

State and system of government/ The role of a Muslim jurist in public life from a philosophical Perspective

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Abstract

The research aims to study the Islamic system and if it has any changes or development or not? In addition to study the ruling system in Islam “the state in Islam.”

This research looks into Islam’s “ideology” or “system of thought” in order to determine what that is, especially as regards Islam’s position towards the ‘the state’; and to consider whether this has undergone change over time.

The study also includes the view of defining the relationship between the ruler “The Caliph”, Religious man “Muslim Jurist” the Islamic law Shari’ah commentator.

As part of the endeavour to understand position of Islam (religion) towards the state (politics), the study investigates the historic or actual development of the relationship between the Caliph (khalifa, or ruler) and the religious scholar (the faqih). For this purpose, three major historic periods were considered (the prophet’s rule, that of the early or “guided” Caliphs, and that of later Caliphs); as well as four major cases where the main issue under consideration was raised: the respective cases of the jurists Abu Hanifa and Ibn Hanbal, that of the Mu’tazilite school of thought, and that of contemporary schools of Islamic thought. Underlying the general question concerning the role of the Caliph in governance is the question of succession –the entitlement to that role. This question arose with the passing of the prophet (PBUH), and remained a basic issue of contention among jurists.

In addition to that, the study targets studying lots of the ideologies of the Islamic thinkers in the modern ages.

In order to provide a comprehensive picture of the issue under study the research also addresses the views of contemporary Muslim scholars who have dealt with these questions.

The study also tries to answer the following question: “Which is the best for Islam “The Islamic state” including religion in policy or separate them?”. This is done by reviewing the Islamic history of the early period of Islam up to our days

Finally, besides considering the descriptive aspects of Islam’s history in this area this study also addresses the prescriptive question raised in the contemporary period of whether and in what way religion and politics ought to be related.

The researcher has reached to the following questions and problems which have a relationship in the development of Islamic ideology and the governing system in Islam. It has also a relationship in the process of choosing the successor which are mentioned in the conclusion and needed to be tackled in many different and deep researches and studies hoping to solve such problematic issues.

In concluding the researcher suggests that it serves the Muslim community better if quotidian affairs are kept sparate from religion.