How Islamic is an Islamic State?

A Theoretical Debate on Islamic Political Order

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Abstract

The Muslim world is at the bottom rung of participatory democracy, representative governance, and political stability in comparison to the rest of the world. Prevalent and perpetual social disintegration, economic stagnation, and resistance to modernity are all problems in search of answers whose validity and relevance are constantly questioned. Some have vested hopes in the ideal of an ‘Islamic state,’ but very few have defined such a loosely defined state, and even fewer have critically analyzed or offered its theoretical parameters. In this regard, Islamist political activism suffers from a theoretical disconnect with the present political reality. They pursue two divergent paths: regression to a largely irrelevant political past or digression from historical models that the reformists claim to champion. Meanwhile, the crisis persists. In this writing, we delineate the inconsistencies between these arguments.

Keywords: Islamic state; Islam and democracy; Islamic democracy; theocracy; Islamic political traditions; political Islam; Salafism, vicegerency; sovereignty; civil rights and liberties in Islam; Deen wa Dawla; Religion and State;

The Tradition of governance in Muslim Societies

The concept of an Islamic state is misunderstood by Muslims and non-Muslims alike. Western political thought recognizes sovereignty as the only principle of legitimacy in governance. When perceived as the sole domain of the Divine, sovereignty results in a theocracy, but when transferred to the people, the result is a secular democracy. This black and white perspective rejects any alternative to ‘Western’ democracy.

Islamic political thought addresses this either/or prerogative with a both/and alternative on the basis of two principles: 1) The principle of hakimiya (حاکمیه/ سیادة) or Divine sovereignty that delineates the duties of the government, and 2) The principle of
\textit{estekhlaf} (إستخلاف) or popular vicegerency that guarantees the rights of the governed i.e., that every human being as a vicegerent of the Divine on earth has free will and is entitled to the exercise of that free will in the context of political freedoms and civil rights and liberties. This critical distinction, lost on many both in the Muslim world as well as outside of it, is called caliphate—not as a slogan, but as a principle in governance.

Just like democracy, the caliphate also has to establish its parameters a safe distance away from hereditary authoritarianism. But in view of the prism of historical adversarial relations between the Muslim East and the Christian West, Western cultural relativism looks at the concept of the caliphate with recalcitrant suspicion. The abuse of the name ‘caliphate’ by corrupt governments and extremist movements doesn’t help either. Muslim cultural sensitivities, on the other hand, reject Western secular democracy. Western political interference in Muslim societies on the pretext of exporting democracy doesn’t help either. Thus, an Islamic state presented in the context of a caliphate has become an unrealizable ideal for some Muslims and a boogieman for the rest.

The concept of \textit{estekhlaf}, or vicegerency, a derivative of \textit{khilafah} or caliphate, has no relevance to the Western world, but more critically, it has lost its place in the debate among Muslims too. As the advocates of Islamist agenda essentially reassigned \textit{estekhlaf} to the realm of the Divine along with \textit{hakimiya}, they make the citizenry obey the laws of the state, but deny the citizenry their own rights. In assigning both vicegerency and sovereignty to God, such ‘Islamic states’ are not much different from the suppressive Christian theocracies of the Dark Ages in Europe.
Eliminating *estikhlaf* or vicegerency from the equation amounts to virtually ignoring clear Qur’anic injunctions that are essential to good governance.¹ For instance: “We have sent you the Book in Truth that you (O Prophet) might judge between men, as guided by Allah.”² While literally, as in the case of the Caliphal city-state of Madinah, a *khalifah* or caliph is perceived as a political successor to the Prophet, in general, however, all humanity, as the attributes of the archetypal Adam implies, are the *khalifahs* of God on earth. “Allah has promised to those among you who believe and work righteous deeds that He will assuredly make them succeed (those who rule) and grant them vicegerency in the land just as He made those before them succeed others.”³ The success and empowerment here obviously include political power.⁴

Elaborating on sovereignty and legitimacy in an Islamic political order, Siraj Islam Mufti writes: “The people or the *Ummah* are the actual repositories of *khilafah* and those in authority must have the confidence and support of the Muslim population. In this context, *shari’ah* provides a broad framework within which the people under the umbrella of Divine Guidance participate in developing civil society and its institutions including various organs of the state.”⁵

As good as this sounds, in practice, the few instances of declared ‘Islamic states’ have totally ignored the critical duties of a government such as social welfare, economic

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¹ Inferences to *estekhlaf* are made in the Qur’an are in 7:54, 12:40, 24:55, and 4:105.

² The Qur’an (An-Nisa, 4:105).

³ The Qur’an (An-Nur 24:55).


development, and political freedoms, instead they have trampled on the principle of people’s vicegerency and have concerned themselves with issues of religious rites: prayer, dress codes, fasting… and the prohibition of arts, recreations, and cultural expressions primarily targeting women.

Duties and responsibilities assigned to a government are clearly established in the principle of representation: “and whose rule [in all matters of common concern] is consultation among themselves,” and that of moral conviction, “and enjoin the doing of what is right and forbid the doing of what is wrong.” Both injunctions begin with the same word ۪ تعالى(implying encouragement or recommendation, but the first injunction contains the word ‘among themselves,’ implying a collective responsibility, while the second does not contain such wording and therefore guarantees the rights of every citizen individually. From these two verses, we can conclude that:

A. In both cases, the Qur’an uses the word ۪ تعالى(implying encouragement or recommendation for individual responsibility. Had the Qur’an intended for this to be an order or a command (imposed and enforced from above) the word ۪ علينا might have been used.

B. Accountability for the government, on the other hand, is collective and is clearly indicated by the wording, “consultation among themselves,” whereas there is no such wording in respect to an individual’s entitlement to having rights.

Therefore, the three branches of government have a collective responsibility in their duties towards the people while people as citizens are individually accountable. This individual responsibility and accountability have been stressed through repeated revelations that, “no bearer of burdens shall be made to bear another's burden.”

6 Qur’an: 42:38. Ash-Shura (The Consultation)

7 The Qur’an (Al-Hajj 22:41 and Luqman 31:17) ۪ تعالى بالمعروف وآلة عن المنكر - (17):“And enjoin the doing of what is right and forbid the doing of what is wrong.

Therefore, people who are individually accountable in regards to moral values and ethical issues should not be forced collectively to follow certain norms as governments should not turn matters of free will pertaining to individual responsibility into one that is under the jurisdiction of an authoritarian regime. Moral prerogatives are matters of a citizen’s civil rights and are not subject to the authority of governments.

The so-called Islamic governments either deliberately misinterpret or otherwise misuse the clear injunctions of the Qur’an when it comes to consultation, instead they impose their will on the people in clear contradiction of the Qur’anic injunctions. People are denied their civil rights in matters of personal prerogative that are not a government responsibility. And enjoin the doing of what is right and forbid the doing of what is wrong. Worse yet, the agencies for the enforcement of these restrictions are often named with these same Qur’anic wording: "وأَمُرُّ بِمَا هُدِيَنا وَأَنْهَى عَنِ الْأَمْرِ الْكَبُورِ". And enjoin the doing of what is right and forbid the doing of what is wrong.

Disconnected from the 21st-century reality, they are neither understood by the world community nor are they appreciated by the people they rule over. Instead of planning a system of government that meets the challenges of the here and now, they validate their agenda by claiming a ‘return to the time of the Prophet.’

Caught between a sense of mission and a veil of perception, the Salafists idealize the Madinah Caliphate and wonder why it worked so well then and why it doesn’t work now. Perhaps we should join them on that journey, not out of an idealized nostalgia, rather for an analytical look at the difference between the two realities and the historical events that bridge the present with the past of Muslim civilization.

When speaking about a model Islamic state, the city-state of Madinah established by the Prophet of Islam is often cited. Madinah, however, was not a city or an Islamic state, as
is commonly believed, but a republic. A republic as “a government having a chief of state who is not a monarch but the equivalent of the modern-day president.”

When Prophet Muhammad arrived in Yathrib, people favored him over, Abd-Allah ibn Ubayy, one of the two contenders for the rulership of the city. Muhammad ended the political conflict by reconciling the tribes of Banu Aus and Banu Khazraj. He called the city Madinah, ‘a city of civil order,’ and under the provisions of Mithaq-al—Madinah, ‘the compact’ or ‘the Constitution of Madinah,’ that he signed with the various religious communities, he established a politically and religiously pluralistic polity. By accommodating not just political pluralism, as is the norm in modern democracies, but also religious pluralism, the Madinah model was more democratic than modern democracies in this respect.

These religious communities followed their own scriptures in matters of faith, family law, rites, and rituals, whereas matters affecting all faith communities collectively such as social welfare, defense, and external affairs were regulated by civil law. In fact, the legal terminology for civil law or the Madani law that protects the common good of the common people or the Ummah is derived from the name of Madinah. At the time, the term Ummah was applied to all citizens regardless of their faith affiliation—the modern equivalent of “we the people.”

The affairs of Deen wa Dawla or ‘religion and state’ were kept separate by the early ulema or Muslim theologians and jurists who took pride in the independence of their


thought and resisted being co-opted into the government apparatus. Concordance was incidental and not necessarily obligatory. Muslim scholars and theologians consistently rejected theocracy as a matter of principle and practice. In essence, this separation of the state and the non-existing ‘church’ may well have prevented the formation of theocracies in the Muslim world.

The great jurist Abū Ḥanīfah (699-767 CE) “suffered severe persecution [as he] steadfastly refused a judgeship”\(^\text{12}\) of a high standing offered by the Caliph Al-Mansur who wanted to make the Ḥanafī school of thought the only official version of shari’ah jurisprudence throughout the Abbasid Caliphate. Abū Ḥanīfah’s rejected the offer saying that his systematization of Islāmic legal doctrine carried more weight and prestige in its own right and in competition with the legal opinion of other jurists and did not want to jeopardize that by becoming a ‘mouthpiece’ of the caliph. That resistance, and many similar subsequent ones, prevented the formation of theocracy in the Muslim world.

Abū al-Hasan al-Māwardī, known in Latin as Alboacen (972-1058 CE), the first political scientist in Islam, did not see any incompatibility in bringing religious norms into politics but took the necessary steps preventing the formation of theocracy in the Muslim world.\(^\text{13}\) In Tashil al-Nadhar wa Ta’jil al-Dhafar (Facilitating Administration and Accelerating Victory) al-Māwardī discusses the concept of ‘checks and balances’

\(^{12}\) Zafar Ishaq Ansari, Abū Ḥanīfah: Muslim Jurist and Theologian. ENCYCLOPÆDIA BRITANNICA. Encyclopædia Britannica, inc. January 01, 2020

URL: [https://www.britannica.com/biography/Abu-Hanifah](https://www.britannica.com/biography/Abu-Hanifah)

between state and religion, but he “does not entertain in any way a theory of divine rights of kings. In his view, the ruler is needed to protect religion, but he is not a God-appointed person. He has to be chosen by the people, and he is only their mandub (deputy).”\(^{14}\)

Al-Māwardī’s work inspired Ibn Khaldun who in his own right became the first social scientist. In his Muqaddimah Ibn Khaldun advocated that any shari’ah law must protect an individual’s right to the free exercise of religion, life, intellect and reason, progeny, and property\(^{15}\)—the essence of the bill of rights.

The idea of the compatibility of reason and revelation that Ibn Rushd or Averroes introduced to Thomas Aquinas and Moses ben Maimon or Maimonides further enhanced and refined the concept of political pluralism in a more comprehensive and inclusive system of government. People in Western societies who enjoy guaranteed civil rights and liberties owe it to the thoughts of Ibn Rushd.

Public perception and the prevalent slant in academia notwithstanding,\(^{16}\) the idea of a popular rule proposed by the Achaemenid Otanes in 522 BCE seems as original as that of his contemporaries in the Athenian demokratia in the Greek city-state. Based on that proposal, Giulia Sissa considers democracy, ‘a Persian Invention:’ “The law ought to be


the same for all, tight limitations are imposed upon the executive, and all the adult free-born male citizens can participate in the decision-making process.”¹⁷ Add to that the contributions of the many Muslim thinkers throughout the centuries we alluded to make democracy as much a Western as it is an Eastern tradition.

**In the Mirror of History**

With all such great thoughts that Muslim thinkers presented to the world of political philosophy, there were occasional attempts by Muslim leaders with authoritarian tendencies who, short of establishing theocracies, were able to drag their religious convictions to the playing field of politics.

These efforts may have been successful for political mobilization for a time, but they all had devastating consequences often with backlash from the affected non-Muslim citizenry. Often what was idealized was rarely analyzed or thoroughly thought out. The Madinah model, whether it emulated Plato’s Republic or as was later elaborated on by Abū Naṣr al Fārābī or Alpharabius (872 – 951) in Al-Madina(t) al-Fadila has never been replicated successfully since for a good many reasons, among them:

- The Fatimid Caliphate (al-Fāṭimīyūn - 909-1171) that ruled over North Africa and Egypt where al-Ḥākim bi-Amr Allāh, "The Ruler by the Order of

¹⁷ Otanes’ whole proposal reads: “firstly, justice is regularly administered and respected. The law ought to be the same for all. Second, tight limitations are imposed upon the executive. Access to the office is assured by elections at random, and magistrates are subjects to examination. Third, all the adult free-born male citizens can participate in the decision-making process, which relies on the majority.” G Sissa, “Democracy: A Persian Invention?” *Anthropologies des mondes grecs anciens* N.S. 10 2012. p. 228.
God," the sixth Fatimid caliph and 16th Ismaili imam (996–1021) who deified himself by claiming sovereignty, vicegerency, and imamate or spiritual leadership was not only intolerant of the Sunnis, he also began attacks on Christians and Jews calling for the destruction of the Church of the Resurrection in Jerusalem. These events set the Crusades in motion.

- The Almohad Caliphate (al-Muwaḥḥīdūn, "the monotheists" - 1121-1269) resorted to the strict rules of Muslim orthodoxy in Spain that met with Christian resistance from the north, culminating in the Battle of Las Navas de Tolosa, the loss of nearly all of the Moorish dominions in Iberia, leading to the fall of Cordova and Seville to the Christians in 1236 and 1248 respectively, that eventually ended Muslim rule in Spain.

- In the late Mughal period in India, the religiously conservative Muhi-ud-Din Muhammad Aurangzeb, Alamgir "Conqueror of the World" (1618 – 1707) who because of his conservative religious tendencies abandoned his predecessors' legacy of pluralism and religious tolerance, introduced the jizya tax and tried to impose policies based on Islamic ethics on non-Muslims. That resulted in a backlash by his Hindu subjects providing the British with an opportunity to exploit the chasm that speeded up the British colonization of India.

- The Safavid (1501 - 1736) “the pure ones,” claimed their legitimacy to power in Persia on being descendants of the Prophet18 and established the Twelver Shi’i Islam. Even though they became great patrons of arts, literature,

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18 Historians believe that the Safavid were of Kurdish lineage who were Turkicized in Azerbaijan where they thoroughly intermarried with Pontic Greeks, Georgians, and later Circassians.
and architecture, their zeal for the forced conversion to Shiism and attempted Persianization resulted in political repression, the brain drain, and the flight of the intellectuals. Their persecution of the Sunnis led to the devastating seven-decade long wars with the Ottomans and their eventual demise at the hands of the Afghans in 1722.

These examples indicate that every time Muslims rulers have played with the idea of combining Deen or religion with Dawla or state, the result has been devastating.

**Democracy vs. Theocracy: The Contemporary Debate**

In the course of the past half a millennium or so the Muslim East and the Christian West have gone through a complete role reversal. In respect to governance, it would be interesting to assess the viability of an Islamic state based on the exegesis of the Qur’an and the Sunnah or the tradition of the Prophet. Based on those primary sources of the Islamic shari’ah we postulate that the establishment of an Islamic state in the political turmoil prevalent in the Muslim societies seem to contradict both the Qur’an and the traditions of the Prophet for the following reasons:

1. In an ideal Islamic state, the duties of the government are delineated through the principle of sovereignty and the rights of the governed are guaranteed by the principle of vicegerency. The absence of any one of these two essential components will result in a theocracy. A theocracy is un-Islamic because:

   A. all citizens of the state would be obligated to adhere to the laws of one religion, and
B. forcing other faith communities to Islamic laws constitutes “coercion in matters of faith” which is strictly prohibited in the Qur’an. ¹⁹

2. A faith-based government denies religious pluralism in society that is clearly stated in the Qur’an: “Unto every one of you [denoting the various communities of which mankind is composed] have We appointed a [different] law and way of life [for the Jews, Christians, and Muslims]. And if God had so willed, He could surely have made you all one single community: but [He willed it otherwise] in order to test you by means of what He has vouchsafed unto, you. Vie, then, with one another in doing good works!” ²⁰

3. Based on the premise just mentioned, Islam recognizes the collective rights of all religious communities to exist in their equality before the law. “Islam does not restrict itself to providing merely a theological and philosophical framework for thinking about pluralism. Islam also provides a legal framework, the shari’ah, for the concrete practical realization of it in society, and the regulation of its societal expressions in the interest of the common good.” ²¹

4. The level of religiosity and the degree of adherence to it varies in every

¹⁹ The Qur’an 2:256 Al-Baqara (The Cow) “THERE SHALL BE no coercion in matters of faith. إِنَّا لَنِعْمَالُ مِنْ شَرْعَةٍ وَمِنْهَاجٍ لَّوْ نَشَاءُ اللَّهُ لَجُعَلْنَاهُ أُمَّةً واحِدَةً وَلَكِنَّنَا فِي مَا نَتَابِعُ كَفَىٰ بِاللَّهِ وَلَيْسَ عَلَىَّمَنْ يَتَّرَكْهُ مِنَ الْخَيرَاتِ”

²⁰ The Qur’an: 5:48: The Message of the Qur’an: Translated and Explained by Muhammad Asad for people who think: إِنَّا لَنِعْمَالُ مِنْ شَرْعَةٍ وَمِنْهَاجٍ لَّوْ نَشَاءُ اللَّهُ لَجُعَلْنَاهُ أُمَّةً واحِدَةً وَلَكِنَّنَا فِي مَا نَتَابِعُ كَفَىٰ بِاللَّهِ وَلَيْسَ عَلَىَّمَنْ يَتَّرَكْهُ مِنَ الْخَيرَاتِ

society. Outlining the strata and structure of a state on the basis of a particular religion is a daunting task. Abdolkarim Soroush a contemporary Islamic thinker believes, “that no understanding of Islam can offer a detailed and effective blueprint for the foundation and administration of any form of religious government, democracy included. It is wrong, he maintains, to judge the religious nature of a state based on the degree to which its institutions reflect some aspect of religion. The institutional role of religion in government is at best limited to the establishment of a legal code that incorporates, and is congruent with, fiqh.”

5. Another critical distinction lost on most Islamist movements is that of administering an Islamic government versus establishing an Islamic state. An Islamic government implies that a political party with an Islamist platform, upon winning an election, can undertake the duties of the state institutions in the name of and on behalf of all its citizens. Such an administration has the political mandate to stay in power for a term specified by law. It is evident that the Islamist often do not differentiate between an Islamic state and organizing an Islamist party.

The many moderate Christian democratic parties in Europe, as well as some ultra-conservative Jewish and Hindu ones like the Shas/Likud and the Bharatiya Janata Party respectively and the Justice and Development Party or AKP in Turkey, have successfully participated in the political process of their countries.

Their record, however, shows that with the passage of time, political parties with religious agendas have a strong tendency towards becoming oppressive and authoritarian.

The ‘dictatorship of the proletariat’ that Lenin launched for political exploitation and political manipulation, to attain ‘ideological legitimacy’ became an instrument of totalitarianism throughout the communist world as they took over the state apparatus. Ultimately at the highest stage of their oppression, they dug their own grave. If Islamist movements and parties subconsciously imitate such a model and take over the state apparatus and impose their agenda on people in the name of ‘the rule of God’ and deprive people of their civil rights, their fate won’t be much different. And such a state cannot be an Islamic state.

6. An Islamic state is sometimes framed in the concept of *dar el-Islam*, a term that implies a dominion of peace, a Pax Islamica, like its historical counterpart the Pax Romana. The term was coined in the height of the Islamic Civilization in the Middle Ages to distinguish the prosperous and relatively peaceful Muslim societies in contrast to the warrior culture of Europe at the time. Some extremists incorrectly interpret *dar el-Islam* to mean the establishment of a global Islamic theocracy. This argument by the Islamist is as flawed as its portrayal by their Western ideological opponents who claim that Muslim jihadis are out to dominate the world. This too is not a recipe for an Islamic government that meets the Qur’anic criterion.

7. The Salafist perspective on the “return to the time of the Prophet” constitutes a regression from the present reality and a digression from the belief that the Qur’an as the last revelation, is timeless, i.e. that its teachings and edicts
defy the passage of time in principle, but that the application of its commands may be interpreted to accommodate varying circumstances of time and place. The Salafists don’t seem to be aware of this critical point and consider Islam so inflexible that the only way to apply it is to replicate the times of the Prophet of Islam. Must we assume then that the many millions who lived Islamically in Muslim societies over the centuries were wrong?

Qur’an is as relevant today as it was 14 centuries ago precisely because its commands can be interpreted with changing times and circumstances to address human needs. Osman bin Bakar’s implied rejection of the regressive Salafist thought comes as follows: “Islamic shari’ah has to be necessarily broad and comprehensive in its treatment of societal laws and ethics since it is the last sacred law to be revealed to humankind. In this sense it must always be “contemporary” and even modern; it has to address itself to the needs of a world that is increasingly complex in its cultural makeup and societal organizations.”

Conclusions

A critical review of history shows that Muslim societies of today are not just adopting the medieval Christian theocracies of Europe, but in a complete role reversal, they are adopting the entire Dark Ages along with them. Today’s Muslims are holding on to the ways that kept medieval Europe in the Dark Ages but are avoiding the ways that elevated them to the top of world civilization. A deeper understanding of this reality by

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the Muslim societies of today is imperative for any search for a meaningful solution to their problems. Their major problems being moral bankruptcy, religious hypocrisy, political corruption, economic stagnation, and crises of political identity that muddle the superstitious minds of today’s Muslims with pain and agony.

Some Islamists who do not understand democracy, disown it. As mentioned earlier, the role that the Muslim philosophers played in the development of democracy is greater than the Islamists think. The name may be rooted in Greek etymology, but the evolved concept of democracy is more of a Muslim tradition. The Prophet established the first republic in Madinah, Abu Hanifah effectively prevented the formation of theocracy, Al-Māwardī’s was the thinker who explained the division of power in government and wrote about the balance of power between state and religion, Ibn Khaldun wrote about the basic human rights and their guarantee in the context of vicegerency, Ibn Rushd wrote about the compatibility of reason and revelation…

Democracy is not the form or structure of a state, it is those principles of governance that are based on the expressed desired of a people for the ideals of governance, and people in every society manages their affairs in accordance with those principles. It’s a pity that even in the dire circumstances of the Muslim world today they avoid implementing democracy practically and deny it all together theoretically. The dissemination of this negative mentality adds to the miseries of the Muslim world.

Returning to the time of the Prophet may be a good spiritual journey, but in terms of the present reality, it doesn’t make sense because the demands of a modern cosmopolitan Muslim society are very different and more challenging for the Madinah model of a city-state. While the universality of the principles of governance is timeless, the demands of the times are different. Idealizing the past is not to regress, but to learn
from it and move forward.

In order for the Islamist movements to succeed, they will have to make sure their political agenda is rooted in an authentic theoretical understanding of the Qur’an and in a more accurate interpretation of verifiable historical facts. They must also adjust their 7th-century ideals for a present-day reality. Muslims will have to be able to reclaim their ideals in modernity and democracy, not because they are claimed as a ‘Western’ tradition, but because the Muslim’s own tradition demands them. Therefore, any agenda aimed at establishing an ‘Islamic state’ or forming an Islamic political party, as an alternative to a strictly secular system, must accommodate the two principles of sovereignty and vicegerency together to address the duties of the government and the rights of the people.

Europeans who had been condemned to the Dark Ages of medieval theocracies ran to the Age of Enlightenment. Muslim societies are at a critical historical juncture: they can either learn from the bitter and bloody experience of Europe, or they will have to experience such miseries themselves. ‘Those who fail to learn from history are condemned to repeat it.’

In light of these recommendations and conclusions, the prevalent state of affairs demands a paradigmatic shift in the perceived roles of state and society in the Muslim world. The stakes are very high for the successful implementation of such reforms and they are certainly beyond the power of any one political party, movement, or state. Yet, the challenge awaits any existing or emerging political movement to carry the theoretical to the realm of a new reality.