated by the terms of the treaty or covenant as the case may be. In other case, so far as rights and duties in shares other than religion are concerned there should be no discrimination in whatever guise.

Clear indications have been given with regard to the manner in which the message of Islam is to be conveyed to mankind it was the duty of the Prophet (PBUH) and of each of his companions as indeed it is the duty of every Muslim all the time to invite people to the acceptance of truth, both by precept and by example but the precept and example must be such as to precluded the remotest suspicion of any pressure or coercion.

4.0 RIGHTS AND DUTIES

Here it may be suspected that man has no rights but only duties in Islam, but, since within the totality of Islam, man's duty to God embraces both his duty to society and every individual. Rights are protected by the divine law. The state itself being subject to this same law is compelled to protect the right(s) of individual(s). The rights/duties are to be observed and respected in circumstances. By the virtue of being Divine in nature, they are irrevocable and un-amendable.

The state as well as its subjects is bound to follow these unless otherwise provide by law. State under the Shariah strikes a balance between the individual and the state so that the state may not work in an autocratic manner and renders the individual helpless nor grant a degree of unbridled freedom to the individual that he may injure the collective interest. It gives full opportunity to the individual to grow and progress by observing certain fundamental rights. In Islamic state, all fundamental rights, including the profession, practice and propagation of their respective faiths, are guaranteed for Muslims and non-Muslims alike.

From the nomenclature, Islam is derived from a root word which means peace and submission, that is, to the attainment of peace through submission to the will of

¹⁹ The Qur'an lays down as a condition of belief in Islam that a Muslim must accept the obligation of judicial determination of disputes find no demur in his heart against the final Judgments that may be handed down and carry it out fully (Qur'an 4 vs. 65). In addition to the safeguards inherent in the orderly process of the administration of justice, a very emphatic admonition was pronounced by the prophet. He said that a party which obtained a judgment in its favour should not consider itself as having a valid right to the subject matter of the judgment if in fact he is not entitled to such right. The mere fact of a judgment in its (i.e the party) favour would not shield it against the consequences of the wrong that it would be guilty of in appropriating that to which in fact it was not entitled. He added that if such a party wrongly appropriated anything under the colour of the judgment, it only took home a quantity of fire.

God, by conformity to Divine law and guidance and in discharge of duties in relation to rights of all.

Islam draws attention to factors which tend to disturb or destroy peace and order, and depreciates them by non-performance of duties and failure to right(s) of others. Domination of one group by another in the domestic sphere, or one people by another in the international sphere (in relation to their fundamental rights) is a potent cause of disturbance of peace, and is strongly abhorred and condemned under Shariah.

It is believed under the Shariah that rights and duties are meant to be respected and observed and God does not approve of the division of His creatures into groups and nations for the purpose of domination of some by others, and whenever such attempt is made, God's purpose works for the uplift of those who are dominated or oppressed.

Economic exploitation of one people or country by another inevitably leads to domination by the exploiters and develops into a threat to peace.

The Shariah prohibits such exploitation and points out that an economy based on exploitation of other peoples and their resources cannot be beneficial in its consequences nor can it endure and this is contrary to the objective(s) of state under the Shariah. Only such economic development is beneficial and enduring as it is based on diligent observance of rights, performance and on equitable sharing with other of the bounties which God has provided for each people (as a rightful favour to them).

5.0 THE PURPOSE AND OBJECTIVES OF AN ISLAMIC STATE

The Qur'an says that the aim and purpose of state under the establishment, maintenance and development of those virtues which the creator wishes human life to be enriched with, and the prevention and the eradication of those evils, the presence of which in human life is utterly abhorrent to God. It is only an effort to realize the spiritual in human organization. The state of Islam is neither intended for political administration only, nor for fulfillment of the collective will of any particular set of people. It is not an end in itself but only a means to an end. Sequel to this is given a further explanation by examining the focus of an Islamic state.

The main object of an Islamic state (Maqasid Al-shariah) by the Qur'anic stipulation is to enforce and implement with all its sources and its organized and reformatory power which Islam has given for the betterment of mankind. The purpose of Islamic state is to encourage and popularize good practices which Islam desires humanity to adopt and to discourage, eradicate and to crush with full force all those evil practices which Islam considers to be the cause of oppression, exploitation, injustice and disorder. In relations between the rulers and the ruled in the state or the relations of the state with other states, precedence must always be given to truth,

²⁰ Qur'an 2 (Al-Baqarah) vs. 188; Qur'an 25 (Al-Furqan) vs. 72

²¹ Qur'an 4 (An-Nisa) vs. 35

²² Qur'an 5 (Al-Maidah) vs. 8

²³ Qur'an 5 (Al-Maidah) vs. 101

²⁴ In the sphere of religion in all cases there is complete liberty and freedom of conscience and belief. This is emphatically affirmed by the Qur'an in chapter 2 vs. 256, 6 vs. 104, 1 vs. 6 and 26 vs. 3. It is explained that complete freedom in the matter of conscience and belief is essential for the fulfillment of the divine purpose. It would be easy for God to compel belief as much as He has power even over the conscience of people. But He leaves them free to decide for themselves, as it is said: "If thy Lord had enforced His will surely, all who are on earth would have believed together. Will thou then force men to become believers?", Quran 10 vs. 99

²⁵ Qur'an 12 (Yusuf) vs. 108

justice and honesty over material considerations. Islam imposes similar obligation on state as it is on man.

However, it has been established that objective(s) of the law (Shariah) is equivalent of the objectives of an Islamic state, and thus the purposes becoming more popular scholar than theory itself. Various refinements were put in place in the understanding of the Islamic purposes of the law as well to bring to the fore their significance for a state under the Shariah.

Three basic purposes have been identified as the fundamental, namely:

- (A) Satisfaction or realization of man's necessities (Daruriyyah; primary purpose of the law/state),
- (B) Additional purposes needed by the primary purposes (Hajat),
- (C) Actualization of complementary accessories.

On the first purpose, five (5) areas of necessity have been identified. These are said to be the primary purpose of law and or state as determined by AL-GAZALI and agreed by most jurists including Ash-shatibi. It is said to be basically of two types: Dini (purposes of religion) and Dunyawiy (purposes pertaining to this world).

The worldly purposes were further divided into four (4) types:

The preservation of life (Hifz al-Nafs), preservation of progeny (Hifz al-Nasl), preservation of intellect (hifz al-aql), preservation of integrity or reputation (Hifz al-Ird), preservation of wealth (Hifz al-Mal) The five put together are the ultimate purposes of both the Shariah and a state under the Shariah and are purely referred to as "Darurat" or "Daruiyyah" [Necessities] and the primary purpose.

The objective of Islam in the international sphere is an association of strong and stable states devoted to the maintenance of peace, freedom of conscience, and promotion of human welfare.

The object of all treaties, therefore, should be to further these purposes, and a treaty should not be entered into with the intent of weakening or of taking advantage of the weakness of the other party. Subversive methods and exploitations of other peoples carried on under cover of treaties and covenants are therefore, strongly condemned.

Treaties should bind people together in beneficent co-operation and should make them stronger. There is a strong admonition that obligations undertaken by treaty or covenant should not be evaded or repudiated under the temptation of securing some ulterior advantages. The performance of obligations undertaken as a

²⁶ Qur'an 16 (An-Nahl) vs. 125

²⁷ Qur'an cites the instance of Pharaoh and his treatment of the people of Israel. "Verily Pharaoh behaved arrogantly in the earth and divided the people thereof into parties, he sought to weaken a party of them, slaying their sons and sparing their women. Certainly, he was of the mischief makers. And We desired to show favour unto those who had been considered weak in the earth and to make them leaders and make them inheritors of Our favour and to establish them in the earth" (Qur'an 28 vs. 4-6). Pharaoh's downfall and that of his nobles and courtiers became a terrible lesson for all succeeding generations (Qur'an 10 vs. 90-92).

²⁸ Islamic Concept of State, Journal of Muslim League, (October 1979), p. 43

²⁹ The word of caliph Abubakr (RA) on his election brings to focus the real nature and the purpose of an Islamic state. "Truth is trust, falsehood treason. The weak among you shall be strong with me till his right has been indicated and strong among you shall be weak with me till if God wills, I have taken what is due from him.

³⁰ Nyazee .T.A.K, Theories of Islamic Law, Islamic Research Institute, Islamabad, (1945) p. 229

moral and spiritual duty which secures permanent benefit, whereas any advantages gained through evasion or default in the performance of an obligation will be only temporary and will in the end do harm.

6.0 CONCLUSION

It is a notable fact that a state is known world over with its peculiar features which distinguishes it from other states, it can thus be concluded that as much as a state under the Shariah accommodates the ideology of democracy as a form of government, the fact remains that the conventional *modus operandi* in a democratic state is not what is obtainable under the Shariah. Sovereignty under the Shariah state belongs to God. Other distinguished features like institution of caliphate and the consultative body (Majlis Ai-Shurah) among others are absent in other forms of state. As much as Islamic state is based on morality and considers faith in God, it cannot be seen as a theocratic state as well.

More so, rights and duties are highly recognized and its breach or violation attracts penalty based on the acts(s) and or omissions(s) committed. Thus, Qur'an specifies very few offences and for the rest leaves it to the state to define and prescribe penalties by way of Ta'zir (discretionary punishments). For example, murder is one of the offences specified. Other offences specifically mentioned in the Qur'an are adultery, calumny of chaste women and theft. Some of these penalties may sound harsh but when wisely administered, experience has demonstrated their beneficence considering the atmosphere created by the state (under the Shariah) where welfare of the members of the state is paramount to the state as its objective both at individual level as well as the society at large.

³¹ Theories of Islamic Law, Islamic Research Institute, Islamabad, (1945) p. 231

³² Theories of Islamic Law, Islamic Research Institute, Islamabad, (1945) p. 231

³³ Qur'an 16 (An-Nahl) vs. 92-94

³⁴ Qur'an 16 (An-Nahl) vs. 95

³⁵ This is reinforced with the reminder: That which you have shall pass away, but that which is with Allah is lasting. We shall certainly give those who are steadfast their reward according to the best of their works (Qur'an 16 vs. 96).

³⁶ Qur'an 2 (Al-Baqarah) vs. 178 - 179

³⁷ Qur'an 24 (An-Nur) vs. 2

³⁸ Qur'an 24 (An-Nur) vs. 4

³⁹ Qur'an 5 (Al-Maidah) vs. 38