

POSSIBILITY OF AN ISLAMIC THEORY OF
INTERNATIONAL RELATIONS

A THESIS SUBMITTED TO
THE GRADUATE SCHOOL OF SOCIAL SCIENCES
OF
MIDDLE EAST TECHNICAL UNIVERSITY

BY

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IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR
THE DEGREE OF DOCTOR OF PHILOSOPHY
IN
THE DEPARTMENT OF INTERNATIONAL RELATIONS

MARCH 2016

Approval of the Graduate School of Social Sciences

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ABSTRACT

POSSIBILITY OF AN ISLAMIC THEORY OF INTERNATIONAL RELATIONS

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March 2016, 298 pages

International Relations is dominated by Western's (Euro-American) enterprise on theories, methods, praxes and narratives. In order to have a more inclusive and truly globalized IR, it has to substantially acknowledge diversity of existence, stories, voices, realities, cosmologies, and locally produced knowledge systems particularly from non-Western or Global South societies. Calls for reexamination and rethinking of its traditions of thoughts so as to accommodate changes and new issues in the international system are highly needed. One of its explorations is the call for the possibility of doing an Islamic theorizing about IR. Four steps were provided. First is to set up the background for generally identifying relations among religion & IR, and of Islam & IR. Second is to analyze one of the unit of analyses of IR, i.e. the nation-state. Its elements and constitutional cases are explored and provided the counterpart understandings of Muslim governance. Third is a further discussion of the element on authority by selecting four distinct Muslim scholars and decipher their conceptions on ruling in Muslim thought. The last step is assessing a practical case of a contemporary Muslim society in congruence with the analyses of previous steps. It concluded that the prospects of doing Islamic theorizing about IR falls under the condition of 'pre-theory'.

Keywords: International, theory, Islam, polity, conundrum.

ÖZ

ULUSLARARASI İLİŞKİLER DİSİPLİNİ'NDE İSLAMI BİR TEORİ GELİŞTİRME İMKANI

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Doktora, Uluslararası İlişkiler Bölümü

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Mart 2016, 298 sayfa'dır.

Uluslararası İlişkiler Disiplin'inde, teoriler, icraat ve söylem, Batı dünyasının egemenliğinde oluşturulmuştur. Disiplinin hakiki anlamda 'büyük insanlığı' temsil edebilmesi ve kapsaması için Batı dünyasının dışındaki ve dünyanın 'az gelişmiş' bölgelerindeki pratikleri de kabul etmesi gerekmektedir. Bunların tecrübelerinin çeşitliliğini, hikâyelerini, olgularını, Kozmos'u tasavvur etme biçimlerinin ve kendilerine özgü bilgi/ bilim tarzlarını da kabul etmelidir. Uluslararası İlişkiler'deki yeni meselelere ve değişimlere uyum sağlayabilmek için, Batı'nın düşünce geleneğinin iredelenmesi ve sınıma tâbi tutulması gereği iyice kendini hissettirmektedir. Bu bağlamda, yapılabilecek bir açılım da Uluslararası İlişkiler'e İslâmî bir perspektiften bakacak kuram geliştirmektir.

Burada, 4 aşama belirlemektedir.

Birincisi; Uİ disiplini ile din bağlantısını ve Uİ disiplini ile İslâm dini arasındaki örüntüleri, genel bir kavram çerçeve ile netleştirmektir.

İkincisi, Uİ'deki, analiz birimlerinden birini, örneğin, ulus devleti incelemektir. Bunun unsurlarını ve anayasal örneklerine bakmak ve bunun İslâmiyet'in yönetim anlayışına denk gelen yönlerini ele almak.

Üçüncüsü, Müslüman âlimlerden dördünü seçmek ve onların İslâmiyet'teki "otorite" unsurunu değerlendirişlerini tartışmak ve İslâmiyet'teki 'iktidar' kavramını çözümlmeye çalışmaktır.

Dördüncüsü, günümüzde mevcut bir Müslüman toplumu vaka olarak incelemek ve bunu önceki adımların çözümlmeleriyle beraber düşünmektir.

Bu tezin vardığı hüküm; UI disiplini hakkında İslâmî perspektiften kuramsal düşünme imkânı'nın, henüz teori-olmamış bir hâlde bulunduğudır.

Anahtar Kelimeler: Uluslararası, Teori, İslâm, Politika, Araştırma Konusu

PREFACE

The PhD journey at METU took almost seven years of my life and I am dearly grateful for that, although there were several times that I almost gave up. I owe my endless debt of gratitude to the kind understanding and great patience of the members of the thesis committee (Prof. Dr. Meliha Altunışık, Prof. Dr. Yasin Ceylan, Prof. Dr. İřtar Gözaydın, and Asst. Prof. Dr. Mustafa Serdar Palabıyık) especially to my very supportive and inspiring thesis supervisor (Prof. Dr. A. Nuri Yurdusev).

Back on 29 December 2012, I created the IR-IS Research Cohort (the IS stands for ‘Islamic Studies’) through various social networking sites such as Facebook, LinkedIn, and Google+. My blog/website and twitter served as temporary e-places where I formulated my thoughts and disseminated information. It was thirst of knowledge that led me in a journey that would uncover Islamic contributions to the field of IR because I observed a tremendous non-recognition of Islamic scholars’ theories and practices of international relations among IR scholars, particularly in the West. For example, a very recent publication edited by Richard Ned Lebow, Hidemi Suganami, and Peer Schouten entitled *The Return of the Theorists: Dialogues with Great Thinkers in International Relations* (Palgrave Macmillan, 2016), where they discussed the thoughts of Confucius, Kautilya, Aristotle, Machiavelli, Hobbes, Locke, Kant, Foucault, Marx, Waltz, Wendt, etc. But not a single scholar (e.g. Ibn Khaldun) from the Muslim civilization was presented.

My research interest is to find shared values and mutual understanding between IR and IS. Until I found avenues and academic tools as starting point to gradually materialize my aspirations, I was able to edit a book, create a section conference, and organize meetings with people who have similar passion and interests. Firstly, through exchanges of correspondence with Dr. Raffaele Mauriello and Dr. Deina Abdelkader and, later, a meeting in Rapallo (Italy) from October 30 to

November 02, 2013 held as part of the annual Exploratory Symposia organized by the European International Studies Association, Co-IRIS was born.

Co-IRIS (International Relations and Islamic Studies Research Cohort) is an organization interested in the advancement of comparative research between International Relations (IR) and Islamic Studies. It is created by a group of researchers interested in developing and sustaining a body of knowledge that addresses the theories and practices of the Muslim civilization and of Muslim societies with regards to international affairs and to the discipline of International Relations. See www.coiris.org for further details.

This dissertation serves as a motivational factor in jumpstarting Co-IRIS, and I am very thankful to the thesis committee for giving me additional six months to consolidate my thoughts and research. I chose to work on nation-state despite people telling me that it is now obsolete, but we cannot deny the fact that it is still prominent in world politics. Working on it gave me a window to study the historicity and one of the major subject matters of IR. How nation-state shaped and affected the thinking and experiences of individuals and groups of peoples, their relations with others, and worldviews? It also provided me a door in learning the impacts, reactions and adaptations of non-European communities especially Muslim societies.

My participation in various academic platforms (publications, conferences, workshops, seminars, etc.) helped me immensely as a student and aided my thesis from feedbacks and critiques I received. I am also grateful to publishers who accorded me the right of including some of my published materials in this thesis. Therefore, with these acquired experience I was able to established the Philippine International Studies Organization (www.PhISO.org), the first ever scholarly organization accredited by ISA and on its way to become full member of WISC. It is without hesitation that my 6-7 years stay in Turkey was very fruitful and meaningful to my life, especially to my scholastic journey.

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*In the end,
it's not the years in your life that count.
It's the life in your years.*

*Abraham Lincoln*¹

CHAPTER I

INTRODUCTION

For several years of studying International Relations (IR), there is a sense of discomfort and eagerness to unlearn what I have learned. A lost place of where IR really stands on, repetitive narratives (Westphalia, great debates, clash of civilizations, among others) of white males/females with Western IR education, and finding voices of stories, experiences, worldviews and realities beyond Euro-America. With all of these disheartening universal cosmology of Western IR, I did not lose hope despite the unrelenting hurdles, discouragements and seldom depressions.

Some scholars have questioned why there is no non-Western theory of IR or trying to challenge the creativity and innovative thinking of scholars from non-Western countries. Song Xinning's 'Building International Relations Theory with Chinese Characteristics' published in the Journal of Contemporary China in 2001 or Abdulhamid Abusulayman's 'Towards an Islamic Theory of International Relations: New Directions for Methodology and Thought' published by the International Institute of Islamic Thought in 1987 were prime examples of attempts to build Chinese or Islamic interpretations of IR. There are two probable reasons why these literatures on non-Western interpretation of IR were kept in the periphery and not mainstreamed. One is the distribution of publications is not widespread, and second is little attention is given or vehemently ignored by

¹ Read more at
http://www.brainyquote.com/quotes/topics/topic_life.html#LjIlyIOKkzU3Bo0A.99

prominent scholars, practitioners, and students from the West. Further details are discussed in an edited book by Amitav Acharya and Barry Buzan's *Non-Western International Relations Theory: Perspectives On and Beyond Asia* published by Routledge in 2009.

1.1 Questions

This thesis asks whether there is a possibility for doing Islamic theorizing about the International Relations. If yes? What ways or procedural steps we can think of in attaining it?

The discipline of IR is sometimes perceived as an 'American social science', a term coined by Stanley Hoffman. It is a relatively young discipline compared with History or Philosophy, but it is gaining popularity all over the world. Several programs, departments, professional organizations, journals, etcetera are proliferating especially in Global South countries. However, their curriculum is dominated by Western IR's enterprise on theories, methods, praxes and narratives. The disciples of IR teaching in Global South countries are mostly Western trained scholars. Only centers of learning of IR can be found in Euro-American universities which also contained the prominent IR scholars.

However, the question here is how can we find pluralistic voices that are inclusive of diverse experiences, stories, realities, existence, and cosmologies outside the Western IR pedigree? How can we include locally produced knowledge systems outside the West and advance shared destinies for IR? How can we conceptualize a truly globalized IR? There is a need of reexamination of traditions of thoughts of Western IR that hopefully may lead to the accommodation of other traditions and experiences. As the world is changing constantly, IR is confronted and challenged by new issues, problématiques, trends, and actors. Several voices that call for an inclusive IR which may need for a reassessment or 'rethinking' of its theories, methods, and empiricisms.

In 2013, Hamid Dabashi asked the question: Can non-Europeans think? He was appalled of the universality and ‘global claims’ of continental (European) philosophy while others are called ethno-philosophies particularly from Asia, Africa or Latin America. Dabashi poignantly writes:

‘The question is rather the manner in which non-European thinking can reach self-consciousness and evident universality, not at the cost of whatever European philosophers may think of themselves for the world at large, but for the purpose of offering alternative (complementary or contradictory) visions of reality more rooted in the lived experiences of people in Africa, in Asia, in Latin America....’²

In retrospect, we may also ask how do we theorize the ‘international’? Is there a matrix that affects one’s theorizing skills, particularly the individuals’ view of the world? Is ‘theory is always for someone and for some purpose?’³ We always speculate things and observe phenomena. We postulate supposition of ideas to explain something we are curious of. Or account for situations we desire to provide justifications. Theory has four chronological efficacies or properties: It describes, explains, interprets and predicts phenomena. There is a demarcation of understanding the nature of IR theory between American and European traditions. Americans conditioned its theorizing efforts through positivistic way, i.e., sets out its operational terms, presents its causality, and generates testable hypotheses. While for Europeans a theory is understood in a reflectivist manner where structuring general/specific questions are organized, and systematically produced a coherent set of interrelated concepts and categories.

² Dabashi, Hamid. "Can Non-Europeans Think?" Al-Jazeera English. January 25, 2013. Accessed February 24, 2016. <http://www.aljazeera.com/indepth/opinion/2013/01/2013114142638797542.html>.

³ Cox, Robert W. "Social Forces, States and World Orders: Beyond International Relations Theory." *Millennium - Journal of International Studies* 10, no. 2 (1981): 126-55. doi:10.1177/03058298810100020501.

For Acharya and Buzan, ‘theory is therefore about simplifying reality. It starts from the supposition that in some quite fundamental sense, each event is not unique, but can be clustered together with others that share some important similarities.’⁴ The domination of Western IR theory is cemented by their systemic understanding of issues and affairs worldwide, by their successful linkage of their historical past to their present continuity, by their hegemonic experience of colonizing Global South through incomparable military strength, by their vast resources in finances, research institutes, universities, thinkers, literature, among others, and by poor conditions of non-Western academic IR community including cultural and linguistic obstacles.

They (Acharya and Buzan) provided conditions upon which non-Western theorizing can be considered as IR theory, and these are 1) extensive acknowledgment as a theory by IR scholars, 2) it is identified as IR theory by its creator regardless of non-recognition by mainstream academic IR community, or 3) that there is a systematic attempt to theorize IR (refers to ‘pre-theory’ which provide possible starting points).⁵ This thesis falls into their third condition which contemplates probable Islamic theorizing about IR.

1.2 Terminologies

There are two important terms that are operationally defined in this thesis: the notion of ‘international’ and the contested ‘Islam’. Various scholars defined ‘international’ into two invigorating descriptions, one has something to do with the narrow version which only talks about conventional relations among modern states, while the other one discusses its broader view of interactions among

⁴ Acharya, A., and B. Buzan. "Why Is There No Non-Western International Relations Theory? An Introduction." *International Relations of the Asia-Pacific* 7, no. 3 (2007): 287-312. doi:10.1093/irap/lcm012.

⁵ Acharya and Buzan, 2007, p. 292.

humans and of their societies that go beyond their locality. The thesis affirms the broader version.

The second term is the highly contested 'Islam'. Some may talk about the theological pretexts that originated from revealed messages and constructed into laws that guides human lives, while others may talk about its cultural aspect where figural art or icons, music and even wine drinking are considered Islamic. The thesis operates Islam as anything related to or produced by Muslims – whether in ruling or adaption of foreign cultural traditions such as when Islam was expanding from Arabia to Persia, India, and China. It is not monolithic in its orientations but with multiple understandings and interpretations across peoples, cultures, spaces and times.

1.3 Delimitations

It avoided hard positivistic process (the American style) of providing potentialities for Islamic theorizing about IR because the author finds it difficult to relegate religion, specifically Islam, as a mere scientific variable subjected for empirical observations and testable hypothesis. The thesis is more inclined with the European reflectivist version of making theorizing efforts where question(s) was/were posited and based from that postulation, coherent presentations of interrelated conceptions and categories are then analyzed.

Simple transliterations of Arabic words are provided. The author is incapable of comprehending Arabic, Persian or Ottoman texts. Thus, all sources are secondarily translated in English. Any linguistic errors found are the fault of the author.

1.4 Structure

In order to answer the question of the thesis, whether if it is possible to do Islamic theorizing of International Relations, the author provided four procedural steps in contemplating or reflecting on the possibility of doing it.

STEP ONE asks the operational definitions of IR and religion. It inquires critical scholarship about religion. Explores the religious roots of IR and continues to interrogate the general relations of IR and religion, particularly its conceptualizing problematique of religion by IR community, attempts of integrating it to mainstream IR theories, and shortcomings on the study of religion and IR. Afterwards, it investigates the relations of IR and Islam as part of the non-Western IR movements.

STEP TWO is divided into two parts, one is exploring the elements and constitutional cases of nation-state, while the second is analyzing the understandings of Muslim governance regarding those elements and provided some counterpart constitutional cases. Nation-state, one of the unit or level of analyses of IR, is selected in this thesis because of its ubiquitous and prominent role in IR theory, and that although its significance is being challenged by globalization, regionalization, among others: It is still by far the omnipresent polity worldwide which was adapted by almost all Muslim societies. Its role in shaping the international system is undeniably magnanimous.

STEP THREE collects accumulated ideas by selecting four distinct Muslim scholars during the Islamic Golden Age and decipher their conceptions on ruling in Muslim thought. It is somehow linked to the previous step where ‘authority’, one of the most contested element in Muslim governance, is further examined.

STEP FOUR is the last way of doing Islamic theorizing of IR. It presented a practical case of a contemporary Muslim society (the Bangsamoro) and relates its reconfiguration of political arrangement under the context of comparative analysis of elements between nation-state and Muslim governance. The third step is linked to this step because one of the selected scholar’s work served as theoretical blueprint of structuring its basic laws or constitution. No one has ever done or contributed in the literature regarding the Bangsamoro polity, almost all

Arab countries, Iran, Turkey, Pakistan, Malaysia and Indonesia have been thoroughly studied.

With this structure in mind, the first step is presented in the subsequent chapter.

*Indeed,
there could be no secular discipline
such as IR without 'religion'...*

Timothy Fitzgerald⁶

CHAPTER II

RELIGION, INTERNATIONAL RELATIONS, ISLAM

For the past few decades there is a tremendous increase of IR scholars studying religion, and evidently, a dedicated section called 'REL (Religion and International Relations) was established at the International Studies Association (ISA) in 2013. Prior to this, there are similar sections, committees, and caucuses that focused on religion and politics, and some of them are: International Political Science Association (IPSA), the American Political Science Association (APSA), the European Consortium for Political Research (ECPR), among others. The ISA-REL members are steadily growing in numbers including its sponsored panels each year. It is without a doubt that literature on IR and religion rapidly proliferated, particularly after the tragic 9/11 event occurred in the USA.

Several scholars are talking about the 'global resurgence of religion' or the need to 'bring religion back into IR from its exile'. Was religion really on its exile? How come IR scholars are recently paying attention to religion? How do IR scholars see religion in their analyses? Is there a possibility of integrating religion into IR? These are the prominent issues as regards to the study of religion and IR. Operational descriptions on IR and religion are firstly provided below.

⁶ Fitzgerald, *Religion and Politics in International Relations: The Modern Myth*. p. 4.

2.1 International Relations

International Relations⁷ (IR) is commonly understood as the study of behaviors and interactions of nation-states (e.g. the United States or China), regional organizations (e.g. the European Union or the Association of Southeast Asian Nations), international organizations (e.g. the United Nations or World Bank), and multinational corporations (e.g. Google or McDonalds). The distinction whether those given examples may further be characterized as governmental, inter-governmental or non-governmental in nature depends on the hybridity of tasks, roles, and mission-vision of those mentioned organizations.

It is quite apparent that other disciplines of social sciences have highly influenced IR in terms of its theoretical and methodological development. It is described as an interdisciplinary field mostly influenced by Philosophy, Political Science, History, Economics, and Sociology. Thus, individual (personhood), community of peoples (cultural, religious or secular), civil society, world society (cosmopolitan and universal), and the international system have been conceived, and their interactions are also part of the study in IR. In addition, it also features on how to formulate and implement foreign policy. Its motivations, objectives, goals, national interests, and implementation of involved agents such as political elites in decision making are all shown in dealing with the foreign policy of a certain nation-state. It may also utilize positivistic or normative tools for its research design and methodology.

Furthermore, it is relatively a young discipline autonomous from other social sciences, but some treat it as part or branch of Political Science. However, pioneering IR scholars from the United Kingdom and the United States have made it independent and have established their own institutes and departments.

⁷ Adiong, Nassef Manabilang. "International Relations." Edited by Sangeeta Ray, Henry Schwarz, Villacañas Berlanga J. L., Alberto Moreiras, and April Ann Shemak. In *The Wiley-Blackwell Encyclopedia of Postcolonial Studies*. Hoboken, NJ: Wiley-Blackwell, 2016.

Thus, the IR discipline in the UK and the US is highly prominent and developed. Almost all books, journal articles, and textbooks in IR used all over the world were authored by American or British scholars, or someone (non-Anglo-American) who earned their PhD degrees from universities in the UK or the US. It only shows that the extant literature in the West (the US and the UK or Western Europe) is highly extensive and comprehensive compared to the rest of the world. This is the reason why accounts and orientations regarding the conception and development of IR is considered by some scholars as very US- or European-centric which disregards the importance of experiences by other civilizations (e.g. Muslim world) or current principal actors (e.g. China, India or Brazil).

Another significant aspect to discuss is the variations of approaches on issue areas between a theoretician and a practitioner. Who have more weight, credibility, and extent of influence over a specific issue (e.g. Iranian nuclear talks, Climate Change or Crimes against Humanity) among theoreticians or practitioners in trying to provide better interpretation, explanation, and solution? Theoreticians may guide and provide explanatory precedents to practitioners while practitioners will always be in the forefront of hands-on activities in IR which would attest to the hypothesis and laws posited by theoreticians. In short, both of them play vital roles in shaping and/or carrying out the study of IR, which of course considers the magnitude and value of temporal (time or period) and spatial (place and event) elements.

After providing a summarized account of what it meant by International Relations, operational description on religion is subsequently discussed.

2.2 Religion

There is no common understanding of the meaning of religion⁸ whether in social sciences, theology or philosophy. Every scholar has his/her own interpretation and understanding. Some may perceive religion as the fundamental force or energy of the cosmos, while others conceive it as the singular and central invisible force that drives and moves people. It thus far gives meaning of what it really meant to become a human being which feeds the mind, body and soul of man and woman. In Haynes quoting Martyr, he identified five features of religion that aid us in putting boundaries around the term, and these are '(1) focuses our ultimate concern, (2) builds community, (3) appeals to myth and symbol, (4) enforced through rites and ceremonies, and (5) demands certain behavior from its adherents'.⁹

Religion can also be thought of belief system that is mutually supported by practices and oftentimes related to adherence to supernatural beings or 'being' held as sacred to a society or number of persons. A great unique of religion is its having the power of persuasion through the delivery of charismatic persons that affects a great mass of people which could be fixated in a specific geography or moves transnationally. 'For purpose of social investigation, according to Haynes, religion may be approached: (1) from the perspective of a body of ideas and outlooks – that is, as theology and ethical code¹⁰; (2) as a type of formal

⁸ Fitzgerald (2011, p. 6) generally described the lay understanding of religion 'as a universal and distinct kind of human practice and institution. Though it is frequently (though not always) defined by 'belief in the supernatural', religion is generally seen as a natural aspect of human experience and action. Also, religion in general has some problematic relationship to religions in particular. These 'religions' have been set up in modern discourse as things that exist in the world, things which belong to a general class but each with their own essential characteristics.'

⁹ Haynes, Jeffrey. *Introduction to International Relations and Religion*. 2nd ed. Harlow, England: Pearson Longman, 2013, p. 33-4.

¹⁰ Kubalkova (2000) asserts that 'religions are made up mainly of assertive speech acts and instruction-rules. While 'commandments' might seem to be commands (directive-rules), on a closer look, it is probably better to call them declarations.... Nevertheless, it is usually possible to identify directive-rules and commitment-rules backing up the declarations and instruction-rules

organisation – that is, the ecclesiastical ‘church’; or (3) as a social group – that is, religious groups and movements. There are two basic ways that religion can affect the world: by what it says and by what it does. The former relates to religion’s doctrine or theology, the latter to its importance as a social phenomenon and mark of identity. This can work through a variety of modes of institutionalisation, including church–state relations¹¹, civil society and political society.’¹²

Although we assumed those descriptions in approaching religion as body of ideas, institutions, and social groups, we have to distinguish the ontological difference between religious and secular thought. All religious communities – be they from the Western or Oriental civilizations – share a uniqueness between prevailing quotidian of normalcy and of transcendental or spiritual realms of reality. If there is an ontological difference between the realities of religious and secular, then it automatically leads to differences in both epistemological and methodological ways of worldviews. Kubalkova opined that in ‘attempting to fit religious experience into a positivist framework can only emasculate it, caricature it, distort its meaning, and underestimate its strength. A serious consideration of the role of religion in IR must start with the exploration of the ontological foundation of religious discourse.’¹³ That is, religion or religions share that the

that give any religion its general character although religious rules carry their own special ‘back up’. (p. 696)

¹¹ According to Kubalkova, quoting Juergensmeyer, that ‘there is the opposite danger of seeing religions and states as totally separate. For example, Juergensmeyer simplifies the issue when he argues that for understanding the world today it is necessary to see two interacting and competing frameworks of social order: secular nationalism (allied with the nation-state) and religion (allied with large ethnic communities).³⁸ There is no way of a priori generalisation and only a careful examination of rules and their interplay will reveal the nature of these relations.’ (Kubalkova, *Towards an International Political Theology*, 2000, p. 695)

¹² Haynes, *Introduction to International Relations and Religion*, p. 34-5.

¹³ Kubalkova, Vendulka. "Towards an International Political Theology." *Millennium - Journal of International Studies* 29, no. 3 (2000): 683. doi:10.1177/03058298000290031501.

material world which could be comprehended by our human senses is considered a single component out of several ones in a hierarchy of nature or essence of life.

Religious scholars accused secular thinkers as having a very narrow understanding of nature or of the physical world especially when they perceived it as lacking of an inconceivable plan or design capable of proving and explaining human experiences. These experiences carried by humans are considered the bridge between the spiritual and material worlds which may have the preponderance in shaping the structure and facets of reality. In addition, human experience may be perceived of as a single dimension that is part of a bigger and multidimensional reality instructed by a cosmic or universal design rather than by a likelihood or probability called 'chance'. This enormous reality is substantially greater than a finite reality of human experience, but impermeable to temporal senses and/or perception. Thus the line or division between the spiritual world and the material world in both sense and thought are closely connected.

It is surprising that almost all major religions share a symmetrical view of transcendental reality, for example, sociologists of religion instigated that the practice or thought of creating or constructing a sanctified being, sometimes characterized with supernatural abilities, is universal to all human civilizations that date back to the antiquity period particularly in West Asia or the modern Middle East region. In Kubalkova words 'theologians, of course, deny that God (or the gods) are human constructions. They might accept that the human being is homo sapiens but they would contend that he or she is also homo religiosus, a species in need of finding a system of beliefs essential to the self-definition of the believer, what we now call 'identity'. All religions are organised on the basis of beliefs that are fundamental not only to reality, but even more important to human identity.'¹⁴

¹⁴ Kubalkova, *Towards an International Political Theology*, p. 684.

While theologians contend the homo-religiosus nature of human beings, at the other spectrum social scientists raise the aspect of homo-politicus characterization. Religion and politics are intertwined since humans became aware of transcendental and supernatural being. Oftentimes religious explanations are the result of political situations and of political life. Hurd's argued that 'religion cannot be disembedded and isolated from the broader social and political fields in which it is entangled. It also cannot be divided between good and bad. There are no untouched religions waiting to be recovered from political irrelevance or reformed into peaceable governing partners.'¹⁵

Violence, war, and peace cannot be results of a sole entity called religion. It is the mixture of identities such as religious, class, gender, race, etc. that consisted the collective governance with variants of complexity and emergence of context-specific understanding. The religious-secular binary is actually caused by belief system, practices, mobilized social forces, and organized institutions. Although today's religion is in itself a product of modernity, some aspects of it occupies spaces that can be considered secular. For example, Hurd distinguished 'between "expert religion," "official religion," and "lived religion," it disaggregates religion in order to access a richer field of religio-political realities.'¹⁶

For example, 'lived' Islam refers to day-to-day practices and rituals of Muslims as they interact with their lives, society, and how to make sense of and connect to the world. 'Official' Islam is pronounced and carried by those who have political power of maneuvering positions, solutions, and issues, and most of them have backings or support of international and domestic political elites or by the state itself (e.g. the Saudi Ministry of Islamic Affairs, Iranian mullahs, Turkish

¹⁵ Hurd, Elizabeth Shakman. "How International Relations Got Religion, and Got It Wrong." *Washington Post*. Accessed July 9, 2015.
<https://www.washingtonpost.com/blogs/monkey-cage/wp/2015/07/09/how-international-relations-got-religion-and-got-it-wrong/> (p. 2.)

¹⁶ Hurd, 2015, p. 2.

Diyanet, Egyptian state, or the Gulf Cooperation Council, Arab League or the Organization of Islamic Cooperation). And the last category is ‘expert’ Islam which usually pertains to the works of public intellectuals, scholars, academics, policy experts, religious authorities and those who have positions in the government. In Hurd’s words ‘disaggregating Islam into these three categories reveals that expert and official constructions of Islam do not and cannot exhaust the field of contemporary Muslim religiosities. Lived Islam does not align with an understanding of Islam as a singular, bounded cause of political behavior. ... The practices and traditions of lived Islam often dissent from orthodox, elite or official understandings of what Islam is or should be.’

However, after discussing the operational description of religion, have we really grasped a fuller understanding about religion? Scholars critical to the term religion provided very interesting and insightful arguments.

2.3 Critique of Religion

They¹⁷ are saying that ‘religion’ or ‘religions’ are actually modern inventions that are made to appear ubiquitous, in a sense that it is present everywhere, and have been marginalized and privatized because it construed to be only serving the mystification of the supposed natural rationality of the secular (e.g. the modern nation-state and the capitalist systems). This reified religion told in IR stories represents the so-called ‘resurgence’¹⁸, ‘return from exile’, or ‘bringing back’ religion in the world of social sciences. It is treated as if it has distinct properties

¹⁷ Scholars of the Critical Religion Association ~ Critical Approaches to the Study of Religion. See <http://criticalreligion.org/scholars/>

¹⁸ Goldewijk argued that ‘the global resurgence of religion demonstrates religion’s involvement in global and local integration as well as in conflict and fragmentation. It expresses the globalisation of religions and a growing interconnectedness, while it simultaneously shows that religion, violence and conflict are closely intertwined in world affairs today. Integral part of the resurgence is a counter-tendency towards a growing involvement of religions in conflict: in intrastate conflicts, local ethnic conflicts, wider identity conflicts and other complex emergencies.’ (2007, p. 23)

and characteristics that is subject for empirical investigation and analysis. A concerted effort by secular agents to construct a make belief that religion is only a variable which can be observed. Religion(s) designed to be classified as a type of practice, experience or institution, and yet it is also classified as a phenomenon subjected for experiential examination.

Fitzgerald claimed that religion is an abstract category where it problematizes the relations between 'religion', 'a religion' and 'religious'.¹⁹ In England's history and ever since the Reformation Era, the word 'religion' referred mainly to Christian Truth of the Protestant Faith. On the other hand, 'a religion' is treated as a variable subjected for closed examination, which clearly permeates a modern idea. For Fitzgerald, 'religion, a religion and religions in the plural together form a general modern category or family of categories used for classifying a kind of practice and institution, not something which has any clear, empirical referent which can be observed.'²⁰ In short, religion is generally has no essential meaning.²¹

Moreover, these categories perpetuated into a whole new level of mythological discourse that was taken up by IR for almost two decades. In a retrospect world, scholars of 'Religion and IR' regards IR as dependent to religion, meaning IR will not exist without the emergence of religion particularly its contribution to wars.²² However, my contention is not how religion is imagined by its disciples

¹⁹ Fitzgerald, Timothy. *Religion and Politics in International Relations: The Modern Myth*. New York: Continuum, 2011, p. 2.

²⁰ Fitzgerald, 2011, p. 3.

²¹ Fitzgerald, 2011, p. 35.

²² This was further essentialized that in Fitzgerald's words 'International Relations as a rational secular discipline for the analysis of world politics derived in the long run from these same historical sources. Once irrational and violent religion had been tamed and put into its proper place at the margins of government, at least in Europe and North America, then International Relations could emerge as the science of statecraft.' (2011, p. 29)

but how they interpret it that leads to fallible human errors which causes conflicts and inevitably leads to war.

In relation to what I briefly touched upon about the binary or an essential dichotomy between religious domain and non-religious or secular domain, it was imagined and believed by most scholars of secular disciplines such as IR, political science and other related ones that religion is irrelevant in the empirical investigation of observable phenomena. Thus they treated it as a marginalized course of insignificance to a profound rational life. Yet, Fitzgerald contends that ‘the marginalization of what is imagined to be ‘religion’ is simultaneously its inclusion by negation.’²³

He is basically arguing that the creation of any secular domain which is perceived as irreligious is a direct cause and dependent on the historical notion that religion is conceptualized as a distinct and different from that secular domain even if the IR scholar is unaware or simply uninterested to religious issues.²⁴ In other words, the modern invention of religion is tautologous to the modern emergence of the secular nation-state system, IR, politics and economics. This may mean that we could also have a separate modern idea of religious domain of a state system (e.g. Saudi Arabia, Iran, Pakistan, and Israel)²⁵.

²³ Fitzgerald, 2011, p. 4.

²⁴ According to Fitzgerald, this kind of thinking presupposes that ‘historically and conceptually, the idea of religion as a universal essence manifesting in specific religions, and the idea of politics as a distinct, non-religious domain, emerged (in English at least) in the late seventeenth century and did not become powerfully institutionalized until the American and French Revolutions and their respective proclamations of a new world order.’ (2011, p. 5)

²⁵ Hunter (2011, p. 9) argued that ‘in the case of some countries such as Saudi Arabia and the Islamic Republic of Iran which are based on different interpretations of Islam, religion is the official ideology and the basis of state legitimacy. As is the case with secular ideologies, both countries believe that the spread of their particular brand of Islam will advance their interests and increase their regional and global influence. However, what is important to point out is that religion, like secular ideologies, plays a purely instrumental role namely that of justifying and legitimizing state policies rather determining them.’

Aside from the religious-secular binary discourse, another debate is the two different images of religion. The first image of religion pertains to its goodness where it is viewed as a peace-loving element. Religion that is apolitical, unselfish, non-greedy, gentle, benign and primarily concerned with metaphysical world. It is capable of bringing people together in good faith where piety is always practiced and uninterested with political operations of secular state. The second image refers to its evilness which is characterized as irrational, violent, barbaric, and always causing insurgencies, anomie and mayhem to all its followers. This type of image reflected and epitomized with the 9/11 event and US' War on Terror which automatically threatens the peace-loving nature of reasonable non-religious secular state system.

However, these two images brought two conventional paradigms²⁶: 1) the secularization thesis which supposedly anticipated the acceleration of secularization at a great pace and at world scale in terms of proximity but the assumption was wrong because of proliferation of religious movements in secular domains; and 2) the neutrality of nation-state over religious and secular domains was under attacked and scrutinized. The neutrality refers to the principle of separation between church and state or religion and politics which became the foundation of state system in the international community.

The first paradigm also posits that the number of religious people is increasing globally. But, this is actually the opposite of the secularization thesis that emphasized the difference between realms of 'religious' and of 'secular', where religious is privatized and became the absolute necessary for successful liberal democratic societies. Secularization thesis assumes that there is a preponderance link between religion and conflict, which pertains to the second image of religion. If this thesis is correct then there should be a decreased number of religious

²⁶ Goldewijk, Berma Klein. *Religion, International Relations and Development Cooperation*. Wageningen: Wageningen Academic Publishers, 2007, p. 30-3.

people that perpetually lead to decline of conflicts and wars. However, this is not the case today as demonstrated by Desch in his three waves of approaching religion in IR.²⁷

The first wave approach argues that the real origin of IR is religion, i.e. without the Reformation Era there would be no birth of idea of territorial sovereignty and authority of states. The second wave is the growth and spread of religious actors that greatly affected several transnational events (for example, the 1967 Six Day War between Israel and Arab neighboring countries, the 1979 Iranian Revolution, Pan-Islamic movements in the greater Middle East, the rise of fundamentalist groups such as Al Qaeda, the tragic of 9/11, and, of course, ISIS). The seminal work of Huntington's clash of civilizations thesis greatly captured the second wave, which he argued 'that future global politics would be characterized by the interaction among civilizations, which he defined as the highest cultural grouping whose "most important" defining feature was common religion.'²⁸ The third wave approach is the adoption of religion as an epistemology that relates to other factors of global politics. It evolved to have a status of an ideational variable which both positivist and non-positivist methodologies are utilized in addressing international issues.

The common understanding of these three waves of religion in IR seem to suggest the defeat of the secularization thesis and the decline of secularism in world politics. As Desch briefly summarizes these waves: 'In the first wave, to be sure, secularism was alive and well, but it opened the door to religion by conceding the latter some residual influence. By contrast, in the second wave,

²⁷ Desch, Michael C., and Daniel Philpott, eds. *Religion and International Relations: A Primer for Research*. The Coming Reformation of Religion in International Affairs? The Demise of the Secularization Thesis and the Rise of New Thinking About Religion. Mellon Initiative on Religion Across the Disciplines, 2013. <http://berkleycenter.georgetown.edu/publications/religion-and-international-relations-a-primer-for-research>. (pp. 26-40)

²⁸ Desch, 2013, p. 29.

secularism was in retreat as it came under assault by the increasing numbers of global religious actors and the growing frequency of religiously tinged events around the world. Finally, in the third wave, which emphasizes the conceptual change in the nature of the relationship between religion and other factors in world politics, secularism is down for the count but not out yet. What has blunted religion's knockout punch is the fact that some third wave approaches have adopted definitions of religion, and embraced epistemologies for analyzing its effects, which will ensure that the role of religion in global politics remains opaque and obscure and thus subject to debate.²⁹

With scholars who provided critical approaches to the study of religion particularly claiming it as a modern invention tautologous to secular state system, the first wave seems to me is more striking as it argued and contented by almost all scholars of religion and IR that the root of IR is religion.

2.4 Religious Roots of IR

It is argued again and again that the cause of modern International Relations is religion and this is rooted with the European experience of the Reformation Era, which consequently lead to the infamous 1648 Treaty of Westphalia. It means that those actors or agents who acted upon the Reformation are the same suspects who carried Westphalia. There are two contributions for this argument: Firstly, Reformation accounted for the origin of Westphalia because of the similar authoritative structure of the system of sovereign states. In Philpott words, 'International Relations scholars have long granted that a state system exists and have sought to theorize its laws and patterns of war, peace, and commerce.'³⁰

²⁹ Desch, 2013, p. 40.

³⁰ Philpott, Daniel. "The Religious Roots of Modern International Relations." *World Politics* 52, no. 02 (2000): 207. doi:10.1017/S0043887100002604.

While secondly, Reformation warrants the ‘recognition as a kind of historical cause that merits more attention in the international relations literature.’³¹

Going back to historical accounts during the Reformation, in 1517 the monarchies of Britain, France, and Sweden dominated politically over the church, and even Italy had system of sovereign states. 1555 Peace of Augsburg had provisions authorizing German Princes the free will to establish their own faith in territories they own. This accounts for the famous saying ‘*cuius regio, eius religio* (whose realm, his religion).’³² The 1648 Westphalian treaty provided the political elites and its constituencies ‘to live and practice their faiths in their territories, and to refrain from attempting to convert one another’s subjects ... the text of the treaties calls for arbitration of religious disputes, but through compromise, not majority decision, thus leaving the sovereign right of assent virtually intact.’³³

Philpott strongly argued that ‘had the Reformation not occurred, a system of sovereign states would not have developed, at least not in the same form or in the same era as it did. More precisely, were it not for the Reformation, persistently medieval features of Europe—the substantive powers of the Holy Roman Empire and its emperor, the formidable temporal powers of the church, religious uniformity, truncations of the sovereign powers of secular rulers, Spain’s control of the Netherlands—would not have disappeared when they did, to make way for the system of sovereign states.’³⁴ It was truly through Reformation that these actors including the church develop an interest and curiosity to the idea of sovereign nation-state. Although, the church was at the losing end for its political

³¹ Philpott, 2000, p. 208.

³² Philpott, 2000, p. 211.

³³ Philpott, 2000, pp. 212-13.

³⁴ Philpott, 2000, p. 214.

power diminished, territories and properties confiscated, and the temporal authority of the Pope and of the Emperor was truncated and transferred over to the modern state. All in all, religious powers and influences succumb to the dominance of the secular state. How did this all happen and how Reformation's ideals contributed to the transfer of religious power to secular ones? Philpott has an answer, and he stated that:

‘But such relinquished powers could not be left adrift. They were assumed by the secular authorities—in Germany, by princes; in the Netherlands, by the Estates-General; in Sweden and England, by the king. This new separation of functions also sprang from Luther’s “Doctrine of the Two Kingdoms and the Two Governments,” his political theology. God created two earthly orders with two forms of government. One was the realm of the spirit, the site of the relationship between Christ and the believer’s soul; the other was the realm of the world, the order of secular society, governed through civil magistrates, laws, and coercion. The reformers demanded a separation. Thus, the pastors of the church were not to perform the duties of public order, just as magistrates, princes, and kings would not preach or perform the sacraments. In separating the two realms, Reformation political theology essentially prescribed sovereignty, even though neither Luther’s tracts nor John Calvin’s *Institutes* outline a Westphalian system of sovereign states. For secular authorities within the empire the remaining temporal prerogatives of the church filled out their portfolios of power. The point is essential: sovereignty was implied in the very propositions of the Reformation.’³⁵

³⁵ Philpott, *The Religious Roots of Modern International Relations*, 2000, p. 223.

In other words, the theology of Christianity's Reformation and conceptual notion of territorial sovereignty are intrinsically and historically connected. Those polities who were interested in sovereign state system were also those who adapted Protestantism as their official religion or faith. According to Philpott, 'the social power of Protestants, then, was coincident with and plausibly connected to the development of an interest in sovereign statehood in all of the polities that together defeated the empire during the Thirty Years' War.'³⁶ With this interlinking source claiming that the Reformation Era tremendously shaped IR making it as the root of event laying for the birth of IR, then, what does the relations of IR and religion generally constitute of.

2.5 IR to Religion

As discussed before, religion is seen by IR scholars as either good or bad, but most of the time the latter one prevails particularly after 9/11. Internationally, religion is treated as form of epistemic communities that is non-governmental or transnational organizations or entities (e.g. cultures, civilizations or worst 'terrorist organizations'). However, religion can be a distinctive subject matter in IR because 'in the sense that it brings into IR issues of norms, values and beliefs that go beyond the traditional secular concerns of international relations – war, peace, security – while opening up the terrain of IR analysis to involvement of numerous non-state actors motivated by religious concerns.'³⁷

In another aspect, IR scholars neglected the importance of religion in their analyses of the 'international', and one way of looking at it is the staunch influence of Enlightenment thinkers to IR scholars, and the Western (Anglo-Americana and European) experiences on secularization, nation-state system, and modernity which have relegated religion into the state of oblivion and self-

³⁶ Philpott, 2000, p. 239.

³⁷ Haynes, *Introduction to International Relations and Religion*, 2013, p. 23.

privatization. More so, even IR theoreticians³⁸ have excluded religion in their theoretical analyses and methodologies.³⁹ The rejection or negligence of IR scholars with regards to the importance of religion stems from the following points:

Firstly, most secular social sciences particularly IR has history of rejecting⁴⁰ religion on the basis that analyzing state relations and behaviors can only be accounted through basic rational and logical explanations against irrational religious analyses. It is, indeed, that secularization and modernization absolutely assumed the demise of religion which will make people less religious and inevitably lead to its nullification or extinction especially in areas of public domain and politico-economic life. However, Fox and some scholars counter-argued that:

‘The assertion that modernization⁴¹ will lead to the decline of religion is perhaps ironic because scholars often suggest that

³⁸ Fox (2006, p. 1062) argued that ‘the core of Western IR theory as we know it today, especially American IR theory, evolved from national security theories which focused on the Cold War—a competition between two secular ideologies. In addition, the peace of Westphalia ended the era of international religious wars in the Christian West and the defeat of the Ottomans at the gates of Vienna in 1683 ended the Muslim threat to the West. Thus, centuries of Western historical experience reinforced the notion that religion was not relevant to the relations between states.’

³⁹ Fox, Jonathan, and Shmuel Sandler. *Bringing Religion into International Relations*. New York: Palgrave Macmillan, 2004, p. 163.

⁴⁰ Petito and Hatzopoulos argued that ‘the rejection of religion, in other words, seems to be inscribed in the genetic code of the discipline of IR. Arguably, this occurred because the main constitutive elements of the practices of international relations were purposely established in early modern Europe to end the Wars of Religion.’ (Petito, Fabio, and Pavlos Hatzopoulos. *Religion in International Relations: The Return from Exile*, 2003, p. 1)

⁴¹ Fox has six points for this explanation: ‘First, modernity has eroded traditional values and in many parts of the world, traditional culture. To counter this many religious movements have developed methods to actively reinforce traditional values. Second, for many, especially those in the Third World, modern political ideologies are seen to have failed at delivering their promises of prosperity and social justice. This has undermined their legitimacy and caused a return to religion as a basis for societal and political legitimacy. Third, religion, especially fundamentalist variants of religion, can provide both solace and an explanation for the failures of modernity and, therefore, particularly attracts many who feel alienated from the modern political, social, and economic system. Fourth, religious groups are using modern methods and technology in order to

modernization actually has led to a resurgence of religion. There are several processes associated with modernization that have contributed to the revitalization of religion. First, attempts at modernization have been unsuccessful in much of the Third World and have undermined local traditions and community values, causing a backlash of pent-up grievances by religious movements. This also has occurred on the individual level, with those left behind by modernization feeling alienated, disoriented, and dislocated, leaving them more open to the overtures of religious movements. Scholars also often reason that it is precisely these factors that have led to the growth of fundamentalist movements around the world. Such movements use modern organizational, communications, and propaganda techniques. They also use modern political action techniques, including mass mobilization and modern political institutions such as political parties and, in the case of Iran, government structures to further their fundamentalist agendas.⁴²

It is true that IR theory, particularly the mainstream ones, neglected religion because of its insignificance in analyzing state relations or in thinking of level of analysis.⁴³ Sandal and Fox investigated the causes of negligence and they

mobilize and organize politically. Fifth, democracy has in many cases undermined state religious monopolies. This is important because many sociologists argue that a free religious market results in increased religiosity. Finally, modern state building in the third world has led to many ethnically exclusive governments and ethnic-based politics in many states. As many of these ethnic identities overlap with religious ones, this has increased the salience of religious identity.' (Fox, Jonathan. "The Multiple Impacts of Religion on International Relations: Perceptions and Reality in Religion and International Relations." *Politique étrangère* Hiver, no. 4 (2006): 1059-071. Accessed December 26, 2015. doi:10.3917/pe.064.1059.)

⁴² Fox, Jonathan. "Religion as an Overlooked Element of International Relations." *International Studies Review* 3, no. 3 (2001): 56-7. doi:10.1111/1521-9488.00244.

⁴³ See arguments at Dawson, Stephen. "The Religious Resurgence: Problems and Opportunities for International Relations Theory." Edited by Luke M. Herrington, Alasdair McKay, and Jeffrey

discovered that ‘writings in this category and nearly every other study which seriously addresses religion in international relations were published after September 11, 2001.’⁴⁴ Before 9/11, there were less or scarcity of published journal articles and books but it changed after that event, and in 2001 onwards there were several books and journal articles published that seriously investigated the influence of religion to IR.

Secondly, the dominance of positivism and behaviorist traditions that IR adapted made religion difficult to operationalized. For example, IR scholars who utilized quantitative studies usually ignore religion as a type of variable because it is very hard to measure. There are two specific reasons for this, according to Fox:

‘First, the lack of attention that scholars give to the topic provides a poor basis on which to develop variables. That is, most of the theories and variables that have been quantified are based on an extensive qualitative literature on the relevant topic. Thus, the scarcity of international relations literature on religion probably has hampered efforts to conceptualize how it may be measured. Second, it is clear that the only truly accurate measure would involve reading the minds of political actors to discover their true motivations. Since this is not currently possible, researchers using quantitative methods probably choose not to measure religion at all.’⁴⁵

Haynes. In *Nations under God: The Geopolitics of Faith in the Twenty-first Century*, 23-29. Bristol, England: E-International Relations, 2015.

⁴⁴ Sandal, Nukhet, and Jonathan Fox. *Religion in International Relations Theory*. Routledge, 2015, p. 2.

⁴⁵ Fox, 2001, p. 58.

Lastly, IR scholars do not know how to deal, address or treat religion, whether they will integrate it to IR theories or build new theories to accommodate religion. There is somehow a hope that with the proliferation of IR scholars interested in religion after 9/11, there might be a possibility in the near future that IR may develop an adequate theoretical understanding of religion concomitant with its resurgence in world politics. Although, most contemporary IR scholarship is concentrated in looking at religion as a variable operated and perceived to have a preponderating link with conflicts.

On the other hand, Petito and Hatzopoulos argued that ‘religious traditions acknowledge what International Relations theory completely ignores: the fundamental tension between morality and law. The theory of International Relations is primarily concerned with the establishing of laws, or of norms in their non-legalistic version, and then tackles the question of their grounding. From the perspective of religious traditions, this task is essentially meaningless. Enter Abraham, and other religious figures who performed the ethical as the suspension of law. In this light, the radical provocation of religion is the articulation of the ethical not as correlative to law but as the redefinition of the coordinates that determine law.’⁴⁶ Consequently, and interestingly, Fitzgerald summarized his points into seven contentions regarding the relations between IR and religion:⁴⁷

1) That scholars in International Relations (IR) concerned with religion⁴⁸ and its relations to world politics are in general and with varying degrees of awareness

⁴⁶ Petito and Hatzopoulos, 2003, p. 16.

⁴⁷ Fitzgerald, 2011, pp. 101-3.

⁴⁸ Hunter contends that ‘religion affects the character of international relations the same way as do other value systems and ideologies by influencing the behavior of states and increasingly non-state actors. Moreover, although mostly unrecognized, as part of states and other actors value systems religion has always played a role in determining the character of the behavior of various international actors.’ (Hunter, Shireen T. "Religion and International Affairs: From Neglect to Over-Emphasis." Edited by Özgür Taşkaya. In *The Sacred and the Sovereign: A Compendium of*

rhetorically constructing a powerful modern myth. The myth is that there is an essential difference between religion and politics, or religion and the modern state, which in turn rests on a deeper preconception of the essential distinction between the religious and the non-religious.

2) That this myth is a foundation of modern liberal capitalist ideology, transforming a historically contingent discourse into a powerful set of global assumptions about the order of things. The myth of self-equilibrating markets and the rational self-maximizing individuals who ‘play’ them appear as natural, common sense realities, obscured for centuries by irrational religious traditions. Liberal capitalism, as theorized by the science of economics, appears as inevitable and in the immutable order of the world.

3) That there were multiple origins of this myth, especially the encounter of Christian European powers with non-European peoples and the new needs of classification that arose in colonial sites. There is therefore no single starting point for its articulation. However, its Anglophone formation achieved crucial early clarification from around the late seventeenth century.

4) That the discourse in IR, and indeed the formation of IR as a secular discipline, is part of a wider rhetorical construction which is being reproduced by scholars in neighbouring academic domains such as political economy or economics, sociology, political theory, anthropology, religious studies and literary studies.

5) That this academic production is a significant if apparently small part of a broader array of agencies for the reproduction and dissemination of the myth, including constitutions, courts, state agencies and the media. Without a critical awareness of this broader context within which IR and the academy generally is

Pieces from E-IR on Religion and International Relations, p. 8-9. E-International Relations, 2011.)

located, IR experts, like those in neighbouring disciplines, will be unable to see the outcomes of their own contributions to the production of this myth.

6) In agreement with some IR experts, the discourse on religion as a privatized right is a modern invention which is ineluctably connected with the invention of the non-religious state and the secular domains, notably 'politics' and 'economics'.

7) Finally, an indication of the globalizing dominance of the religion-secular ideology is the reproduction of the basic form of the written constitution every time a new nation is constructed or reconstructed, along with other indicators of Anglo-American civility, such as the destruction of pre-existing modes of authority and practice accompanied by the growth of 'rights', corporations, property markets, and the pool of wage labour.

So, if this is how IR scholars treated and marginalized religion, then what are the importance and significances of religion so as to make or persuade IR scholars to seriously consider religion in their contemplations and analyses of world affairs?

2.6 Conceptions of Religion in IR

There are variety of conceptualizations on how IR scholars see the importance of religion in world affairs. It is seen as a form of ideology that is characterized by 'closed' belief systems which is not adaptable to change and perceive other ideologies as threat. This has happened for example 'when religious institutions are in the service of the state, such as the Greek Orthodox Church in Cyprus or the Russian Orthodox Church in post-Soviet Russia, state policy can become more uncompromising. When religion is mixed with nationalism, such as in the

case of the Serbian Orthodox Church, state policy can legitimate the abuse of human rights and ethnic cleansing.⁴⁹

Religion is seen as the source of identification for individuals and societies, which straightforwardly create differentiation between groups who imagined that they are affiliated among one another. Despite that they have no blood relations or whatever kind of relations, but they are bounded by similar beliefs and within these beliefs they identify themselves from other groups. Aside from seeing it as an ideology, it also moves transnationally even though the adherents are located in different geographies and guided by their own country's set of rules and norms.

IR scholars tend to put religion in certain boxes which sometimes called 'soft power' (cultures, education, etc.) in contrast to 'hard power' of military or economic powers. The usage of religion as soft power is best exemplified by Muslim majority countries and regional or international organizations such as the Organization of Islamic Cooperation (OIC) and World Muslim League. Religion can also legitimize non-state actors' actions through the 'power of ideas', which is best exemplified as soft power also.

Studies on civilizations and cultures are another way religion had been analyzed in IR. And this tradition was resuscitated through the works of Huntington especially on his 'clash of civilizations' thesis, which included major religions such as Islam, Hinduism, Confucianism, and Orthodox Christianity. It is civilizations that determines future conflict after the Cold War era. The momentous events of 1979 Iranian Revolution, the 9/11 tragedy, and emergence of ISIS justified Huntington's thesis and of the 'global resurgence of religion'. This resurgence, according to Thomas, is 'the growing saliency and

⁴⁹ Thomas, Scott. "Religion and International Conflict." In *Religion and International Relations*, edited by K. R. Dark, 1-23. New York: St. Martin's Press, 2000, p. 3.

persuasiveness of religion, i.e., the increasing importance of religious beliefs, practices, and discourses in personal and public life, and the growing role of religious or religiously-related individuals, non-state groups, political parties, and communities, and organizations in domestic politics, and this is occurring in ways that have significant implications for international politics.⁵⁰

In addition, globalization is aiding the process of which religion is rapidly affecting the international system. Thomas provided five explanations why globalization is changing the religious landscape globally.⁵¹

1) Globalization is rapidly changing what religion is, and what constitutes religious actors in international relations.⁵²

2) It also assisting the creation or expansion of the existing ethnic and religious diaspora communities around the world.⁵³

3) Globalization is facilitating the more rapid spread of cultural and religious pluralism.⁵⁴

⁵⁰ Thomas, Scott. *The Global Resurgence of Religion and the Transformation of International Relations: The Struggle for the Soul of the Twenty-first Century*. New York, NY: Palgrave Macmillan, 2005, p. 26.

⁵¹ Thomas, 2005, pp. 29-32.

⁵² Thomas (2005, p. 30) argued that ‘ever since Samuel Huntington popularized the notion of the “clash of civilizations” most accounts of religion in international relations have followed an analysis of the static and rather well-delineated blocs that make up the main world religions and civilizations—Judaism, Christianity, Islam, Buddhism, and Hinduism. However, this assumes a stability in the global religious landscape, and a rather static approach to religious non-state actors that is quite at odds with the reality of religion in the twenty-first century.’

⁵³ Thomas (2005, p. 30) contends that ‘the mass migration across state boundaries, usually for economic or political reasons—to flee poverty or oppression, or in the case of slavery, as a result of oppression—has been going on for several centuries. Although there are other factors, such as the aftermath of war, globalization is helping to create and expand religious diaspora communities around the world.’

4) The large-scale religious changes in world politics are being accompanied by the global vitality and growth in Islam and Christianity.

5) The spillover of new religious movements has hardly had any impact on the study of non-state actors in international relations theory. Thomas argued that ‘much of the study of non-state actors ... is still dominated by the notion that NGO coalitions and new social movements are forming a brave new world of global civil society.’⁵⁵

The failure or crisis of secularity and modernity is often told to be the main cause of the global resurgence of religion. This can be seen through the discomfort and resistance of the developing world with Western negative treatment of religion. Thomas opined that ‘in developing countries the modernizing, secular state has failed to provide a legitimate basis for political participation and a basic level of economic welfare for its citizens.’⁵⁶ If this resurgence is seen as part of a larger crisis of modernity, then it means that it ‘is the result of the failure of the modernising, secular state to produce both democracy and development in the Third World.’⁵⁷ He further goes on that ‘in the Third World the modernising, secular state has failed to provide a legitimate basis for political participation and a basic level of economic welfare for its citizens.’⁵⁸ Thus, it is prone to local expressions of cultural and religious norms.

⁵⁴ ‘One of the most commented on features of globalization is the way diverse cultures and religions are no longer in exotic, faraway places of which we know very little,’ Thomas said. (2005, p. 31)

⁵⁵ Thomas, 2005, p. 32.

⁵⁶ Thomas, 2005, p. 41.

⁵⁷ Thomas, S. M. "Taking Religious and Cultural Pluralism Seriously: The Global Resurgence of Religion and the Transformation of International Society." *Millennium - Journal of International Studies* 29, no. 3 (2000): 816. doi:10.1177/03058298000290030401.

⁵⁸ Thomas, 2000, p. 817.

On the other hand, according to Fox there are three ways in which religion influences IR. 'First⁵⁹, foreign policies are influenced by the religious views and beliefs of policymakers and their constituents. Second⁶⁰, religion is a source of legitimacy for both supporting and criticizing government behavior locally and internationally. Third, many local religious issues and phenomena, including religious conflicts, spread across borders or otherwise become international issues.'⁶¹ The first way emphasizes the objectives of foreign policymaking where the makers are influenced by the belief systems and of their constituencies they are representing.⁶² Fox contends that there are two possible ways of which religion influences them. 1) To the extent that religion influences the worldview of a policy maker, it also influences his decisions. 2) Widely held religious beliefs among constituents can place constraints on policy makers' decisions.⁶³

The second way concentrates on the persuasive tool of 'legitimacy' where it can be utilized by the makers of foreign policy in support of their beliefs and of their constituents, but it can also be a medium to oppose such policies. 'For instance, states often have realpolitik reasons for giving aid to those in need, but this in no way compromises the fact that most religions consider charity a virtue,' Fox said.⁶⁴ The third way focuses in which religion is becoming an international issue. Firstly, religious conflicts may spread transnationally because of the growth of fundamentalist movement in the world, e.g. political Islam. Secondly,

⁵⁹ Fox (2001, p. 61) explained that 'belief systems can influence the outlook and behavior of policymakers.'

⁶⁰ The second is that religion 'may be used to legitimate governments as well as those who oppose them.' (Fox, 2001, p. 65-6)

⁶¹ Fox, 2001, p. 59.

⁶² Fox, 2006, p. 7.

⁶³ Fox, 2006, p. 8.

⁶⁴ Fox and Sandler, 2004, p. 163.

when these religious conflicts spread across borders it automatically changes the foreign policies of states affected. And lastly, as the world is becoming more interdependent, religious issues can gain international attention when they are connected to human rights issues.

However, there are very few state actors that uses religion as the benchmark of their foreign policy. Saudi Arabia, Iran, and probably Israel are the countries that may make religion as the central focus of their policies both domestic and international. But if you are going to take a look at non-state actors, there are far more of them that using religion in addressing international issues. Haynes provided extensive list of examples but the highlighted ones are ‘the Roman Catholic Church, with its headquarters, the Vatican, in Rome; the Anglican (in America, Episcopal) Church, with its centre of operations in Canterbury, England; the World Council of Churches, a group of around 350 Protestant churches with its head office in Geneva, Switzerland; the Organisation of the Islamic Conference, a 57-member intergovernmental organisation of Muslim countries, whose HQ is in Jeddah, Saudi Arabia; and a variety of transnational Islamist insurgents – for example, in Somalia, which affiliated to al Qaeda, are a concern for British and EU security.’⁶⁵ Although religion is publicly seen in a negative limelight, religion can also become a powerful tool for exerting efforts for cooperation, conflict resolution, and peacebuilding.

In another aspect, Shuriye introduced us with interesting four approaches where religion played role in effecting IR: ‘1) To work within the classical paradigms, exploring the ways in which religion has sometimes decisively shaped the states system, defined its constitutive units, and animated their interests and outlooks. 2) It is most nearly represented by Samuel Huntington’s ‘clash of civilizations’ thesis, holds that religion has become so central that it should supplant existing paradigms and become the main prism for thinking about international politics. 3)

⁶⁵ Haynes, 2013, p. 17.

The role of religion in international relations has risen in recent decades as a form of populist politics in the developing world following the discrediting of secular political ideologies; an approach that some scholars term it as “relational-institutional” theory that draws on both realism and constructivism in thinking about the competitive interplay of discursive frames and transnational networks in an anarchical setting. 4) The evasion of definitive commitments to look at more focused hypotheses in which religion becomes a causal variable. But religion is no longer a causal variable rather a consistent actor of international affairs.’⁶⁶

With all these varying degrees of importance of religion to world affairs especially its effect on IR, scholars are still divided regarding the material and real effects of religion to IR particularly its theoretical prowess and explanatory power to analyze relations of actors in the international system. If that is the case (referring to the growing importance of religion to IR), then there might be a possibility to integrate religion into IR, for example to IR theory, but how?

2.7 Religion in IR Theory

Some suggest (Petito et al) that there is a need to develop new theories that will encapsulate and encompass the significance of religion to world affairs, while others (Fox et al)⁶⁷ would argue for integrating religion as a variable into mainstream IR theories. For example, it can be integrated to liberalism which can use religious norms and their concurrent institutions in order to resolve conflicts between cultures. There is also a stronger case for integrating religion into constructivism especially if religious elements are seen to foster social identification of groups of people or nations, which in turn can affect state

⁶⁶ Shuriye, Abdi O. "The Failed Assumptions of Some Social Scientists on the Role of Religion in International Relations." *International Journal of Humanities and Social Science* 1, no. 3 (March 2011): 11-17.

⁶⁷ Fox and Sandler, 2004, pp. 169-171.

behaviors and their relations in the international system. To Sandal and Fox, they chose to ‘first develop a comprehensive list of ways in which religion can potentially influence international relations, then to take this list and examine whether and how each item can be integrated into an existing international relations paradigm.’⁶⁸

For example, according to Sandal and James ‘religion as it plays out in ethnic conflicts, especially as an independent variable (i.e. defining who we are and who the other is) and intervening variable (as a tool to bring people together who actually have other grievances), can be situated in a classical realist explanation.’⁶⁹ Another way of looking at it is how religious institutions, particularly the transnational ones can be more appealing to neoliberalism, and especially if these institutions are using soft power to advance their interests and affects the system in the international level. Neoliberalism emphasized norms, regimes, multiple issues, power, etc. where it takes legitimacy (e.g., religion as an intervening variable) and the formation of transnational identity where it considers religion as both independent and dependent variables. Consequently, they stressed that ‘religion, a relatively new variable in the study of international relations, not only can be integrated into IR theory, but even benefit from the insights of established traditions when there is a need to explain complex interactions.’⁷⁰

⁶⁸ Sandal, Nukhet, and Jonathan Fox. *Religion in International Relations Theory*. Routledge, 2015, p. 4.

⁶⁹ Sandal, N. A., and P. James. "Religion and International Relations Theory: Towards a Mutual Understanding." *European Journal of International Relations* 17, no. 1 (2010): 9. doi:10.1177/1354066110364304.

⁷⁰ Sandal and James, 2010, p. 18.

However, this is not always the case or a simple case of accommodating religion to IR. Wilson provided four shortcomings on the study of religion and IR:⁷¹

1) It lacks critical self-reflection because, for example, the focus is often on the increasing significance of religion in the Europe or the US, which is presented somewhat of an anomaly in comparison to the rest of the West. This predominant lack of critical self-reflection is a remnant from the heyday of secularization theory, when religion was considered to be dying out and not relevant for understanding politics in developed, secularized states such as those in the West.

2) The prevailing focus of these critiques is on contemporary political contexts and actors. The role of history and historical memory in the West, of ‘collectively held subconscious ideas,’ or deeply embedded assumptions about the nature of political reality and the influence of religion on these collectively held subconscious ideas are rarely identified and problematized.

3) A narrow, limited definition of religion that seems to focus heavily on its institutional, individual and irrational dimensions, giving an incomplete picture of the different ways in which religion can and does influence politics and public life.

4) It does not offer an alternate understanding of religion that moves beyond secularism’s limited view. The critique of the secularist bias has served to highlight that secularism within International Relations and global politics is primarily a product of the Western experience, both in terms of the emergence of a secular states-system at the global level and the very nature of secularism itself.

⁷¹ Wilson, Erin. "Religion and International Relations Theory." *Religion Factor*, 2013. <http://religionfactor.net/2013/11/28/religion-and-international-relations-theory/>.

Despite the shortcomings, there is somehow a bright future in seriously considering religion as part of the study of IR, particularly on IR's praxis dimension. Aside from proliferating literature, multiple sections and conferences in professional international organizations, degree programs and curriculum offered by institutes and universities, and research foundations and think tanks, there is a great potential and possibility of a new IR theory that will succinctly encapsulate the relevance of religion to world affairs. Considering the great number of minds discussing religion and IR in public discourses, day-to-day commentaries and political analyses in online platforms and televisions, and the usage of decision makers in constructing, dissecting, and implementing both domestic and foreign policies based on religious norms are just some of its empirical manifestations.

Unfortunately, the biggest lacuna in the study of IR and religion comes from the ontology of religion. As it still remains ambiguous and arguably confusing depending on various traditions of thoughts and cultural experiences, IR scholars would be left hanging and would simply rely on their own interpretation to suit their conceptual and theoretical interests. If religion can only be seen as a (scientific) variable and subjected to positivistic methodology, then it would permeate the uncritical and narrowness of religion as a mere subject matter in IR. There must be critical self-reflection and deep contemplation of looking and discovering for new or alternative cosmologies and knowledge systems in IR that would encompass the whole ontological being of religion and equally incorporate it into IR.

Unless the ontological predicament of religion is not comprehensively address, then the study 'between' and not 'of' IR and religion will unremittingly continue. However, there is a way that this problem of ontology of religion can be address, and that is looking into the gradual prevalence of Islam in IR and to world affairs. The existence and nature of Islam exhumed from the revealed messages that were transcribed, interpreted and followed.

2.8 Inquiring about Islam in IR⁷²

The subtitle alone will surely cause havoc in the Western academia of IR, particularly those who were trained in an American IR school. European IR schools are somewhat more pluralistic in terms of how they view IR, as compared to their American counterparts. This initiative is delimited by an ‘interrogative’ descriptive structure of explanation. We cannot deny IR’s multidisciplinary approach as an academic discipline. For many years since the interwar (interbellum) period, a bulk of IR scholars’ research work has been dealing with statecraft, war and conflict studies, state-to-state relations, and the international system, paying little attention to human affairs, human-to-human, or human-to-society relations concomitant with the roles of culture, religion, language, and other determining ‘given’ identities. Only then, at the post-Cold War period, were these matters given importance, of course, ignited by the constructivist project in the US.

International Relations and Islam, two intricate terminologies; but how can one make them tangent (meeting along the same line or point)? This is not to sound like an orientalist, projecting the “incompatibility enterprise” thus you cannot find harmony; or manipulating the study based on upbringing or normative biases, e.g. using Western culture as a point of reference and making it superior to oriental culture. The orientalist has done such a great deal to make Islam incompatible, or worse, hostile to Western values, ideas, norms and traditions, declaring and pronouncing Islam’s incompatibility with democracy (hinting at Western “democratic peace theory” that democratic countries or democracies do not go to war with one another, though this argument can also be associated with

⁷² Part of this essay has been published at ‘Adiong, Nassef Manabilang., ed. *International Relations and Islam: Diverse Perspectives*. Newcastle upon Tyne: Cambridge Scholars Publishing, 2013.’

opposing totalitarian governments), human rights, particularly of women and gay rights, and international law, etc.

How can we advance our scholarship if we already have a preconceived perception, notion, impression and bias against Islam and its adherents, i.e. Muslims? Why did most IR scholars write that the area studies of the Middle East in the US failed miserably? According to them, experts of Middle Eastern studies in America failed to predict the war in Afghanistan and Iraq; failed to warn the West about the rise of radical or fundamental Islamic revivalist movements; failed to suggest and give guidelines for policy making procedures or to their foreign policy that would have prevented wars or mitigated hostilities or tensions between the West with the Muslim world.

I would argue that those reasons were not the causes that made Middle Eastern studies vulnerable. There is a remarkable preconceived perception that Middle Eastern experts were unimportant in policy making, and moreover, most of them were neoconservatives with ‘attached’ hidden propaganda on their belt, e.g., Daniel Pipes (director of the Middle East Forum and Taube), Fouad Ajami (Harvard CIA/Nadav Safran Chair on Middle East Politics), Mark Steyn (a self-proclaimed expert on Muslim culture), Ibn Warraq (founder of the Institute for the Secularisation of Islamic Society), among others.

Other reasons were my following assumptions or hunches in relation to US politics and academia: (1) you cannot penetrate the government’s circle of advisers to the president, the Congress, and the Judiciary if your views are pro-Islamic world, (2) you cannot survive academia in the US if you are straightforwardly criticizing Israel, of course with an exception of being an established academics with security of tenure, e.g. Edward Said and Noam Chomsky, and (3) you cannot be so outwardly visible and outspoken in the US in your rants against its foreign policy towards the Middle East and Israel. Anti-Israel has become a “taboo” in the public and academic spheres of the US.

Even Edward Said experienced the orientalist backlash. It was right after the 1995 Oklahoma City Bombing; many reports were pointing out that the suspects were of Middle Eastern origin. Said's office was bombarded with calls and emails from the media who wanted to know his opinion regarding the matter while he was in Canada giving lectures. Said thought that the reason they were calling him was because he was apparently from the Middle East; he was a Christian Palestinian. Little did they know that the suspect(s) was/were home-grown white American citizen(s).

Moving on, we should intensively and rigorously look into the etymology of International Relations and Islam. If we talk about Islam, are we referring to the religious/theological aspects of it or to political? Are we speaking of Islam as a total way of life that transcends its religious status as a lived experience? How will Islam provide a structure of explanation in interpreting international relations theory? Is IR embedded within the realms of Islam naturally or constructively? IR scholars see Islam as 'the Other,' while most of the Islamic scholars interpret IR as alien. I think this is because of the dogmas or fatwas imposed by the Hanafi school of law, which delineated Muslims from non-Muslims by identifying two abodes: the abode of Islam (*Dar al-Islam*) and the abode of war (*Dar al-Harb*). Sometimes most of the early Muslim jurists relegated the abode of war as the abode of unbelievers (*Dar al-Kufr*).

However, we should be careful in contextualizing these terms and applying them to the present. During the Ottoman Empire, the Muslim jurists placed a third abode which is at the middle or between the first two abodes: the abode of covenant (*Dar al-Ahd*). It refers to non-Muslim governments which have a peaceful relationship (through binding agreements or treaties) with Muslim governments that prioritize protection and security of Muslims' land and property. The abode of Islam does not only refer to Muslim nations or states; it also refers to Muslims practicing their faith in non-Muslim countries. The

concept of *ijtihad*, or making qualified independent interpretation for legal decisions, had greatly impacted Islam. Since the inception of the four schools of Islamic laws and jurisprudence within the strand of the Sunni tradition, the Hanafi, Maliki, Shafi'i, and Hanbali have positively developed Islam in diverse yet interconnected systems of belief.

But, on the other hand, this has weakened Islam because of their different legal interpretations concerning the hadith (sayings of Prophet Muhammad), and sometimes they no longer refer to the source of Islam, the Qur'an. They made conflicting and contradicting fatwa (binding or nonbinding) and legal decisions implemented under Shari'ah, commonly understood as lawful interpretations of the Qur'an and Sunnah (practices of Prophet Muhammad). But how will this affect in finding a convergence with International Relations? Declaring and imposing different interpretations of Islam by Muslim jurists themselves made it possible for other jurists in other parts of the world, e.g. in China, Malaysia, Indonesia, Tunisia, Turkey, Morocco, etc., to give their own interpretations, sometimes basing them on their own culture to express appropriateness or approximation, applicability, and adjustment.

IR scholars tended to perceive and study Islam in the prism of the secularist epistemology including the great Judeo-Christianic tradition, i.e. the concept of separation of Church and state. How is it possible to find a middle ground between two ends of a spectrum? In Islam, religion and politics are commonly understood as compatible, in contrast with IR, where religion and politics are somewhat complicatedly apart from each other. It sounds like a melodramatic sentiment with the ingredients of Rudyard Kipling's famous saying, "Oh, East is East, and West is West, and never the twain shall meet."

If we are going to look for some putative solution and avoid hindrances, whether ascribing Islam as an ideology or religion towards international relations, then we might find answers. Katerina Dalacoura's text on "Political Islam and

International Relations: A Dangerous Case of Mutual Neglect?" in 2004 talked about the concept of globalization as a *via media* framework. She argued that 'Islamist movements can be seen as examples of non-state actors par excellence and their impact on the international system can be understood in their capacity to bypass the state and establish direct relations with other societies.'⁷³ The problem I see here is how she will be able to differentiate those movements that were state-driven with irredentist motivation from those with Islamicate characterizations. In the context of globalization, it is still debatable how Muslim societies are affected and of course how they respond or react from it.

The remedy I can think of is to construct or reconstruct ontological propositions and find appropriate epistemology to decipher Islam in the 'schema' or views of locally produced knowledge systems or alternative cosmologies in IR; examine or assess ideas and concepts and initially contemplate an initial stage of theoretical or conceptual framework. It will guide us in determining what things or (positivist or non-positivistic) variables we may look for. Though I have reservations in using the word 'variable' because it connotes a scientific terminology, I do however see it as a useful word for this initiative to denote cases supporting my claim or main idea. Consequently, most of what I have written here are inquiring ideas that bedazzle my mind regarding Islam and IR. Below will introduce us as to how non-Western IR movements opened the doors of possibilities and potentialities in embracing probable 'Islamic IR version(s)'.

2.9 'Islamic IR' as part of non-Western IR movements

IR scholars have been discussing the necessity for, possibility, and the nature of non-Western IR since the 1990s. Several classic works have shaped the debate. Martin Wight asked why there is no International theory. His understanding of

⁷³ Dalacoura, Katerina. "Political Islam and International Relations: A Dangerous Case of Mutual Neglect?" All Academic Research. March 17, 2014. URL link available at http://www.allacademic.com/meta/p74522_index.html.

theory was normative: ideas about order and progress at international level and ways to achieve them.⁷⁴ Later, Stanley Hoffman identified IR as an ‘American Social Science’: policy-relevant studies flourished in American universities in tandem with the America’s rise to hegemony after the WWII.⁷⁵ Even later, rejecting the notion of value-free social science, Robert Cox argued that theory is for someone and some purpose: ‘problem-solving’ theories aim to explain the structure of world politics as it is and suggest policies to fix its problems; ‘critical’ theories aim to deconstruct the structure of world politics to understand what value and interest the current structures, norms, and institutions promote and ignore.⁷⁶ Following Cox’s view, a generation of critical scholars has persuasively argued that Western IR is hegemonic, in the Gramscian sense of the world, and it ‘continues to speak for and to the West’.⁷⁷

Since the 1990s, three developments intensified the debate on IR Theory’s ‘parochialism and ethnocentrism’ and prompted the debate on non-Western IR theory.⁷⁸ First, the rise of new approaches to IR theory, such as constructivism, feminism, post-modern, post-positivist, Critical IR, expanded the notion of ‘theory’, rejected the possibility and, in some cases, the desirability of value free IR Theory and demanded a self-reflective attitude from the IR theoreticians. Among these approaches, post-colonial and subaltern perspectives have paved way to the development of non-Western IR. Second, IR departments in non-

⁷⁴ Wight, Martin. "Why Is There No International Theory? (1966)." *International Theory*, 1995, 15-35. doi:10.1007/978-1-349-23773-9_2.

⁷⁵ Hoffmann, Stanley. "An American Social Science: International Relations (1977)." *International Theory*, 1995, 212-41. doi:10.1007/978-1-349-23773-9_9.

⁷⁶ Cox, *Approaches to World Order*, 1996.

⁷⁷ Shani, Giorgio. "Toward a Post-Western IR: The Umma, Khalsa Panth, and Critical International Relations Theory." *International Studies Review* 10, no. 4 (2008): 722. doi:10.1111/j.1468-2486.2008.00828.x.

⁷⁸ Acharya, A. "Dialogue and Discovery: In Search of International Relations Theories Beyond the West." *Millennium - Journal of International Studies* 39, no. 3 (2011): 620. doi:10.1177/0305829811406574.

Western countries have grown in numbers and quality. These departments in Japan, China, India, Turkey, Brazil, and Russia have introduced local knowledge, perspectives, and sensitivities into IR. Finally, the rise of non-Western powers with their alternative visions of world order promoted scholars to discuss the implications these visions for IR.

It is premature to argue that these developments shook the Western intellectual hegemony particularly in IR Theory. Echoing Wight, suggesting that non-Western IR theory is under-developed, Acharya and Buzan provokingly ask, 'Why is there no non-Western international relations theory?'⁷⁹. They offer several reasons for it: belief in superiority of Western IR in explaining world politics, the hegemony of Western IR, inaccessibility of non-Western IR theories to Western IR community, lack of resources, such as funding levels (and free speech environment) comparable to Western IR community; the intellectual development takes time and non-Western IR theory communities are in the process of catching up.

There are somehow failed attempts in building a systemic theoretical understanding of Islamic IR particularly by those who have studied Islamic political thought and Islam in international affairs. This so called 'under-theorization' is occurring because of the following reasons. Firstly, *siyar* (i.e. jurisprudential relations between Muslims and non-Muslims) dominated the analysis of Islam in IR.⁸⁰ Secondly, the attempt to build an Islamic IR that can be traced back to the 1980s' discourse on Islamization of science movement, a decade and half before the non-Western IR movement. Thirdly, the rigorous

⁷⁹ Acharya, A., and B. Buzan. "Why Is There No Non-Western International Relations Theory? An Introduction." *International Relations of the Asia-Pacific* 7, no. 3 (2007): 287-312. doi:10.1093/irap/lcm012.

⁸⁰ Shaybani, Muḥammad. *The Islamic Law of Nations: Shaybani's Siyar*. Translated by Majid Khadduri. Baltimore: Johns Hopkins Press, 1966.

Islamist challenge to the structural and normative underpinnings of contemporary international relations.

Most of the studies done that conclusively regarded as Islamic IR are mainly normative and not empirical; it scaffolds Islamic ideals and values applicable to international relations rather than identifying regularities and patterns in international relations. Several normative interpretations of Islamic ideals and values produced various approaches to IR, and these could be summed up whether: political theology (orientation towards the legitimacy of international society), sectarian (shia, sunni), ethnic (Moro, Kurdish or Arab), cultural (Javanese and Sebarang cultures in Indonesia), and national (Indonesian, Turkish, Iranian). Thus there are multiplication of Islamic IR theoretical approaches rather than a single and overarching Islamic IR theory or approach.

Yet these approaches are Islamic because they engage with the Qur'an, *Sunnah*, and *siyar*. For example, these approaches will take the notion of *ummah* (that Muslims constitute a distinct and separate community) as given because it is well-established in the Qur'an and *sunnah*. Medieval jurists further elaborated, systemized, and developed Quran's and sunnah's implication for Muslim relations with non-Muslims, the part of jurisprudence known as *siyar*, which sometimes translated as Islamic law of nation. Most, if not all, medieval jurists have constructed a bi-compartmentalized approach to foreign relations.⁸¹

In this juridical, if not theological, view, for Muslims the world is divided into two spheres: *dar al-Islam* (the abode of Islam) and *dar al-Harb* (the abode of war), especially in Hanafi jurisprudence.⁸² *Siyar* also addressed issues such as⁸³:

⁸¹ Davutoglu, Ahmet. *Alternative Paradigms: The Impact of Islamic and Western Weltanschauungs on Political Theory*. Lanham: University Press of America, 1994.

⁸² Abo-Kazleh, Mohammad. "Rethinking International Relations Theory in Islam: Toward a More Adequate Approach." *Alternatives: Turkish Journal of International Relations* 5, no. 4 (2006): 41-56.

musta'man, giving subjects of a state that's at war with Muslim safe entrance, or *aman*, into Muslim lands; *dhimmi*, the jurisprudence of non-Muslim subjects of a Muslim ruler; *jizyah*, tax non-Muslims pay to a Muslim ruler; *kharaj*, tributary payment that a non-Muslim ruler or community give to a Muslim ruler; *dar al Ahd* (or *Dar al Sulh*), non-Muslim ruler or societies that are in treaty agreement with Muslims that include non-fighting.⁸⁴

Sohail Hashmi argues that although contemporary Islamic thought moved away from the Medieval Muslim jurists' Manichean worldview, the notion of *ummah* continues to shape Islamic political thought.⁸⁵ Because of the centrality and legitimacy of Qur'an, *sunnah* and jurists' interpretations, most systematic approaches to Islamic IR start with a discussion on relevance of this tradition. Most engage in *usul-u fiqh* (methodology of Islamic jurisprudence) to justify how the relevance of these sources on contemporary international relations should be understood. There are at least five versions⁸⁶ of probable Islamic IR existing in the literature: Conservative, Solidarist, Iranian, Islamization of knowledge project⁸⁷, and Empirical.

Conservative: The notion of *ummah* and the solidarity it entails negate the fundamental unit of IR: nation-states, legitimacy of sovereign territoriality, and

⁸³ Khadduri, Majid. *War and Peace in the Law of Islam*. Baltimore: Johns Hopkins Press, 1955.

⁸⁴ AbuSulayman, 'AbdulḤamīd. *Towards an Islamic Theory of International Relations: New Directions for Islamic Methodology and Thought*. Herndon, VA, U.S.A.: International Institute of Islamic Thought, 1987.

⁸⁵ Hashmi, Sohail H. "Islamic Ethics in International Society." Edited by Sohail H. Hashmi. In *Islamic Political Ethics: Civil Society, Pluralism, and Conflict*, 154-55. Princeton, NJ: Princeton University Press, 2002.

⁸⁶ These versions were introduced to me by Turan Kayaoğlu.

⁸⁷ According to the conveners (referring to the International Institute of Islamic Knowledge and founders of the International Islamic University of Malaysia), this project is no longer pursued. Instead, they are presently interested in connecting the so-called Islamic knowledge with modern physical and social sciences.

the Westphalian system are Western products and have no place in Islamic political thought. Nations, states, and empires come and go but Islam and the *ummah* persist. Thus, Muslims should strive to achieve Pan-Islamism. The division between *dar-al-Islam* and *dar-al-Harb* and the perpetual conflict between them continue. There may also be non-Muslim societies that are *dar al-Ahd*, which Muslim societies can sign treaties not to fight for a (renewable) ten years.⁸⁸

Solidarist: Nation-states, territorial sovereignty, and the Westphalian order are legitimate. What Muslims should do is to build institutions at transnational and intergovernmental level, similar to European Union, to bring the *ummah* together. The Organization of Islamic Cooperation (OIC) is a good start but its current form does not allow Muslims to achieve the OIC's full potential. But regardless of its failure, 'the existence of OIC as a host of other multilateral Islamic institutions is testimony to the influence of these internationalist ideals'.⁸⁹ The abode of Islam versus abode of war/enemy distinction is a reflection of medieval jurists' legal and political answer to the international environment of their period with little relevance to contemporary international relations. The interactions with non-Muslims should be grounded on dialogue and diplomacy rather than hostility and war.⁹⁰

Iranian: International relations is a struggle between *mustakbirun* (arrogant imperialist powers) and *mustadafun* (the oppressed of the world), reflecting the perennial struggle between Imams (religious) and sultans (temporal). The unjust nature of existing international system is likely to continue until a just powerful

⁸⁸ Shaybani, 1966.

⁸⁹ Hashmi, 2002, p. 157.

⁹⁰ Kayaoglu, Turan. "Constructing the Dialogue of Civilizations in World Politics: A Case of Global Islamic Activism." *Islam and Christian-Muslim Relations* 23, no. 2 (2012): 129-47. doi:10.1080/09596410.2012.655064.

prophetic voice emerges (the return of Mahdi). Until that time, Muslim should coalesce around Iran who provides the best opportunity for Muslims to resist imperialist powers. In other words, similar to Khomeini's *Vilayat-e Faqih* (guardianship of Muslim jurists) which established the voice for justice in Iran, with its commitment to anti-imperialism and Islamic values, Iran represent voice of justice for Muslims and deserve to be the leading Muslim state.⁹¹

Islamization of knowledge project: Emerged among intellectuals of American-Muslim, in particular in the International Institute of Islamic Thought (IIIT) under the leadership of Ismael Al-Faruki, the Islamization of sciences movement advocated synthesis of modern knowledge and Islamic legacy, aiming to connect Islamic moral teachings and the ultimate end to social sciences. Al Faruki says: Islamization means 'to redefine and reorder data, to rethink the reasoning and relating the data, to re-evaluate the conclusions, to reproject the goals—and to do so in such a way to make the disciplines enrich and serve the cause of Islam'.⁹² Works in this genre attempted to answer epistemological and methodological issues in developing the new approaches. For example, AbuSulayman argued, 'the narrow application of classical Muslim methodology has led to rigidity and exclusiveness'.⁹³ The classical framework is no longer related to current international affairs.

As we see it, this traditional approach in the world politics of today is bound to be static and superficial and offers no help for contemporary Muslim policy makers. He advocated historicist approach, which accepts basic norms but put a greater emphasis on context and strategic agility/creativity within the context—rather

⁹¹ Sabet, Amr G. E. *Islam and the Political: Theory, Governance and International Relations*. London: Pluto Press, 2008.

⁹² Tadjbakhsh, Shahrbanou. "International Relations Theory and the Islamic Worldview." In *Non-Western International Relations Theory: Perspectives on and beyond Asia*, edited by Amitav Acharya and Barry Buzan, 182. Oxford and New York: Routledge, 2010.

⁹³ AbuSulayman, 1987, p. 142.

than taking these decisions as universal rules that should be applied across time and geography. In other words, he worked to develop more contextualized understanding of Quranic verses and Prophet's teachings that gives a dynamic and flexible reading of these early sources.

To date, only few scholars developed this approach or explore its implications for IR. The recent approach to Shari'ah emphasize *maqasid* (goals or purposes) has also been developed and advocated by the same group: *maqasid al-sharia* (higher objectives of the law) and *maslaha* (public interest) to endorse interpretations of sharia that minimize contradictions with international norms. But the full implications of *maqasid* on IR remain unexplored.

Empirical: Although, Islamic IR has been normative, Muslim philosophers have also developed empirical theories. Among these none has been as famous as Ibn Khaldun. From IR perspective, his work on 'the tripartite relationship between the rise of civilization, economic prosperity, and social disintegration' is most relevant.⁹⁴ His works have inspired scholars of contemporary international relations. Ibn Khaldun's work grounded in Islamic epistemology. For example, he assumed human nature that combines 'animal' and 'human' qualities. He rejected the notion of state of nature and emphasized cooperation in society as his basic premise. He accepted that civilizations and culture are central to development of societies and relations between them.

On these premises, Ibn Khaldun developed his understanding of state. Unlike the contemporary reification and assumption of state an essential and permanent building block of international order, Ibn Khaldun problematized the construction, maintenance, and place of state in the world order. For Ibn Khaldun, states emerge, mature, and decline. This repetitive pattern of rise and

⁹⁴ Pasha, Mustapha Kamal. "Ibn Khaldun and World Order." Edited by Stephen Gill and James H. Mittelman. In *Innovation and Transformation in International Studies*, 60. Cambridge: Cambridge University Press, 1997.

demise of state should be contextualized within the broader historical, social, and political processes. Unlike reducing politics to state, in Ibn Khaldun's view, state is in part of continuum of politics, from the formation of tribe to a growth of empire. Although still falls short from the Platonic idea that states are highest reflection of human virtue, even this attribute a level of role to state as important actor for power and politics that diverge from Islamic political thought in which state 'never attained the absolute claims accorded in European history'.⁹⁵

Ibn Khaldun built two interrelated concepts that are particularly relevant to IR: *asabiyyah* (loosely translated as solidarity) and cycle approach to history of human societies are also generalizable to international society, and the rise of and fall of states and great powers. According to Ibn Khaldun's cyclic understanding of history, 'all states experience gives phases in their evolutionary path: establishment, consolidation, prosperity, complacency and decline. A similar, though not the same, trajectory is followed by the city, economic life, and relations between sedentary and primitive forms of culture'.⁹⁶ Following Ibn Khaldun's approach, Pasha further argues that 'Ibn Khaldun would also acknowledge that the roots of this crisis are primarily internal to Islamic civilization, only reinforced by outside forces ... Yet, in times of crisis, those who are the margins of world order may be better situated to propose alternatives'.⁹⁷

In sum for all these versions, the big question for the Islamic IR is how to 'disentangle Islamic ethics from medieval Islamic law (*Shari'ah*)'.⁹⁸ Historicist account in attempting to understand the Qur'an and the traditions (*sunnah*) of the

⁹⁵ Cox, Robert W., and Timothy J. Sinclair. *Approaches to World Order*. Cambridge: Cambridge University Press, 1996, p. 166.

⁹⁶ Pasha, 1997, p. 60.

⁹⁷ Pasha, 1997, p. 63.

⁹⁸ Hashmi, 2002, p. 148.

Prophet in their historical context is one way. The other path that is unexplored is *maqasid* approach which allows ‘to elaborate new principles of Shari’ah on issues relating to international society by treating the Qur’an as a complete ethical system’.⁹⁹ In order to be effective, this accommodation should go beyond merely accepting ‘prevailing international norms’ or assimilating them ‘into Islamic political thought’, but offering new ways to thinking and envisioning international relations and world order.

Aside from these versions of probable Islamic IR, there are also Islamic versions on civilization that served as responses to Huntington’s ‘clash of civilizations’¹⁰⁰. His thesis became one of the prominent theoretical frameworks of global politics in late 20th to early 21st centuries claiming that fault lines of world conflicts will no longer be rivalries between nation-states but reducible to cultural, religious (Islam) and ideological identities of ‘nations and groups of different civilizations’¹⁰¹.

2.10 Islamic Civilizations in IR

There is no consensual and singular Islamic understanding and meaning of the word ‘civilization’ among *Islamicists* (jurists and/or scholars). Each has his own imagination, view, and perception regarding civilization, but they all agree and submit that the magnanimous factor and persuasive message of (and powerful idea about) Islam have had highly affected the socio-political developments and multicultural cohesions of individuals and human societies where Islam plays an important role in their intellectual advancement and economical progress.

⁹⁹ Hashmi, 2002, p. 161.

¹⁰⁰ Huntington, Samuel P. *The Clash of Civilizations and the Remaking of World Order*. New York: Simon & Schuster, 1996.

¹⁰¹ Huntington, Samuel P. "The Clash of Civilizations?" *Foreign Affairs*. Summer 1993. Accessed February 20, 2016. <https://www.foreignaffairs.com/articles/united-states/1993-06-01/clash-civilizations>.

Although Ibn Khaldun was previously discussed as part of the ‘empirical version of Islamic IR’, below provides detailed information on his conception of ‘asabiyyah’. Afterwards, brief overviews of understandings of Bennabi, Kamali, and Şentürk are presented.

*Ibn Khaldun’s ‘Asabiyyah’ of Civilization*¹⁰² He is considered as one of the founding fathers of modern historiography, sociology, and economics who lived from 1332 to 1406. He pioneered the idea of two types of society: (1) primitive society and (2) civilized society. These societies move from simple to complex, in all its phases, including the livelihood, crafts, customs, and sciences. In primitive society the members feel they belong together and a single unit. He referred to two types of control; namely, the control in the desert by tribal leaders and traditions, and the control by the ruler and court in the city. The concept of ‘asabiyyah’ (i.e. solidarity or bond among humans that may lead to a formation of secured communities and support social movements) can survive only in a civilized society. The establishment of a society occurred prior to the city because the former leads to the latter.

Moreover, cities require aids which only society can secure. The existence of a society is a fundamental pre-requisite for the establishment of the city, and when the city is finally built according to the design of its founder it will have a certain span of life. There are two factors considered for tribal leadership: (1) moral characteristics and (2) nobility of family. The leadership of the tribe is, usually, in the hands of one family but its political power depends on two factors: joint economic activity and ‘esprit de corps’ (solidarity). For him luxury is of the very nature of kingship or established government, but it is also the most destructive factor to society. A society is created, approached perfection, declined, and then replaced by another society.

¹⁰² Adiong, Nassef Manabilang. "Analyzing Ibn Khaldun’s General Sociology." *SSRN Electronic Journal SSRN Journal*. doi:10.2139/ssrn.1936376.

To Ibn Khaldun, every person, in every society, is subject to some degree of regulation by others. Each society must strike a balance between the freedoms enjoyed by its members and the controls exerted over individuals, by the government. Law consists of the formalization of social controls, which limit and regulate individual action and which, of equal importance, control the government in its exercise of power over the individual. A society is natural and necessary, since the isolated individual can neither sustain himself nor provide his economic needs. He maintained that a civilized society is subject to law in three stages.

First is the primary stage (birth): In this stage there is none of luxury which flourishes in a settled or sedentary life. The distinguishing feature of this stage is its intense 'asabiyyah', which may foster a rise to power and domination. A new religion strengthens group solidarity and reinforces the state because it creates a spirit of unity of interests for common ends even to the extent of replacing or reinforcing the 'asabiyyah' itself. Also, the simple economic activity of the group depends on the simplicity of the physical environment.

Second stage is settlement or civilization (youth): Nomads necessarily live a sedentary life after they accomplish their victory and establish a society. Ibn Khaldun concludes that the establishment of towns must necessarily follow the establishment of city. In this civilized state the nomadic people learn a new way of life. They imitate their predecessors as well as other civilized people in their habits and customs. Civilization is the opposite of the essence of nomadism for two interrelated reasons. First, civilization demands an organized body of government which will necessarily be dominated by a ruling group. Second, the ruler must fight against the possessors of social solidarity to maintain his position. Thus it becomes inevitable that the power of the 'asabiyyah' have to be curbed and weakened, so that they will never try to dispute the rule of the leader who is to become the only ruler.

The last stage is senility (old age): This stage is characterized by disintegration in both the political and economic life of the civilized society. Among its distinguishing features are the increasing monopoly of power by the ruler, greater pomp and luxury, and complete breakdown of the 'asabiyyah'. The result of a luxurious life is poverty because when the expenses of government increased it will levy for more taxes and find new ways for robbing the masses, which inevitably declines the power of 'asabiyyah'.

Malek Bennabi's Equation of Civilization: Mr. Bennabi (1905-1973) was an Algerian writer and philosopher, who wrote about human society, particularly Muslim society with a focus on the reasons behind the fall of Muslim civilization. He viewed the development of civilization as a catalytic process involving three agents: man, land ("soil"), and time. He viewed "psycho-temporal" ideas, especially religion, as foundational. Regarding Muslim civilization, this psycho-temporal/spiritual stage's trajectory ended with the divisive Battle of Siffin in 659 CE, and soon afterward the establishment of the Umayyad Caliphate. A second temporal/rational stage then appeared (as the civilization's "soul" flat-lines).

After centuries, ending with the life and times of Ibn Khaldun, Muslim civilization became stagnant and began to decline toward an "instinctual primitive stage," an ancestral condition.¹⁰³ "The era of decadence," Bennabi explains, "began with the Post-Almohadean man." Unlike the "man of Muslim civilization," post-Almohadean man has lost his curiosity, his inquiry, and his historical and social consciousness. Instead, he is resigned to intellectual and moral torpor.¹⁰⁴

¹⁰³ Naylor, Phillip Chiviges. "The Formative Influence of French Colonialism on the Life and Thought of Malek Bennabi (Malik Bn Nabi)." *French Colonial History* 7, no. 1 (2006): 140. doi:10.1353/fch.2006.0008.

¹⁰⁴ Naylor, 2006, p. 135.

Mohammad Hashim Kamali's Middle Grounds of Islamic Civilization (The Qur'ānic Principle of Wasaṭiyyah): Kamali is professor of law at the International Islamic University of Malaysia. He has taught Islamic law and jurisprudence since 1985. His idea of Wasaṭiyyah (or the principle of moderation and balance) is an aspect of self-identity and worldview of the 'ummah' and that is also valued in all major religions and civilizations.¹⁰⁵ He begins his analysis with a discussion of the leading Qur'ānic verse on wasaṭiyyah: 'Thus, we have made of you a community justly balanced that you might be witnesses over the nations and the Messenger a witness over yourselves.'¹⁰⁶

According to him, the Prophet himself has been addressed in the Qur'ān in the following way: "And become moderate in thy pace and lower thy voice...." He argued that "whether one reads this verse literally or metaphorically (but preferably the latter), it can sustain two meanings: to moderate one's 'pace' and one's 'voice' that signifies a cultural refinement and courtesy in one's encounter with others; it also implies moderation and balance in the context of contacts with other communities and civilizations."¹⁰⁷

Recep Şentürk's Islam as an Open Civilizations: Şentürk is the current director of the Alliance of Civilizations Institute at the Fatih Sultan Mehmet Vakif University in Istanbul. According to him, Muslims built an Open Civilization from Andalusia to India where people from different cultures lived together. Islamic unity in diversity or Open Civilization is rooted in the multiplex Islamic thought. He divided civilizations into two groups: open civilizations and closed civilizations. By open civilizations, he meant those that recognize other civilizations and their right to coexist. In contrast, closed civilizations are the

¹⁰⁵ Kamali, Mohammad Hashim. "The Middle Grounds of Islamic Civilization: The Qur'ānic Principle of Wasaṭiyyah." *IAIS Journal of Civilization Studies* 1, no. 1 (2008), p. 7.

¹⁰⁶ Kamali, 2008, p. 9.

¹⁰⁷ Kamali, 2008, p. 12.

opposite.¹⁰⁸

A prerequisite for open civilization is open law. It reflects the need to allow peaceful cohabitation of different communities in the age of globalization. In addition, it calls for democratic and pluralistic discourses in law. He concluded by claiming that there must be five requirements for a probable open civilization: first, present normative system must be symmetrically open to their own cultures, traditions, and of others' legal cultures and traditions (be they secular or religious) as well. Second, the "truth" in legal and moral matters should be seen as multiple and multiplex. In other words, normative truth has many levels, each level with many dimensions.

Third, there should be an employment of multi-valued and fussy logic, along with the presently used binary logic, which is based on the simple duality of legal versus illegal, right versus wrong, without recognizing the gray areas in between. Fourth, a relational approach to the question of moral good and bad must be adapted, instead of an essentialist one. This may produce a "relative-relativism" as opposed to the "absolute-relativism" of post-modernity which eventually leads to nihilism. Fifth, an anti-exceptionalist approach must be adapted with an emphasis on commonalities in different legal traditions to counter exceptionalism and replace it with a universalist perspective.¹⁰⁹

The overall transcending theme among these civilizational understandings as form of responses to Huntington's thesis is that throughout the history of Muslim civilization there have been openness of Islam towards foreign cultures and ideologies. And that oftentimes Muslims have adapted, copied and innovated (with the guidance of the Qur'an and Sunnah) their socio-political spaces of

¹⁰⁸ Şentürk, Recep. "Unity in Multiplexity: Islam as an Open Civilization." In *Doshisha University Center for Interdisciplinary Study of Monotheistic Religions*. First published in *Journal of the Interdisciplinary Study of Monotheistic Religions* 7 (2012): 50.

¹⁰⁹ Şentürk, 2012, pp. 58-59.

foreign cultures especially if they are deemed beneficial for strengthening the ummah (or community). Now that we have provided multi-versions of Islam(s) and how they may relate to the ‘international’, the succeeding discussion tells us how we could contemplate Islam in relation to IR.

2.11 Thinking Islam within or beyond IR?

There is a propensity in thinking or even rethinking Islam to be considered as a concept within the boundaries of IR theory, much less as a theory in its own right. Most of the literature produced especially after 9/11 see Islam as only a factor to be understood in relation to existing IR paradigms, thereby neglecting its comprehensiveness as a total knowledge system. AbuSulayman in his book, which was his PhD dissertation *Towards an Islamic Theory of International Relations: New Directions for Islamic Methodology and Thought (1987)* did not advance any form of dialogue with the Western IR instead he exclusively made the study of ‘international’ deeply Islamic with all theological citations from the Qur’an, Sunnah and Hadith of the Prophet.

According to Turner, the ‘Islamic International Relations is not a concept of how states interact with each other but, rather, a concept of world order that focuses on the relations between the Muslim and the non-Muslim spheres.’¹¹⁰ This line of thought is intellectually uncomfortable because the premise is that Muslims have their own version of world order which primarily focuses only on relations between Muslims and Others. This argument echoes an orientalist pejorative, or more so of an occidentalist. If the international system is based only on the interaction between Muslims and Others, then it automatically assumed that Islam holds universal message and values which may irritate Others.

¹¹⁰ Turner, John. "Uncovering an Islamic Paradigm of International Relations." Edited by Christopher Flood. In *Political and Cultural Representations of Muslims: Islam in the Plural*, 12. Leiden: Brill, 2012.

On a recurring Sunni argument and legitimized by their early juristic interpretations stated that the world is divided only between the abode (house) of Islam and the abode (house) of war/enemy, and these two are in perpetual and endless conflict. This differ with Shi'a worldview that is based on Qur'anic message that the world is divided between the abode of the oppressor and the abode of the oppressed. These several contestations on the prospect of delineating boundaries of the ummah (or Muslim community) serve more confusions and ambiguity in the development of a cohesive Islamic IR. However, Turner is still adamant that Islam must not be seen as subject matter but an outstanding paradigm of IR.

There are three key principles¹¹¹ in Islamic IR according to Turner: 1) the state and sovereignty as embodied by *ummah* or oneness of community that is linked by *asabiyyah* (solidarity). 2) The inside/outside domains of *dar al-Islam* and *dar al-Harb* and in-between domain of *dar al-Sulh* or *dar al-Ahd* (covenant or agreement). 3) The ontological belief in God (Allah), the revealed message (Qur'an), and the traditions (Sunna) of the Prophet based on his sayings and practices. Some scholars say that *ijtihad* (independent qualified judgment) which is practiced by a trained scholar with knowledge of the primary texts (the Qur'an and Sunna) can also be a source of knowledge. These principles are applicable to these approaches but differ on certain usage of their applicability: Classical (Traditional), Reformist (Non-Traditional) and Revolutionary (Salafi/Jihadi)¹¹²

Classical (Traditional): It is similar with the Conservative version of Islamic IR combined with 'classical realist concepts regarding power, anarchy, war and the state of nature.'¹¹³ Conservatives/Traditionalists argued that pre-Islamic era was on a state of *jahiliyah* (or ignorance) and that security was acquired after the

¹¹¹ Turner, 2012, p. 14.

¹¹² Turner, 2012, p. 13.

¹¹³ Turner, 2012, p. 14. (Quoting Abo-Kazleh 2006)

people converted or reverted to Islam. *Jihad* (or struggle) determines the success, sustenance and progress of Muslim societies. They adhered to the three key principles mentioned above. God is the sovereign one and the subsequent leaders after the prophet, caliphs, and succeeding ones (state leaders) are bestowed by God's sovereignty in governing and leading Muslims. They constituted the *Salafi* people who believed in looking back to the formative years of Islam, particularly of the *Rashidun* (the rightly guided) caliphs, in order to accommodate change brought by Western modernity. Al-Afghani may be regarded as conservative who called for Pan-Islamic movement.

Reformist (Non-Traditional): It is similar with the Solidarist version of Islamic IR that promotes the virtue of cooperation with non-Muslims, adaptation of the nation-state system, and engagement with modernity in Muslim regimes. The solidarists or reformists believed in co-existence with other major powers around the world. And cooperation with non-Muslims and to everyone is achievable through projects that call for solidarity and peace. They do not subscribe to inside/outside domains because this approach is a product of a certain time or epoch, especially during when Muslim lands were conquered by Mongols. They are also adaptable to nation-state system because they view *ummah* as a concept that goes beyond territorial boundaries and considered it a metaphysical one. They differ with Traditionalists/Conservatives in terms of methodology. They regard *ijtihad* as a legitimate source of method of knowledge particularly in dealing with matters that are not extensively covered by the Qur'an and Sunnah. However, the process of *ijtihad* must be guided by these primary sources. An example of reformist is Muhammad Abduh, a student of al-Afghani.

Revolutionary (Salafi/Jihadi): It has no counterpart or equivalence to the Islamic versions of IR, instead it is a product of both classical and reformist schools that is prone to acts of terrorism transnationally in order to advance their interest and commit abrupt changes based on their ways of life and narrow thinking. They adhere to several tenets of traditionalists/conservatives such as rejection of

modernity and nation-state system, but bizarrely uses *ijtihad*. Reformists/Solidarists used *ijtihad* in order to engage with modernity but guided by classic commentaries of previous scholars and jurists (the ulama). However, for revolutionarists they used *ijtihad* without going back to the works of past ulamas (for example, noble scholars such as al-Farabi, al-Ghazali, Ibn Sina, Ibn Rushd, etc.) for they see them as perpetrators who corrupted the true and pure essence of Islam. The first one who acted on this movement was Ibn Taymiyyah (who lived during the troubles with the Mongols) followed by Abd al-Wahhab, Maududi, Syed Qutb, al-Banna, etc., where almost all experienced colonial and post-colonial persecutions both from their colonizers and fellow Muslim leaders. Thus most of them inspired people to take arms and join fundamentalist movements such as al-Qaeda and ISIS.

IR as a field is not a unilateral project rather it is an intellectual platform. The notion of ‘Islamic theory’ is way to explore Islamic contributions to the field. The inclusion of Muslim contributions is not meant to create an isolationist, judicious divide between what is Islamic and what is not. Rather, contemplating ‘Islamic IR’ creates an act that will aim for the inclusion of that knowledge as a building bloc in the IR field. Moreover, it is premised on the idea that knowledge is fluid: peoples adopt and utilize thoughts and ideas regardless of faith, gender, nation, etc. The mainstream idea that all knowledge presented by the West is from an ‘Orientalist’ perspective or that there is a ‘clash of civilizations’ are both notions that are antithetical for the gradual emergence of an ‘Islamic paradigm of IR’ or to put it frankly ‘an Islamic theory of IR’.

Scholars who would be working for the inclusion of that knowledge to IR are interested in developing and sustaining a body of knowledge that addresses the theories and practices of the Muslim civilization and of Muslim societies with regards to international affairs and to the discipline of International Relations. Another way to present this paradigm is to work on conceptualization of ideas

that affect people's thinking and behavior in their capacity to relate with IR as both discipline (International Relations) and practice (international relations).

I argue that Islam should not be conceived and studied simply in theological terms, but analyzed from different viewpoints that engage with a wide range of analytical tools offered by the political sciences, social sciences, and Islamic Studies. The primal goal of Islamic IR is to engage and challenge the established Western-based and defined epistemological and ontological foundations of the discipline, substantially contributing to worlding IR as a field of study and international relations as a field of practice by presenting and discussing a broad range of standpoints from within the Islamic civilization and the Muslim world, and offering critical analyses regarding current Muslim affairs.

2.12 Conclusion

The purpose of this chapter is to set up the background for the possibility of an Islamic theory of IR. This supporting background generally discusses the relations of religion and IR, and of the eventual emergence of Islam in the forefront of theorizing efforts: In what ways of thinking or procedural steps that may lead to a probable consideration of a putative theory of Islam in the discipline of International Relations.

Although there is an ontological predicament as to the nature and existence of religion, Islam may serve to fill the lacuna of religion's ambiguity especially its relations with IR. There are contrapuntal readings between and among Muslims and Europeans' experiences regarding the elements of polity (i.e. nation-state), tools or frameworks (i.e. constitutional cases) of societies in international system, and practical example of contemporary *convivencia* (coexistence) of dissimilar societies particularly between Muslims and Non-Muslims (relating to the Bangsamoro case). These highlights the procedural steps in theorizing Islam within the boundaries of IR. Islam, thus far, deals with contemporary

international issues whether on legitimacy of power, conflict, peace or human rights.

Religion starts off as an ambiguous variable to IR scholars. Its essential and uniqueness characterization pertain to the adherence to supernatural beings or 'being' held as sacred or holy in the eyes of their followers. The message accompanied by a charismatic personhood (e.g. Jesus, Muhammad, Buddha, etc.) that sometimes hailed divine or rather 'special' among all human beings and creations. These messages usually answer the problems or cancers of that society during those times, and its distinction lies to its 'universal' claims encompassing temporal and spatial aspects of humanity. Religion existed before IR. It (re)configured human's thoughts, lifestyle and worldviews for several centuries.

Scholars critical to religion instigated that 'religion' or 'religions' are modern inventions that are made to appear ubiquitous and self-privatized. The marginalization of religion in IR is an actual effect of the religious-secular binary which argued for religion's insignificance to rational life. Thus the reification of religion in IR is a result of identifying religion of having its own properties and characteristics subject for empirical analysis and observation. It is true that the historical root of IR is religion, or relative to a 'mother-child' relationship where the child (i.e. IR) cuts its umbilical cord from the mother (i.e. religion) and grew independently without her guidance, and distinctively creating his/her own identity. However, the mother is reasserting her domains and rights over the 'grown up child'¹¹⁴ that somehow make sense of the 'resurgence of religion' in global politics.

However, that simplistic comparison does not purveys the complexity of relations between religion and IR. Most IR scholars see religion as somewhat primordial,

¹¹⁴ I am referring to this pleonastic comparison so as to convey that IR is relatively a young discipline compared to the study of religion.

primitive, obsolete, and most of the times has pejorative effect to international affairs. This negative effect is seen as causing sporadic conflicts that exacerbate tensions among rivaling actors in the international system. However, religion may also spearhead peacemaking and peacekeeping efforts through humanitarian missions and reach out programs. This binary outlook of religion conveys an unstable 'variable' of observation whether the assessment may result to favorable conclusions or outcomes.

It is no wonder that the growing importance of religious factors affecting, for instance, the behavior of states is undeniable nowadays. These religious influence may even extend to regional or international organizations such as the Organization of Islamic Cooperation (OIC). Religion serves as source of social and cultural identifications for some groups of peoples or communities, and the legitimacy of their religious identity may inadvertently afflict political legitimacy. That, in turn, may also shapes foreign policy makings.

There are instances where IR scholars tried to integrate religion to IR theory but none so far had the audacity to work or produce new theories based on religious pretext and explanatory power. Some had find ways of contemplating its inclusion to compatibly insert religion to mainstream theories such as social constructivism and liberalism; while others looked for its probability of integrating it into realism particularly political/classical realism.

All these efforts permeated to opening a door for Islam whether providing its version(s) of IR or integrating it within or around the boundaries of IR. Islam, so far, has not provided a systematic IR theorizing effort, and in particular tensions on normative understandings of so-called 'Islamic IR' aggravated failed attempts of building a cohesive Islamic theory of IR. For the past decades, whenever someone tried to understand Islamic IR it is always within the spaces of political theology coupled with *siyar* (concentrating on relations between Muslims and non-Muslims) and supported by the 'Islamization of knowledge' movement.

Hence, Islamic versions of IR are somehow seen as antithetical to present structure of IR.

It is for this reason that the succeeding chapter pertain to the next procedural step in Islamic theorizing about IR and that constitutes mapping the elements (these are, citizenry, territoriality, authority, and sovereignty) including an instrument or tool of framework of societies in the international system called 'constitution' of nation-state.

*Often I ask myself,
From where in me is the umbilical,
That like a ripcord turns me into a metamorphosed self...
What form of nation/state rape begins then,
When does the great disremembering begin?*

*Dave Warren*¹¹⁵

CHAPTER III

NATION-STATE

Nation-State tremendously changed the world. It is the current dominant order or system for which almost all activities of human societies and communities revolved and regulated. Nation-State was the innate political and cultural experience of Europe, and in which during the colonial age (where other counterpart civilizations such as Muslims, Chinese, and Indians were weakening) its system was imposed by European colonizers and suddenly adapted by post-colonial elites. And that they (the West or Global North, most specifically the USA and Western Europe) defined the terms and structures of regional and international organizations.

Nation/State discourse altered the self (its psyche) in perceiving oneself and his/her relations with each other including issues of regulations and governance. It is a favorite level of analysis by political scientists and IR theoreticians whose utility of the concept varies depending on the author's normative and empirical biases. One prominent understanding is Max Weber's description that state is any "human community that successfully claims the monopoly of the legitimate use of physical force within a given territory."¹¹⁶ If nation-state monopolizes violence

¹¹⁵ Warren, Dave. "Rape of the Nation State." Creative Resistance. August 25, 2014. Accessed August 03, 2015. <http://www.creativeresistance.org/poem-rape-of-the-nation-state/>.

¹¹⁶ Weber, Max. "Politics as a Vocation." Translated by E. Matthews. *Max Weber: Selections in Translation Selections in Translation*, 1978, 212-25. doi:10.1017/cbo9780511810831.018.

and regulates lives, then, what are the elements that fully constitute it? How these elements developed over time?

3.1 History

There is no single or consensual definition of nation-state¹¹⁷ among scholars, it may mean different from one author to another.¹¹⁸ But its conventional origin purported a transition from nomadic hunter-gatherers to sedentary agrarian communities, which wielded tools for governing and extrapolating power over a number of people. Some forms of human societies were relying on kinship (e.g. tribes or clans) while others on allegiances built on nationalistic¹¹⁹ tendencies for security purpose or shared destiny, particularly with the arrival of religion. The use of divine authority to centralize its power over a population made practically easy to control the state and military. However, with treaties and agreements ratified after the Thirty Years' War (1618-1648), the core of political power was transferred to the modern state. Barkey and Parikh concluded that the “resulting

¹¹⁷ It is considered as the “theoretical and empirical bedrock of International Relations” and “defined to suit the normative and/or empirical ends of scholars and practitioners” according to Ferguson and Mansbach. (See: Ferguson, Yale H., and Richard W. Mansbach. “The Sociology of the State: The State as a Conceptual Variable.” *The International Studies Encyclopedia*. Edited by Robert A. Denemark. Chichester, West Sussex, U.K: Wiley-Blackwell, 2010. Accessed April 14, 2011. <http://www.isacompendium.com>.)

¹¹⁸ For examples, Niccolò Machiavelli's *The Prince* (1532), Thomas Hobbes' *The Leviathan* (1651), John Locke's *Two Treatises of Government* (1689), Jean-Jacques Rousseau's *The Social Contract* (1762), Immanuel Kant's *Perpetual Peace: A Philosophical Sketch* (1795), Karl Marx's *The Communist Manifesto* (1848) and *Das Kapital* (1867, 1885, 1894), Émile Durkheim's *The Division of Labour in Society* (1893), Max Weber's *Politics as a Vocation* (1919), etc.

¹¹⁹ Jeffrey Haynes offered a converged understanding of nationalism taken from Ernest Gellner and Benedict Anderson, he stated that it is “usually understood as both dogma and political movement. It emphasizes that a nation – understood here as a group of people of indeterminate but normally considerable size often in the context of a country, who believe themselves linked by sometimes intense feelings of community – has a right to constitute an independent, sovereign political community, because of both a shared history and perceived common destiny.” (See: Haynes, Jeffrey. “Religion, Nationalism, and Transnational Actors.” *The International Studies Encyclopedia*. Chichester, West Sussex, U.K: Wiley-Blackwell, 2010. Accessed April 14, 2011. <http://www.isacompendium.com>.)

state formation often was the product of bargaining, cooptation, legitimation, and sheer coercion between state-makers and societal forces....”¹²⁰

Modernity served as the foundation and culmination of nation-state. It is defined as “the set of political, economic, and social institutions established following the erosion of feudalism in Western Europe, a process that began roughly in the sixteenth century with the Protestant Reformation and the Scientific Revolution, reaching its first complete articulation with the Enlightenment during the eighteenth century. The resultant delegitimation of universal Catholic Christendom and the emergence of science and bureaucratic rationalism wrought profound changes upon the organization of social life.”¹²¹ Granting the modern nation-state a life of its own characterized by insurmountable legal and democratic rights, and juridical supremacy over a government and citizenry.¹²²

Decades before 1648¹²³, the idea of nation-state¹²⁴ was conceived in order to “guarantee life and property by imposing law and order.”¹²⁵ Steinberger instigated that the utility of state proposes the idea that it is “a structure of

¹²⁰ Barkey, Karen, and Sunita Parikh. "Comparative Perspectives on the State." *Annual Review of Sociology* 17 (1991): 523-49. JSTOR, pp. 527-528.

¹²¹ Acuff, Jonathan M. "Modernity and Nationalism." *The International Studies Encyclopedia*. Chichester, West Sussex, U.K: Wiley-Blackwell, 2010. Accessed April 14, 2011. <http://www.isacompendium.com>.

¹²² Isin, Engin F. "Citizenship after Orientalism: An Unfinished Project." *Citizenship Studies* 16, no. 5-6 (2012): 563-72. doi:10.1080/13621025.2012.698480.

¹²³ The Peace of Westphalia in 1648 is considered by most IR theoreticians and practitioners as well as the birth of modern nation-state system.

¹²⁴ It is interesting to note that the “Greek idea corresponds more accurately to the modern concept of the nation (i.e. a population of a fixed area that shares a common language, culture, and history), whereas the Roman *res publica* or commonwealth is more similar to the modern concept of the state. The *res publica* was a legal system whose jurisdiction extended to all Roman citizens, securing their rights and determining their responsibilities.” (See: Al-Amri, Yusuf B. "Changing Conceptions of Sovereignty in International Law." 2003. MS, PhD Thesis, Keele University, p. 24)

¹²⁵ Creveld, Martin Van. *The Rise and Decline of the State*. Cambridge: Cambridge University Press, 1999, p. 189.

intelligibility composed of propositions about how things in the world really are and about how to achieve the good health of society.”¹²⁶ Through the treaties of Westphalia, a new model of international system was devised where religious institutions (primarily represented by the Church), monarchies, republics, and principalities agreed to coordinate their political powers by recognizing their proprietorship of lands and properties independent from each other.¹²⁷ It theoretically assumed that proprietary was predicated on state qua property relations. Thus, implying that ‘statehood’ is paralleled with the notion of proprietary which regulates interstate relations. And this led, according to Teschke, “agrarian reforms, peasant liberations and state transformations,”¹²⁸ which aided capitalism¹²⁹ firstly in Britain and spreading across the world.

The Peace of Westphalia in 1648 paved the way for the birth of sovereign nation-state. But, legitimacy of authority gradually weakened with the “circumscription of the sovereign state, which began in practice after World War II and has since continued through European integration.”¹³⁰ Philpott offered two reasons as to why sovereign states triumphed: 1) “states emerged as virtually the sole form of substantive constitutional authority in Europe, their authority no longer seriously challenged by the Holy Roman Empire,”¹³¹ and 2) “Westphalia brought an end to

¹²⁶ Steinberger, Peter J. *The Idea of the State*. Cambridge, UK: Cambridge University Press, 2004, p. 178.

¹²⁷ Howland, Douglas, and Luise White. *The State of Sovereignty: Territories, Laws, Populations*. Bloomington: Indiana University Press, 2009, p. 3.

¹²⁸ Teschke, B. "Theorizing the Westphalian System of States: International Relations from Absolutism to Capitalism." *European Journal of International Relations* 8, no. 1 (2002): 37. doi:10.1177/1354066102008001001.

¹²⁹ Capitalism, according to James Fulcher, is “essentially the investment of money in the expectation of making a profit and huge profits could be made at some considerable risk by long-distance trading ventures of this kind.” (See: Fulcher, James. *Capitalism: A Very Short Introduction*. Oxford: Oxford University Press, 2004, p. 2.)

¹³⁰ Philpott, Dan. "Sovereignty." *Stanford Encyclopedia of Philosophy*. Edited by Edward N. Zalta. Summer ed. 2010. <http://plato.stanford.edu/entries/sovereignty/>.

¹³¹ Philpott, 2010, accessed online sans page numbers.

intervention in matters of religion, up to then the most commonly practiced abridgement of sovereign prerogatives.”¹³²

However, Daniel Chernilo proposes a different way of historicizing nation-state by exploring “the relationships between the prevailing conceptualization of the nation-state at particular moments in history so that we trace major shifts in the concept of the nation-state from its early enlightenment formulations, through experiences of imperialism, totalitarianism, welfare state, to its current post-national or cosmopolitan formulations.”¹³³

Along with European modernity comes secularism:¹³⁴ “the state or quality of being secular, invoking terms like ‘worldly’ and ‘temporal’, and lacking reference to a transcendent order involving a divine being, such as God or gods.”¹³⁵ It was predicted and contextualized by prominent thinkers such as Comte, Durkheim, Freud, Marx, Weber, etc. that for a successful survival and integration of nation-states in the international system, it should imbibe secular participatory politics which will make religion fade from socio-political significance and citizen’s public life.

However, Elizabeth Hurd contested (and as Philpott argued) that “the Protestant Reformation contributed significantly to the development of the norm of state

¹³² Philpott, 2010, accessed online sans page numbers.

¹³³ Chernilo, Daniel. *A Social Theory of the Nation State: The Political Forms of Methodological Nationalism*. London: Routledge, 2007, p. 23.

¹³⁴ According to Roland Boer, “it was coined by the Englishman George Holyoake in the middle of the 19th century.” (See: Boer, Roland. "The Paradoxes of the Secular State." *Islamic Perspective* 4 (2010): 94.)

¹³⁵ Haynes’ *Religion, Nationalism, and Transnational Actors*, 2010, Accessed online sans page numbers.

sovereignty that was inaugurated at Westphalia.”¹³⁶ In addition, Khan instigated “why the myth of secularism is so precious to modernity is not its potential to separate religion and politics but its potential to advance a framework for dealing with religious diversity under conditions of unequal power.”¹³⁷

The ‘separation of church and state’¹³⁸ is naturally ingrained and intrinsic to the very idea of secularism. It resembles the principle of segregation between the ‘inward’ relating to “belief, conviction, and commitment (the world of mind, spirit, and conscience) and the ‘outward’ world of civil and social regulation (the world of external coercion and control).”¹³⁹ Thus, it resonates a compelling basis for the liberty of conscience for which state leaders must acquire. Liberty of conscience and of mind is the echoing Lockean anthem that every human being must possess. Consequently, the adaption of this ‘principle of separation’¹⁴⁰ made the United States a ‘hyperpower’¹⁴¹ and other European states economically developed due to their outstanding controls of tax, economy, properties,

¹³⁶ Hurd, Elizabeth S. "The Political Authority of Secularism in International Relations." *European Journal of International Relations* 10, no. 2 (2004): 234-41. doi:10.1177/1354066104042936.

¹³⁷ Khan, Muqtedar. "The Myth of Secularism: Religion and Politics Are Mutually Constitutive." *Ijtihad*. January 1, 2004. <http://www.ijtihad.org/secularism.htm>.

¹³⁸ Boer argued that “the state should be free from control by any religious institution, whether church; synagogue, mosque, temple or what have you. It should not favor one religion over another in any fashion, especially in terms of legislation and funding. And religious institutions should not seek any favors, least of all a return to the time of ecclesiastical privilege.” (See: Boer, 2010, p. 95.)

¹³⁹ Little, David. "Roger Williams and the Separation of Church and State." In *Religion and the State: Essays in Honor of Leo Pfeffer*, edited by James E. Wood, p. 8. Waco, TX: Baylor University Press, 1985.

¹⁴⁰ Although, it is not always the case when sometimes the White House and the U.S. Congress are influenced by lobbying groups from the Evangelicals and AIPAC (Israel), particularly on its foreign policy and moral issues.

¹⁴¹ Fry, Earl H. "How Effective Is the 'Diplomacy' of U.S. State Governments? An Appraisal Based on 40 Years of Research." pp. 1-2. Proceedings of 56th Annual Conference of the International Studies Association, New Orleans.

ownership, and authority of all religious institutions. Thus, relegating the influence of religious actors only in the private domains of their adherents.

In articulating state's prominence in the secular space, the ambiguous 'national interest' is always upheld. There are two seminal analyses of the term 'national interest', according to Scott Burchill, the first one is Charles Beard's *The Idea of National Interest* which he "traces the earliest claims made on behalf of the national interest back to sixteenth-century Italy and seventeenth-century England when 'reasons of state' (*raison d'état*), 'dynastic interests' and the 'will of the sovereign' began to lose their efficacy and were replaced by a term which more accurately reflected changes that were occurring in contemporary forms of political diplomacy."¹⁴² The second is Joseph Frankel's *National Interests* and in which he "draws in his study between those who use the national interest to explain and analyze the foreign policy of nation-states and those who employ the term to justify or rationalize state behavior in the international realm."¹⁴³

For the past 20 years, the notion of sovereign state in the international system is challenged¹⁴⁴ by integrationist scholars and human rights activists, citing the regional integration of the European Union (EU) and the 2001 convention on the 'Responsibility to Protect'.¹⁴⁵ The EU began in 1950s as the European Coal and

¹⁴² Burchill, Scott. *The National Interest in International Relations Theory*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2005, p. 1-2.

¹⁴³ Burchill, 2005, p. 3.

¹⁴⁴ This drastic slow decline of sovereignty may greatly affect the international system. "Schmitt's analysis of the decline of the sovereign state has two major components. First, Hobbes's attempt to secure the sovereignty of the state failed owing to the individualism that called into question the state's authority. Second, the rise of transoceanic seafaring challenged the spatial and territorial basis of the European states system." (See: Young, Daniel Edward. "'The Decline of the Sovereign State' William Hooker: Carl Schmitt's International Thought: Order and Orientation. (Cambridge: Cambridge University Press, 2009. Pp. Xiii, 230. \$90.00.)." *The Review of Politics* 73, no. 03 (2011): 497-99. doi:10.1017/S0034670511003469.)

¹⁴⁵ Philpott, Dan. "Sovereignty." *Stanford Encyclopedia of Philosophy*. Edited by Edward N. Zalta. Summer ed. 2010. <http://plato.stanford.edu/entries/sovereignty/>.

Steel Community, and then expanded its horizons including economic conventions by signing the 1957 Treaty of Rome and 1991 Maastricht Treaty (which formally became the European Union). It further institutionalized itself by forming the European Commission (the executive body), European Court of Justice (the judicial body), the European Parliament (the legislative organ which is directly elected by Europeans), and other financial and security institutions. The member states no longer possess absolute sovereignty¹⁴⁶ especially that the EU Charter of Fundamental Rights¹⁴⁷ became legally binding in 2009.

The issue on 'The Responsibility to Protect' gave a precedent challenge to the territorial notion of sovereignty, which goes back to the primordial Western conception of 'responsibility for the common good'. In defense of sovereign states, Timothy Zick provided three defensive claims: 1) it contributes to order by "creating a class of political entities that are expected to be permanent fixtures in a governance system;"¹⁴⁸ 2) it maintains stability by creating "expectations of how political entities are to behave;"¹⁴⁹ and 3) it "promotes the self-determination of local political communities"¹⁵⁰ if state permanence and order are maintained.

So therefore, Nation-State, according to Colin Hay et al, is an institutional complex having "a centralized bureaucracy and tax-raising capacity, a standing army, a system of diplomatic relations with other states and, for the most part,

¹⁴⁶ Wallace, William. "The Sharing of Sovereignty: The European Paradox." *Political Studies* 47, no. 3 (1999): 503-21. doi:10.1111/1467-9248.00214.

¹⁴⁷ "EU Charter of Fundamental Rights." European Commission. Accessed August 04, 2015. http://ec.europa.eu/justice/fundamental-rights/charter/index_en.htm.

¹⁴⁸ Zick, Timothy. "Are the States Sovereign?" *Washington University Law Review* 83, no. 1 (2005): 232. <http://digitalcommons.law.wustl.edu/lawreview/vol83/iss1/3>.

¹⁴⁹ Zick, 2005, p. 333.

¹⁵⁰ Zick, 2005, p. 334.

clearly delineated and commonly accepted territorial borders.”¹⁵¹ Sanctifying a new understanding of sovereignty based on territories or defined boundaries. They enumerated three unique characteristics of modern nation-state system: “(i) individuals within society are presented as subjects of the state, owing duties and their allegiance not to a ruler but to the state itself; (ii) the authority of the state is singular and absolute; and (iii) the state is regarded as the highest form of authority in all matters of civil government.”¹⁵²

The legal definition provided in the article one of the 1933 Montevideo Convention on the Rights and Duties of States, stipulated that “the state as a person of international law should possess the following qualifications: a) a permanent population; b) a defined territory; c) government; and d) capacity to enter into relations with the other states.”¹⁵³ These elements (citizenry, authority, territoriality, and sovereignty) including constitutional cases¹⁵⁴ that served as tools of framework for societies in the international system are further discussed below.

3.2 Citizenry

Citizenship is not an entire product of the modern nation-state but a gradual progressive notion of sense of belonging that developed from medieval occidental city associations to treaty-based agreement emphasizing the importance of territorial sovereignty. Confraternity or brotherhood is the

¹⁵¹ Hay, Colin, Michael Lister, and David Marsh. *The State: Theories and Issues*. Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2006, p. 6.

¹⁵² Hay et al., 2006, p. 7.

¹⁵³ "Montevideo Convention on the Rights and Duties of States." Council on Foreign Relations. Accessed April 08, 2015. <http://www.cfr.org/sovereignty/montevideo-convention-rights-duties-states/p15897>.

¹⁵⁴ I added ‘constitution’ because it signifies as the important document that binds citizenry, territory, and authority. It is also the document that legitimizes independence and sovereignty.

historical basis for the development of citizenship in European cities. Thus making these cities an institutionalized association where laws are created consensually and making citizens subject to those laws. Social inequalities that are caused by social conditions, material or immaterial, can never be counterbalanced by the notion of citizenship.

Max Weber argued that the uniqueness of the occidental conception of citizenship bare within the development of European city-states that led to emergence of capitalism. These city-states contain five essential characteristics: fortification, market, autonomous law and administration, association, and autocephaly (self-headed/represented).¹⁵⁵ Moreover, Weber asserted that only in the occident that the word citizen (*civis Romanus*, *citoyens*, *bourgeois*) can be found because only in Europe that those cities existed. In short, non-European communities have no similar formations of cities or (Greek) *polis*, thus, the concept of citizenship was not known.

In addition, Isin showed that in ancient *polis* membership represents the “distinguishing mark of the citizen with full rights, entitled to participation in the religious cult, and qualified for all offices which required communication with the gods.”¹⁵⁶ While in north European medieval cities the inhabitant pledges his/her allegiance as an individual citizen of their feudal lords. Citizenship in Europe is always associated with city-states that could be extended to outsiders, while in non-European places especially in Asia it is linked with kin groups, families and related clans or tribes.

One of the profound theories on citizenship is the Social Identity Theory (SIT) that describes the formation of collective identity through the dualistic dynamism

¹⁵⁵ Isin, Engin F. "Citizenship after Orientalism: An Unfinished Project." *Citizenship Studies* 16, no. 5-6 (2012): 563-72. doi:10.1080/13621025.2012.698480.

¹⁵⁶ Isin, 2012, p. 569.

of 'in-group' and 'out-group'.¹⁵⁷ These two types of identity confer the ideas that 'insiders' share collective and similar identity, while 'outsiders' also share collective identity but substantively appear different. Although they may not be conflicting but it has been utilized to different social groups with common heritage, religion or residing within the same defined boundaries.¹⁵⁸ Else Kveinen showed that SIT has a similar tendency to Andrew Linklater's state theory of inclusion and exclusion.¹⁵⁹ Linklater's theory aims to provide a philosophical defense to widened inclusion and sociological account to expand exclusion. And this can be achieved by drawing on the resources of national citizenship.

Habermas further theorized citizenship as having its own "core of private autonomy"¹⁶⁰ bounded by legal limits and subjected to the power of the state. It rather signifies a new mode of legitimizing an abstract form of social integration or secular solidarity of peoples. He asserted that it may lead "to a double coding of citizenship, with the result that the legal status defined in terms of civil rights also implies membership in a culturally defined community."¹⁶¹ Douglas Howland and Luise White added that in post-colonial communities, most particularly in Africa and Asia, there is a problem that national borders are not

¹⁵⁷ Berenskoetter, Felix. "Identity in International Relations." *The International Studies Encyclopedia*. Edited by Robert Allen. Denmark. Vol. 6th. Chichester, West Sussex, U.K.: Wiley-Blackwell, 2010.

¹⁵⁸ For example, Levent Köker argued that there is "a distinction between Turkish and Turk and the distinction is important because the word Turkish, like words of similar structure, e.g. English, Scottish, Spanish, German, French, Italian, etc., refer predominantly to the land and its inhabitants without an ethnic denomination whereas the term Turk includes the same territorial reference only secondarily, putting the emphasis more on a membership in an ethnic and thus linguistic community." (See: Köker, Levent. "A Key to the "Democratic Opening": Rethinking Citizenship, Ethnicity and Turkish Nation-State." *Insight Turkey* 12, no. 2 (2010): 61.

¹⁵⁹ Kveinen, Else. "Citizenship in a Post-Westphalian Community: Beyond External Exclusion?" In *European Consortium for Political Research*. Proceedings of Citizenship in a Historical Perspective, Copenhagen. 2000.

¹⁶⁰ Habermas, Jürgen. "The European Nation-State: On the Past and Future of Sovereignty and Citizenship." Translated by Ciaran Cronin. *Public Culture* 10, no. 2 (1998): 401.

¹⁶¹ Habermas, 1998, p. 404.

consistent with the boundaries of ethnic or cultural groups in determining citizenship right.¹⁶² This is not to say that it should also be consistent with religious groups because there is much complication if religion is considered a variable in determining one's citizenship.¹⁶³

The issue of minority in the discourse of citizenship is not a factual pre-given based on ethnic demography but by what Rogers Brubaker calls 'dynamic political stance or a family of related yet mutually competing stances'.¹⁶⁴ He enumerated three elements that constitute these political stances: "1) the public claim to membership of an ethnocultural nation different from the numerically or politically dominant ethnocultural nation; 2) the demand for state recognition of this distinct ethnocultural nationality; and 3) the assertion, on the basis of this ethnocultural nationality, of certain collective cultural and/or political rights." The jettisoning of minorities' traditional cultures, language, sense of identity (self-determination), and belief system formed part of their demands for representation, autonomy or independence.¹⁶⁵ He argued that minorities claim for citizenship varies depending from their socio-political settings and degree of demands. For example, it may vary from the demand to use their language in

¹⁶² Howland, Douglas, and Luise White. *The State of Sovereignty: Territories, Laws, Populations*. Bloomington: Indiana University Press, 2009, p. 11.

¹⁶³ Although this has been recently challenged by the Israeli state, where they have the "Acquisition of Nationality according to the Law of Return" that stipulates that "the Law of Return (1950) grants every Jew, wherever he may be, the right to come to Israel as an *oleh* (a Jew immigrating to Israel) and become an Israeli citizen. For the purposes of this Law, "Jew" means a person who was born of a Jewish mother, or has converted to Judaism and is not a member of another religion." (See: "Acquisition of Israeli Nationality." Israel Ministry of Foreign Affairs. Accessed August 01, 2015. <http://www.mfa.gov.il/mfa/aboutisrael/state/pages/acquisition%20of%20israeli%20nationality.aspx>.)

¹⁶⁴ Brubaker, Rogers. "National Minorities, Nationalizing States, and External National Homelands in the New Europe." *Daedalus* 124, no. 2 (April 01, 1995): 112. JSTOR.

¹⁶⁵ May, Stephen A. "Reimagining the Nation-State: Language, Education and Minority Rights." 1997. MS, PhD Thesis, University of Bristol, pp. 344-345.

their administration or education to far reaching political autonomy that may eventually lead to secession.

Al-Amri indicated that sometimes not all members of a state (i.e. the citizens) remain the rest of their lives in the community they belong to because some may settle to other nation-states that has entirely different culture, lifestyles, values, or religion for what beneficial purposes they deemed necessary, e.g. for survival, safety, marriage or employment.¹⁶⁶ Although they still remain as citizens of their country unless they applied for new citizenship bounded by the limits of laws imposed of their current residency.

Only the nation-state has the authority to grant citizenship to an individual, and this bestowed status provides an immediate framework of political identity packed with rights and duties.¹⁶⁷ There are several ways in acquiring citizenship within the context of unique and idiosyncratic laws imposed by certain nation-state. Citizenship may be earned by the following circumstances:¹⁶⁸

- By place of birth (*jus soli*): citizenship is automatically provided when the child was born, e.g. Canada, France, and the US.
- By descent from parents or grandparents (*jus sanguinis*): citizenship is given to a child based on the citizenship of his/her parents or grandparents. Some countries recognized the citizenship of the mother or father alone, and it may be even more complex if the parents are legally married or not.
- By marriage: citizenship is automatically acquired depending on their spouse's citizenship.

¹⁶⁶ Al-Amri, Yusuf B. "Changing Conceptions of Sovereignty in International Law." 2003. MS, PhD Thesis, Keele University, pp. 57-58.

¹⁶⁷ Mandaville, Peter G. *Transnational Muslim Politics: Reimagining the Umma*. London: Routledge, 2001, p. 12.

¹⁶⁸ "How Does a Person End up with a Citizenship?" Multiple Citizenship. Accessed August 01, 2015. <http://www.multiplecitizenship.com/howitsgotten.html>.

- By naturalization: citizenship may be acquired depending on the laws of the current residency of the applicant (e.g. if an individual meets certain requirements and lived for a certain number of years) and s/he may also retain his/her original citizenship if it allowed.
- By treaty: citizenship may be acquired if two countries signed a treaty allowing dual citizenships over their populations.
- Dual/multiple citizenship by default: According to the site called ‘multiple citizenship’¹⁶⁹ “a person naturalized elsewhere without the approval of the country of origin might be considered to retain their original citizenship. If the original country is not notified that another citizenship has been acquired, it is possible for both citizenships to be officially documented. This can also happen in situations of multiple citizenship by birth or by decent, where one of the countries does not like multiple citizenship and the other has no problem with it.”

Isin divided the Western conception of citizenship into two categories: orientalism and synoecism.¹⁷⁰ He viewed orientalism in terms of the civilized community (characterized by rationality, secularity, and modernity) and the uncivilized bloc (perceived to be irrational, traditional, and religious). Synoecism, for Isin, refers to the amalgamation of polity with the embodiment of social and the political. Although these categorizations are questionable, it still generated descriptions and images that pertain to citizenship and how it is socially constructed through the lens of experience of Western cultures. But these categories never gave a holistic picture on the modifying configuration of citizenship since nation-state’s importance is gradually declining with the seemingly interconnectedness of a globalized¹⁷¹ postmodern¹⁷² world.

¹⁶⁹ "How Does a Person End up with a Citizenship?" Multiple Citizenship. Accessed August 01, 2015. <http://www.multiplecitizenship.com/howitsgotten.html>.

¹⁷⁰ Isin, 2012, p. 568.

¹⁷¹ Globalization is understood as a process that connotes the ever-increasing connections of peoples regardless of spaces through the advent of high technology of communication and speed

Overall, the importance of citizenry as an element of nation-state shows the uniqueness of European experience where it accorded full citizenship rights to their members regardless of geographic origin, status or gender as long as they submit their allegiance to their authority. The state is the only authority that grants citizenship. A new political identity is provided to the grantee. After citizenship is accorded, it automatically gave him/her equal rights to own properties, qualified to any offices s/he aspires to, enjoys tax privileges, etc. However, these rights are subjected to legal limits imposed by the state, the sole granting authority. And in which leads us to the next element, that is, authority.

3.3 Authority

Authority is ultimately linked with the legitimacy and acquisition of sovereignty. The relationship between them is unbreakable. Authority is a social process of relationship in which the holder(s) of power or position persuades the subjects and others to voluntarily comply with his/her/their orders. That is to say, the person or entity does not merely exercise 'coercive' power as manifested by A's ability to cause B to do what he would otherwise not do.¹⁷³ Authority is rather the possession of the 'right' to command and be obeyed. In other words, authority is characterized by commands issued by one or several actors that are expected to

of transportation. Thus, paving the way for other sources of authority beyond the nation-state such as regional or international organizations and multinational corporations. For example, increasing number of migrants from global south to north raised questions of citizenship, particularly regarding the rights and duties of asylum seekers, expatriates, overseas workers, refugees, and immigrants. (See: Isin's "Citizenship after Orientalism: An Unfinished Project," 2012)

¹⁷² In the area of citizenship, postmodern is understood as a process of fragmentation where various dominant group identities were formed and marginalized groups have sought recognition. For example, group identities based on ethnicity, aborigines, race, gender/sex (LGBT), refugees, diasporic groups, etcetera have articulated their claims for citizenship. (See: Isin's "Citizenship after Orientalism: An Unfinished Project," 2012)

¹⁷³ Philpott, Dan. "Sovereignty." *Stanford Encyclopedia of Philosophy*. Edited by Edward N. Zalta. Summer ed. 2010.

be obeyed immediately.¹⁷⁴ Lake argued that “sovereignty is a type of authority relationship;”¹⁷⁵ while Philpott demonstrated that “a holder of sovereignty possesses authority.”¹⁷⁶

The most significant keyword is the term ‘right’ which connotes legitimacy. The possessor of sovereignty acquires authority from reciprocated mutuality between the ruler and the ruled, which is acknowledged as the source of legitimacy, whether by ‘natural law, divine mandate, hereditary law, a constitution, or even international law.’¹⁷⁷ In the present times, bodies or codes of law are considered ubiquitously as the main source of legitimacy. In attaining legitimacy, two processes of legitimation must be considered, in Cullity’s words, “the internal process of legitimation whereby the state attains popular allegiance by securing its subjects’ welfare while ... enabling checks to be placed on its own power. This is the process of constitutionalism. The second process of legitimation is external and concerns the recognition states afford one another, which allows them to self-identify as distinct political entities.”¹⁷⁸ A classical dictum is Weber’s idea that “human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory”¹⁷⁹ appropriately qualifies the ‘right’ to a legitimate authority.

Philpott contested that “if sovereignty is a matter of authority, it is not a matter of mere authority, but of supreme authority.” A prime example of entity holding

¹⁷⁴ Lake, David A. "The New Sovereignty in International Relations." *International Studies Review* 5 (2003): p. 304.

¹⁷⁵ Ibid, p. 304.

¹⁷⁶ Philpott’s article on ‘Sovereignty’ which was electronically accessed sans numbered pages.

¹⁷⁷ Ibid of the above article with no page numbers.

¹⁷⁸ Cullity, Finian. "The Legitimation of the State: Constitutionalism and Recognition." E-International Relations. January 12, 2014.

¹⁷⁹ Weber, Max. *From Max Weber: Essays in Sociology*. Translated by Hans Heinrich Gerth and C. Wright Mills. New York: Oxford University Press, 1946, p. 78.

supreme authority is the constitution. Supremacy is what makes the constitution of a certain nation-state superior to all of its subjects (political/religious leaders, assemblies, police, or corporations) and to other codes of laws held by other communities, particularly of the minorities. In short, the holder of sovereignty is absolutely higher to all authorities under its scope of influence. This characterization of supreme authority is endemic and common to the modern world. And even “during the Middle Ages, manifold authorities held some sort of legal warrant for their authority, whether feudal, canonical, or otherwise, but very rarely did such warrant confer supremacy.”¹⁸⁰

Lake provided three characteristics¹⁸¹ of authority that are worth taking note of. Power, being the first typical feature, is the foundation of authority but it does not automatically equate to coercion. It may rely on full voluntarism, where one legitimately commands while the other automatically complies, or on partial voluntarism in which the coercive power is indirectly utilized. As it is written above, authority relations are materializing through a process of gaining legitimacy and in the long run, obligation is installed which makes A obliged to B’s wishes. And at times when A disobeyed B, A is entitled to accommodate punishment from B because A accepted B’s legitimate authority right from the start of B’s rule.

The second feature involves a unique type of ‘non-coercive command’.¹⁸² According to Lake, “although the claim to authority may be justified by appeals to divine right, tradition, popular support, and so on, B’s authoritative commands do not themselves need to be justified. Authoritative commands, thus, differ from moral or scientific commands.”¹⁸³ This particular characteristic shows the

¹⁸⁰ Philpott’s article on ‘Sovereignty’.

¹⁸¹ Lake, pp. 304-305.

¹⁸² Ibid, p. 304.

¹⁸³ Ibid, p. 305.

significance of “justifications and their absence in identifying sources and patterns of authority in world politics.”¹⁸⁴ The last one is that authority is never ‘absolute’. The degree of authority can be measured by the proximity of divergence or bifurcation between B’s orders and the preferences of A’s (full or partial) voluntarism. Thus, even if authority is supreme it is never without limit, which means that some command may be restricted or defied on the basis of consensual understanding of ethics, morality or science.

In the theoretical aspect of authority and in particular state recognition, two are mostly explained in the ‘International Law’ literature: the declaratory and constitutive theories. In 19th century, the constitutive theory¹⁸⁵ was the model for statehood in which a state exists if it is recognized by another state via diplomatic recognition or merely utterance of ‘recognition of existence’.¹⁸⁶ In contemporary times, declaratory theory is more favorable to various commentators and scholars for it addressed the shortcomings of the constitutive theory. It signifies that an entity becomes a state if it meets the 1933 Montevideo criteria stated in the first article (these are, a permanent population, a defined territory, government, and capacity to enter into relations with the other states)¹⁸⁷. Therefore, recognition by other states is purely ‘declaratory’ which means that “it holds that recognition is almost irrelevant because states have little to no discretion in determining

¹⁸⁴ Lake, p. 305.

¹⁸⁵ Fabry, Mikulas. "Theorizing State Recognition." *International Theory* 5, no. 01 (2013): 165.

¹⁸⁶ "Declaratory and Constitutive Theories of State." Law Teacher. November 2013. Accessed July 12, 2015.

<http://www.lawteacher.net/free-law-essays/constitutional-law/declaratory-and-constitutive-theories-of-state.php?cref=1>.

¹⁸⁷ "Montevideo Convention on the Rights and Duties of States." Council on Foreign Relations. Accessed April 08, 2015. <http://www.cfr.org/sovereignty/montevideo-convention-rights-duties-states/p15897>.

whether an entity constitutes a state. The status of statehood is based on fact, not on individual state discretion.”¹⁸⁸

Fabry hinted that “recognition does not affect statehood as such or a state’s international rights and obligations. It is a formality of very specific kind: a prerequisite for establishing diplomatic ties.”¹⁸⁹ The existence of a state relies on its capacity to build structures of legitimate authority backed by an enforcing machinery of power. And that coercive power is the sole mechanism in preventing internal and/or external challenges to its authority. Thus, the participation of external forces or foreign powers may also play a crucial role in maintaining a state’s existence, for example, “by way of alliances or collective security arrangements.”¹⁹⁰ In addition, recognition is an absolute necessity and prerequisite for a society’s political status to become sovereign in the eyes of the international community. It can be achieved in two stages: constitutional independence and external acceptance by existing states.¹⁹¹ Cullity quoting Bartelson concluded that there are three disparate forms of recognition: “political (relating to the emergence of the modern state system and international society), legal (relating to the positive criteria for statehood in international law) and moral (relating to the mitigation of conflict between different non-state groups).”¹⁹²

¹⁸⁸ Worster, William. "Sovereignty: Two Competing Theories of State Recognition." Exploring Geopolitics. January 05, 2015. Accessed July 12, 2015. URL link: http://www.exploringgeopolitics.org/publication_worster_william_sovereignty_constitutive_declaratory_statehood_recognition_legal_view_international_law_court_justice_montevideo_genocide_convention/.

¹⁸⁹ Fabry, Mikulas. *Recognizing States: International Society and the Establishment of New States since 1776*. Oxford: Oxford University Press, 2010, p. 2.

¹⁹⁰ Ibid, p. 2.

¹⁹¹ Fabry, p. 7.

¹⁹² Cullity’s "The Legitimation of the State: Constitutionalism and Recognition"

In post-recognition phase, in principle states are treated as autonomous entities. Autonomy¹⁹³ is the cardinal aspect of the modern world which resulted into the creation of largely self-sufficient states. It is best expressed through self-determination that “imposes a positive requirement that other states ... stop exercising control over entities claiming the right to be allowed independent statehood.”¹⁹⁴ Beitz opined that self-determination is a special case of freedom of association, that is to say, “to deny a group this right is to infringe what is widely thought to be a fundamental personal liberty.”¹⁹⁵ Historically, Howland quoting Hendrik Spruyt and Blandine Kriegel stipulated that “the development of a royal law in early modern Europe, modeled after the putatively universal canon law of the church, was central to the rise of the sovereign state. It was only when the king’s administrators succeeded in imposing royal laws throughout the kingdom that royal territory and authority coincided. Among other things, royal law facilitated the spread of trade that was so critical to European expansion.”¹⁹⁶

Another historical antecedent in treating authority of political recognition, which is shared exclusively with contiguous territorial or boundary lines, is the creation of cartography. Map making¹⁹⁷ was one of the prime products of modern state system, and its development, distribution and progress is attributed to recognized political authority and relations among nation-states. According to Branch, “maps

¹⁹³ Beitz, Charles R. *Political Theory and International Relations: With A New Afterword by the Author*. Princeton, NJ: Princeton University Press, 1999. p. 71.

¹⁹⁴ Ibid, p. 93.

¹⁹⁵ Beitz, p. 96.

¹⁹⁶ Howland, Douglas, and Luise White. *The State of Sovereignty: Territories, Laws, Populations*. Bloomington: Indiana University Press, 2009, p. 5-6.

¹⁹⁷ According to Branch, “medieval territorial authority was replaced by modern authority over a uniform, linearly bounded space. Simultaneously, non-territorial authorities such as feudal bonds were undermined, eliminating the medieval variety of forms of political organization. With the increased use of maps at all levels of society in early modern Europe, forms of political authority not amenable to cartographic depiction were neglected, resulting in the uniformly territorial authority of the modern state system.” (2011, p. 2)

depicted political authority as homogenously territorial and linearly bounded even before political practices and institutions were operationalized ... maps reshaped actors' perceptions of the legitimate form of political authority and organization."¹⁹⁸ Political authority recognized within the territorial bounds or limits of a state is a unique character in the age of modern nation-state system.

The central rudiment of the international system is constructed or arranged by ideas and practices concerning political authority.¹⁹⁹ In other words, the structure of the international system (or of the modern nation-state system) depends on the constituted character of the entity that holds supremacy and claims final authority, e.g. state's constitution. Authority lies under the jurisdiction and supervision of a certain kind or form of government, which "looks after a permanent population within a defined territory via its three main components: executive, legislative, and judiciary powers. These three may be invested in separate entities or in a single person or group of people. They are used to control and direct the population and the other affairs of the state. With these functions, the state is considered to be in full control over its population and able to perform its duties internally and externally."²⁰⁰

As regards to the form of government, International Law did not specify whether democracy or dictatorship is recommended. As long as that entity possesses the Montevideo criteria, then it becomes a full-pledged nation-state. What matters most is that that government is built for the social and economic welfare of its population and upholds civility and human rights. The emergence of government serves as a positive force in leading the population (or citizenry) towards

¹⁹⁸ Branch, Jordan. "Mapping the Sovereign State: Technology, Authority, and Systemic Change." *International Organization* 65, no. 01 (2011): 2.

¹⁹⁹ *Ibid*, p. 6.

²⁰⁰ Al-Amri, Yusuf B. "Changing Conceptions of Sovereignty in International Law." 2003. MS, PhD Thesis, Keele University, p. 59-60.

economic and social progress. These three main components²⁰¹ of the government and their functions are also unique to the modern nation-state. They may check and balance each other powers, or converged into single coercive power. The executive branch is assigned with the implementation and administration of domestic laws and foreign policies accorded in the constitution. It is obligated to maintain peace and order, and if necessary impose brute force of its police power in regulating the citizenry.

The legislative branch of the government is tasked to legislate or create laws for the benefit of the whole state. The operationalization of legislating laws varies in different ways from various countries. In some states, the ruler possesses both executive and legislative powers. The last component is the judiciary. It exercised the right to interpret laws accorded to the constitution and administer court system in upholding the legal process of the state. While the enforcement of the law is accorded to the previous two branches, the degree of independence of the judiciary varies from state to state. Thus, in some states judicial freedom is very low that it cannot serve to check the abuses of both the executive and legislative bodies of government. In other words, they all worked together to enforce sole control over its own population. It is also important to take note that “lack of governmental control does not, in itself, affect the statehood status of a country.”²⁰² For example, some countries remain a state even without a government and still a member of the United Nations (e.g. Somalia).

In sum, authority is expressed through the legitimacy of power that is recognized internally (by its citizenry through legal codes) and externally (by other authorities because of its capability to create treaties and enter into relations with actors in the international system). The holder of ‘sovereign will’ possessed the sole right to issue commands to the citizenry and is expected to be obeyed

²⁰¹ Ibid, p. 61.

²⁰² Al-Amri, p. 62.

lawfully. The legitimized power is operationalized through ‘reciprocated mutuality and consent’ between the ruler and the ruled. It is further legitimized by codes of law that manifest the willful power of the authority, i.e. the state. The authority not only issue commands but also monopolizes the use of coercion or force particularly to dissidents. This force is politically expressed within the spatial domain of authority, which is manifested along the contours of its defined territoriality.

3.4 Territoriality

It is quite apparent that the field of International Relations had immediately assumed the universality aspect of the territorial nature of a nation-state. This made the existence of the character of a territorial-based state goes beyond temporality and spatiality within the development of the field. More so, social science capitalizes on the centrality of states as its endemic feature. Ferguson and Mansbach noted that it “conceived in a world academy dominated by states, the various social sciences have obediently followed agendas in which the ‘society’ they aspire to understand is defined politically by state boundaries.”²⁰³

With the advent of modernity in social sciences literature, territoriality has been considered as one of the important components of sovereignty that gives impetus to political authority. Philpott described it as “a principle by which members of a community are to be defined. It specifies that their membership derives from their residence within borders.”²⁰⁴ Thus, it strongly constructs the definition of membership which somehow does not entirely correspond with identity because man-made borders encompass several interlinking identities – be they irredentist or national self-determination movements. In other words, people’s membership

²⁰³ In Ferguson and Mansbach’s “The Sociology of the State: The State as a Conceptual Variable” in the 2010 Wiley-Blackwell’s *International Studies Encyclopedia*.

²⁰⁴ Philpott’s contribution on “Sovereignty” for 2010 *Stanford Encyclopedia of Philosophy*.

to a nation-state is within the confinement of a certain geographical boundary where their location falls under the authority of their leader(s).

This geographic territory, in Philpott words, makes modern sovereigns extremely authoritative.²⁰⁵ Extraterritorial jurisdiction, a significant feature of authority, is paramount not only to states but also to non-state actors, which is explicitly manifested in regional and international organizations such as the United Nations, Organization of Islamic Cooperation, European Union, Association of Southeast Asian Nations, etc. It is a distinct aspect of modernity that fuels in various ages or epochs and localities. In addition, territoriality identifies clearly and definitely the qualities and characterizations of its members (citizens) subjected to authority, i.e., their geographical location within a specified set of boundaries. It also amazes us that its notion is similar with another institution as Philpott pointed out its homologous relation with ‘private property’ similar along the thoughts of Thomas Hobbes.

Moreover, in modernity, territoriality plays a peculiar role because it historically configured IR. Ruggie asserted that “space-time frames ... marks the transformation that produced the modern mode of organizing political space: the system of territorial states.”²⁰⁶ But before the emergence of modern territorial rule, ‘three systems of rule’²⁰⁷ had previously occurred: 1) it does not automatically meant for territorial at all because human collectivities such as kinship was the prevailing system; 2) it does not pertain to fixed geographies because of prevailing nomadic activities where they claim ownership and rights

²⁰⁵ Ibid. Moreover, he contended that supreme authority within a territory is the general definition of sovereignty.

²⁰⁶ Ruggie, John Gerard. "Territoriality and Beyond: Problematizing Modernity in International Relations." *International Organization* 47, no. 1 (January 01, 1993): 147. Accessed February 20, 2016. <http://www.jstor.org/stable/10.2307/2706885?ref=search-gateway:4fd4f9b06f1f7762670fbf1301719d68>.

²⁰⁷ Ruggie, 1993, p. 149

over the migrating routes; and 3) it does not necessarily involves mutual exclusion. However, all these changed with the inception of modern territoriality that connotes defined spatiality, “fixed, and mutually exclusive enclaves of legitimate dominion.”²⁰⁸ In other words, these conditions served as the “constitutive bases of international society.”²⁰⁹

A causal element of territoriality is its ‘strong communitarianism’, which “has a clearer sense of the importance of borders and of systems of inclusion and exclusion more generally for political life.”²¹⁰ The liberal and cosmopolitan thought on borders or frontiers can disguise in numerous forms under the prism of a communitarian philosophy regarding the value of preservation of cultural identities.²¹¹ However, it also renders external rights, Aalberts and Werner argued that territoriality provides nation-states the sovereign “right to exercise jurisdiction over their territories, but also puts them under an obligation to respect the rights of other states.”²¹² Although the idea of jurisdictional rights over territory seems to become obsolete, an alternative one proposed by Anna Stilz is the Kantian account of territorial rights. She argued that in this view “a state’s claim to jurisdiction over territory is justified if that state imposes a system of property law that meets certain basic conditions of legitimacy.

This Kantian approach, it is argued, allows us to make better sense of state territorial rights.”²¹³ Individuals or groups of peoples are not given leverage or

²⁰⁸ Ruggie. 1993, p. 151

²⁰⁹ Ruggie. 1993, p. 164

²¹⁰ Chris Brown’s “Borders and Identity in International Political Theory” in 2001 *Identities, Borders, Orders: Rethinking International Relations Theory*, p. 135.

²¹¹ *Ibid*, p. 127.

²¹² In page 2187 of Aalberts and Werner’s “Mobilising Uncertainty and the Making of Responsible Sovereigns” published in the *Review of International Studies* in 2011.

²¹³ In page 185 of Anna Stilz’s “Why Do States Have Territorial Rights?” published in *International Theory* (2009).

authority over territories because jurisdictional power is an attribute solely essential to a nation-state.²¹⁴ This essential role of nation-state has the capacity to articulate an objective understanding of property rights which implements binding duties on its citizens.

Stilz opined that “a Kantian theory also allows us to derive criteria for the legitimacy of state jurisdiction, since the state must guarantee the basic rights of its subjects ... in order to gain the right to control its territory.”²¹⁵ She divided the rights over land under the Kantian approach into five separate titles:²¹⁶

- (a) The right to exercise control over the use and benefits of a particular resource (Property Right);
- (b) The right to determine what kinds of control, over which aspects of the resource, can be exercised by holders of (a) – for example, does it include title to transfer? To inherit? Is control of the resource subject to certain conditions, such as taxation, eminent domain, restrictions on permissible use, etc.? (Legislative Power);
- (c) The right to interpret the boundaries of the right to control in (a), and the extent of punishment and reparation for any torts – for example, what kinds of acts by others might constitute an infringement of (a)? When has such an infringement actually occurred? What is a just punishment for the infringement? What kind of compensation is owed? (Adjudicative Power);
- (d) The right to enforce the boundaries of right (a) against others (Enforcement Power);

²¹⁴ Ibid, p. 210.

²¹⁵ Ibid, p. 211. The author contends that “a fuller defense of a Kantian theory of territory would require consideration of other alternative views (in particular, the nationalist account of self-determination) and an account of the limits that may be placed on state territorial control by the rights of foreigners.”

²¹⁶ Ibid, p. 195.

- (e) The right to determine who holds powers (b)–(d) over a certain territory, by creating or altering jurisdictional units (Meta-jurisdictional Power).

With this Kantian account of jurisdictional rights over territory, it is exuberantly manifested physically that if you are going to take a closer look of today's political map of the world that, despite debates and discourses of various worldviews and world orders, the basic territorial lines remain congruent to existing patterns of sovereign nation-states. Many have undergone significant changes along the lines of these boundaries due to political movements, intrastate interactions, ethno-national aspirations or conflicts, and desires to put up new fences aided by the virtue of self-determination. And according to Newman, “the geographical differentiation of boundaries is such that, at one and the same time, some fences are being destroyed while others are being erected.”²¹⁷

In his article, he distinguished two approaches in the literature: the first one is “a continuation of the more traditional studies,”²¹⁸ concentrating on certain boundaries, changes in the dynamics of territories, and their affiliated frontier²¹⁹ regions, which may become a pragmatic haven of complex interdependence instead of iron walls of defense and separation. And, the second approach “looks at the multi-dimensional function of boundaries, not only as fixed territorial lines,

²¹⁷ David Newman's "Boundaries, Borders, and Barriers: Changing Geographic Perspectives on Territorial Lines" in *Identities, Borders, Orders: Rethinking International Relations Theory* (University of Minnesota Press, 2001, p. 138).

²¹⁸ *Ibid*, p. 139.

²¹⁹ The geographic literature has distinguished between the boundary and the frontier but has assumed that the boundary and the border are interchangeable. That is, Newman's contemplation “constitutes the line of separation, as contrasted with the frontier, which is the area affected by the existence of the line...” (p. 151) Where “the very existence of a frontier was itself dependent on the prior existence of a boundary, or border, constituting a fault line around which the political frontier emerged. The boundary was differentiated from the frontier in the sense that the frontier constitutes an undefined area either side of the boundary line, within which the nature of spatial and socioeconomic development is dictated, in part, by the presence of the boundary.” (p. 142)

but also as social, spatial, and political constructs²²⁰ that are concomitant with the politics of identity, territorial structures depending on respective hierarchies of social order and belongingness, thus creating trans-boundary movements and virtual spaces among its communal members. In the literature of geopolitics, boundaries are perceived as a normative construct of the territorial essence of nation-state.²²¹

There are three boundary typologies accorded to three studies done by Boggs, Hartshorne, and Jones.²²² The first study classified the process by which boundaries are created and implemented. Boggs has four stages (these are, initial definition, delimitation, demarcation, and administration) of drawing a boundary on the ground. The setting-up procedures “move from the stage of initial treaty to the physical demarcation of the boundary and its administration through the erection of fences, customs posts, searchlights.”²²³ Richard Hartshorne, the second study, has five classifications of the same process: pioneer, antecedent, subsequent, superimposed, and relict. He argued that the implementation of boundaries upon an agreed pattern was associated with the process of human settlement.

However, there are cases that it is being delimited in order to determine ahead the process in which settlement would take place and national identities would be formed. In some respects, boundary lines are predetermined according to the emergence and existence of the position of encampment where it would take into

²²⁰ Same page. According to Brown, this second approach ties in with its “focus on the multi-dimensionality and the cross-disciplinary nature of the ‘boundary’ notion, with boundaries as social, spatial, and virtual constructs, creating diverse layers of identities, ranging from the local to the global, and from the territorially fixed to the virtual.”

²²¹ The study of boundaries, in Brown words, focuses on their internal differentiation as a means of understanding boundary categories.

²²² Brown’s article, page 140.

²²³ Boggs’ statements being quoted by Brown in the same page.

account their cultural and identity differences. The third study done by S. B. Jones divided the globe's boundaries into five categories: natural, national, contractual, geometrical, and power-political. This is similar with the physical evolution of lines in the boundaries and the process in which decision was made accordingly between agreeing parties.²²⁴

Within the defined borders²²⁵, the members practice their day-to-day activities under the supervision of the sovereign state. Those members (citizens) are obliged to protect, defend, and control their territory, where according to the three studies above, is implemented through a common legal system. In al-Amri's thesis, territory includes "the airspace above it and the mineral deposits under it. For those blessed with a coast, territorial integrity also stretches into what is known as the territorial sea."²²⁶ This only proves that the internationally recognized magnitude of territories extend up to open/high seas²²⁷, outer space, and the Antarctic continent. Hugo Grotius (1583-1645) proposed in 1609 the doctrine of high seas (i.e. the freedom of the sea) stipulating that in time of peace all high seas are open to all nations and must not be subjected by any sovereign state. But this proposal was only recognized as part of international law in the 19th century. It also includes "freedom of navigation, fishing privileges,

²²⁴ Ibid, p. 141. Brown stated that "each of these typologies takes the existence of state-dividing lines as being part of the normative territorial structure of the state, focusing on their empirical characteristics rather than their functions."

²²⁵ There is a minimal to none border disputes if the state controls an identifiable quantity of land. And the sovereignty of the nation-state is unaffected with regard to the determined amount of land. Some Polynesian islands, regardless of its small size of territory, possessed territorial sovereignty. However, if borders are drawn too artificially, then, dispute arises (e.g. Gambia and Senegal).

²²⁶ In Yusuf B. Al-Amri's 2003 thesis "Changing Conceptions of Sovereignty in International Law," p. 58.

²²⁷ Al-Amri stipulated that "for several centuries, beginning in the European Middle Ages, a number of maritime states asserted sovereignty over large portions of the high seas. Well known examples were the claims of Genoa in the Mediterranean and those of Great Britain in the North Sea and elsewhere." (p. 65)

permission to lay submarine cables and pipelines, and over-flight rights for airlines.”²²⁸

The doctrine was strengthened with the first United Nations Conference on the Law of the Sea in 1958 to discuss “demands by some coastal states for increased security and customs zones, for exclusive offshore-fishing rights, for conservation of maritime resources, and for the right to exploit those resources.”²²⁹ In 1959, twelve nation-states signed a treaty with the objective to demilitarize the zone of Antarctica and would only adhere to utilize it for scientific purposes only. Other countries joined in later and signed the agreement. Although the treaty did not stipulate the prevention of claiming properties under the jurisdiction of national sovereignty, it did “forbid all contracting parties from establishing military bases, or carrying out military activities, including testing any weapons.”²³⁰

The agreement further advocates the “freedom of scientific investigation and the exchange of scientific information and personnel in Antarctica.”²³¹ The last treaty that aims to protect entities from the juridical power of sovereign nations is the 1967 Outer Space Treaty signed and ratified by 63 member states of the United Nations. It is similar with the two previous treaties that it also banned military adventurism in space, state’s ownership, and encouraged protection of space and its terrestrial bodies. Moreover, it urged nation-states to conduct joint or

²²⁸ Ibid, p. 66.

²²⁹ Same page. According to al-Amri, the conference “sought to codify the law of the high seas, but was unable to resolve many issues. Notably among these was the issue of the maximum permissible breadth of the territorial sea subject to national sovereignty.”

²³⁰ Ibid, p. 67. This treaty was a landmark for all humankind proving the neo-liberal approach of cooperation among state actors.

²³¹ Same page. In addition to the 1959 treaty, a protocol was signed in 1991 banning explorations of oil and minerals, and protection of the Antarctic environment.

collective scientific efforts to study, inspect and observe elements outside the Earth.²³²

In respect with the two previous elements (citizenry and authority), they both have an intertwined link with territoriality because it clearly identifies the qualities and characterizations of its members supervised by the authority, particularly their geographical fixation with specified set of boundaries. In other words, citizenry's nature of their membership and the extent of legitimized power by the authority are within the confinement of a definite and mutually exclusive territory. This jurisdictional right possessed by the authority over its citizenry and territory also obliged them to respect the jurisdictional right of other authorities in the international system. Therefore, territoriality is one of the important components of sovereignty that gives impetus to political authority. This leads us to the final element, sovereignty.

3.5 Sovereignty

In conceptualizing sovereignty, social scientists offer various understandings. According to Krasner, social scientists utilized it quite differently. "For sociologists, sovereignty offers a script, a shared cognitive map that facilitates but does not determine outcomes. For international lawyers, individual states are the basic building blocks of the international system.... For political scientists, sovereignty has sometimes been an analytic assumption, as in the case of neorealism and neoliberal institutionalism, where states are assumed to be rational, unitary, independent actors."²³³ In short, sovereignty is a product of modernity that provides tremendous power of recognition to any political arrangements.

²³² Ibid, p. 68.

²³³ Krasner, Stephen D. *Problematic Sovereignty: Contested Rules and Political Possibilities*. New York: Columbia University Press, 2001, p. 1.

Freedom, independence and autonomy correlate to describe sovereignty that usually protects itself against the interference²³⁴ of other sovereigns. It is “antithetical to international accountability, world order, and international law.”²³⁵ Sovereignty is thus far the reigning singular supreme over a people within a finite territory and in which almost all human societies in the world have adapted it.²³⁶ The link between authority, certain population and defined territory served as important elements in legitimizing sovereignty.²³⁷ “Supreme authority within a territory”²³⁸ is the core meaning of sovereignty across space and time according to Philpott. It has three necessary characteristics: 1) the need to have a holder of sovereignty; 2) the need to be absolute²³⁹; and 3) the need to be recognized both internally (i.e. by defined population) and externally²⁴⁰ (i.e. by

²³⁴ Post-Westphalian (1648) accord made interference an illegitimate manner in the international community.

²³⁵ Aalberts, Tanja E., and Wouter G. Werner. "Mobilising Uncertainty and the Making of Responsible Sovereigns." *Review of International Studies* 37, no. 05 (2011): 2186. doi:10.1017/S0260210511000398.

²³⁶ Dusen, Nathan Van. "Understanding Sovereignty: Bringing Ethics Back In." Proceedings of International Studies Association, Oregon, USA, Portland. 2003, pp. 1-2.

²³⁷ Shinko, Rosemary E. "Sovereignty as a Problematic Conceptual Core." *The International Studies Encyclopedia*. Chichester, West Sussex, U.K: Wiley-Blackwell, 2010. Accessed April 14, 2011. <http://www.isacompendium.com>.

²³⁸ Philpott, Dan. "Sovereignty." *Stanford Encyclopedia of Philosophy*. Edited by Edward N. Zalta. Summer ed. 2010. <http://plato.stanford.edu/entries/sovereignty/>.

²³⁹ However, today many sovereign states adjust and be circumscribed by laws administered by regional (e.g. EU and ASEAN) and international organizations (e.g. UN and APEC), particularly on trade laws, banking, commerce, social welfare, etc. Today, many European Union (EU) member states exhibit non-absoluteness. They are sovereign in governing defense, but not in governing their currencies, trade policies, and many social welfare policies, which they administer in cooperation with EU authorities as set forth in EU law.

²⁴⁰ It is similar to ‘no-trespassing law’ of private properties.

other sovereign states).²⁴¹ Possessing these dimensions signifies that it is a full-pledged member of sovereign nation-states system.

In addition, external recognition may mean constitutional independence, i.e. the drafters of a nation's constitution are free from foreign influence.²⁴² This condition also establishes anarchy (i.e. absence of a higher authority) in the international system, where sovereign states entitle them to coordinate with one another on an equal footing. But of course, hard politics (diplomacy, economic, and military power) may affect inter-state relations including the status quo of an anarchical system. Thompson, in defense of external sovereignty, argued that "if claims to external sovereignty are understood in part as a critique of the ambitions of powerful states, then the presumption of it in international politics, not as an absolute value but a crucial consequential consideration, could act as a restraint on the power of the world's strongest states by making justifications for war somewhat more difficult."²⁴³

Ambiguously presented, Kurtulus ramified state sovereignty with legal²⁴⁴ connotations into juridical and factual sovereignties.²⁴⁵ He argued that juridical sovereignty is a descriptive concept originating from law, thus there are no differences among legal concepts such as juridical persons (e.g. citizens,

²⁴¹ See: Bielat, Hope L. "Islamic State and the Hypocrisy of Sovereignty." E-International Relations. Accessed April 16, 2015. <http://www.e-ir.info/2015/03/20/islamic-state-and-the-hypocrisy-of-sovereignty/>.

²⁴² Philpott (2010) quoting Alan James. No page numbers because it was electronically accessed and viewed.

²⁴³ Thompson, H. "The Case for External Sovereignty." *European Journal of International Relations* 12, no. 2 (2006): 251. doi:10.1177/1354066106064509.

²⁴⁴ According to Aalberts and Werner (p. 2186), "the idea of the state as a sovereign legal person was coined in an attempt to civilise power," signifying "a certain identity, which came with rights and duties and responsibilities."

²⁴⁵ Kurtulus, Ersun N. *State Sovereignty: Concept, Phenomenon and Ramifications*. New York: Palgrave Macmillan, 2005, p. 187.

companies, etc.) because they are constitutively consequent of legal decrees. Factual sovereignty, on the other hand, refers to two levels: state level is a consequence of legal authority, while intrastate level is a result of behaviors of subordinate authorities (for example, ‘factual behaviors of courts, police, and the military’²⁴⁶).

Other ramifications as Krasner suggested are interdependence sovereignty, domestic sovereignty, international legal sovereignty, and Westphalian sovereignty. In Krasner words, “Interdependence sovereignty refers to the ability of a government to regulate the movement of goods, capital, people, and ideas across its borders. Domestic sovereignty refers both to the structure of authority within a state and to the state’s effectiveness or control. International legal sovereignty refers to whether a state is recognized by other states.... Westphalian sovereignty ... refers to the autonomy of domestic authority structures, that is, the absence of authoritative external influences.”²⁴⁷

According to Philpott, the history of the modern ‘territorial sovereignty’ began through writings on political thought (for example, writings of Niccolo Machiavelli²⁴⁸, Martin Luther²⁴⁹, Jean Bodin²⁵⁰, and Thomas Hobbes²⁵¹),

²⁴⁶ Ibid, p. 187.

²⁴⁷ Krasner, p. 2.

²⁴⁸ Machiavelli (1469-1527) argued that it is the workings of the Prince that maintained his sovereignty over his dominion. See: Machiavelli, Niccolò. *The Prince*. Translated by Edward Dacres and William Edward Colston Baynes. London: A. Moring, 1929.

²⁴⁹ Luther (1483-1546) on the reformation of the Church and God’s sovereignty. See: Luther, Martin. "On God's Sovereignty." Lutheran Theology Study Group: On God's Sovereignty - Martin Luther. Accessed July 18, 2015.
<http://lutherantheologystudygroup.blogspot.com/2013/05/on-gods-sovereignty-martin-luther.html#!>

²⁵⁰ Bodin (1530-1596) thought that sovereignty must reside in a single individual. For further details, see Philpott’s article.

²⁵¹ Hobbes (1588-1679) conceived sovereignty as above the law. For further details, see Philpott’s article.

strengthened with the signing of the Peace of Westphalia in 1648, and then it evolved (after World War II) through European integration, particularly of the constructed laws and practices that primarily protect human rights.²⁵² Other scholars stretch its history 500 years back before the Westphalian accord, referring to 1122 ‘Concordat of Worms’ where property rights “laid the groundwork for the rise of the modern territorially-based system of sovereign states.”²⁵³

Before the Reformation wars of religion, the old Western conception of sovereignty was responsibility for the common good but with the Westphalian accord its conception changed and “defined in terms of the territorial integrity and inviolability of states.”²⁵⁴ According to Johnson, “the idea of responsibility for the common good, understood broadly to include the effort to establish justice in all things, here became the much narrower responsibility to provide for the defense of the territory of the political community as a way of defending the people inhabiting that territory.”²⁵⁵

The relation between sovereignty and responsibility strengthened in the post-1945 international society as acknowledge by a so-called ‘community interests’, where common interests of sovereign states go far beyond their own self-interest.²⁵⁶ Canada’s Independent International Commission on Intervention and State Sovereignty (2000) precipitated 2005 UN General Summit on

²⁵² Philpott’s encyclopedic article entitled ‘Sovereignty’ in 2010 sans page numbers.

²⁵³ Shinko’s article entitled “Sovereignty as a Problematic Conceptual Core” sans page numbers.

²⁵⁴ Johnson, James Turner. *Sovereignty: Moral and Historical Perspectives*. Washington, DC: Georgetown University Press, 2014, p. 105.

²⁵⁵ *Ibid*, p. 105.

²⁵⁶ Aalberts and Werner, p. 2187.

‘Responsibility to Protect’²⁵⁷ and other subsequent UNSC resolutions diminishing the absoluteness of territorial sovereignty by making it possible to interfere to their internal affairs especially if the population is threatened by its own government.²⁵⁸

Theorizing sovereignty gave preponderance of varied interpretations. For realist, contractarian, and utilitarian traditions, it is a given natural phenomenon that aggregates and institutionalizes state’s interests in the international community regardless if it is coercively done.²⁵⁹ For liberals, critical theorists, world systems theorists, globalization theorists, feminists, and constructivists, sovereignty is less revered because they advocated “a broader ontology that includes determinants of behavior beyond narrowly defined national interests.”²⁶⁰ And each of them have different phenomena that earn determinant status: “gender relations for feminists, class relations for critical theorists, and transnational capital movements for globalization theorists, are all examples of factors that undermine a theory of international relations based solely on the national interest.”²⁶¹ For liberal theorists, the notion of territorial sovereignty is rather permeable and that individuals retain ontological significance at the international level. Constructivists held sovereignty as an ideological form of social power, thus it is socially invented.²⁶²

²⁵⁷ See UN Security Council resolutions 1674, 1970, 1973, 1975, and several others. For further details, please see: "Background Information on the Responsibility to Protect." UN News Center. Accessed July 18, 2015. <http://www.un.org/en/preventgenocide/rwanda/about/bgresponsibility.shtml>.

²⁵⁸ Snyman-Ferreira, MP. "The Evolution of State Sovereignty: A Historical Overview." *Fundamina* 12, no. 2 (2006): 19-20.

²⁵⁹ Dusen, p. 3.

²⁶⁰ Ibid, p. 4.

²⁶¹ Page no. 4 of Dusen article.

²⁶² Dusen, p. 11.

Shinko quoting Quincy Wright instigated that sovereignty will be “redefined in the future,”²⁶³ and one of the problematic aspects of its conception is its relation with the material ‘rise’ and ‘power’ of the modern state system.²⁶⁴ Thus, there is a tendency of aggressiveness in pursuing material power which may negatively affect and deplete world’s resources. Since theoreticians have different approaches in understanding sovereignty, a dangerous instance is that it may jeopardize democratic practices; especially it is considered a legal entity with self-interested power. However, this is not a problem since in legitimizing sovereignty it needs consent of the population and both internal and external institutions. Consequently, in today’s world, sovereignty is being undermined by large political entities, e.g. the European Union.²⁶⁵ And overall, sovereignty is always “contested because it is continually negotiated ... over what a state does, to whom, and where: it is these questions of authority, populations, and territory”²⁶⁶ that matters.

Overall, sovereignty is a contested element. From pre-Westphalian understanding as responsibility for the common good to modern notion of territory as its main core. Territorial sovereignty, in short, has no accountability as long as it asserts itself willfully in the international system. It is the most important element among all elements of nation-state because it holds supreme power and legitimate authority across space and time. It may mean differently to scholars of various backgrounds and had various types as well: Juridical, factual, interdependence, domestic, international legal, and Westphalian sovereignties. But one thing for sure, sovereignty is the power that legitimized any political arrangements

²⁶³ See: Bielat’s “Islamic State and the Hypocrisy of Sovereignty” (2015)

²⁶⁴ Shinko’s article entitled “Sovereignty as a Problematic Conceptual Core” sans page numbers.

²⁶⁵ Werner, W. G., and J. H. De Wilde. "The Endurance of Sovereignty." *European Journal of International Relations* 7, no. 3 (2001): 284. doi:10.1177/1354066101007003001.

²⁶⁶ Howland, Douglas, and Luise White. *The State of Sovereignty: Territories, Laws, Populations*. Bloomington: Indiana University Press, 2009, p. 2.

particularly ‘constitution’. The next one is an added value because it served as the framework and tool in operationalizing all these elements in the international community.

3.6 Constitutional Cases

Constitution is a written document that entails fundamental principles of both norms and procedures in articulating and legitimizing the power of a nation-state or a polity. The constitution, according to Cullity, is comprised of combined constitutional thought and practice. He argued that “combination entailed constitutional thought about the source, proper use and legal constraints on the exercise of public power, and constitutional practice in which powerful institutions and rulers, often after violent upheaval, began to bow to such constraints.”²⁶⁷

In this section, the Magna Carta, the Peace of Westphalia, and the Charter of the United Nations are discussed. These three constitutional cases were selected because they epitomized the elements of nation-state, they expressed social contracts between the ruler and the ruled, and they manifested frameworks of how sovereign states interact among one another. The 1215 Magna Carta was selected as a counterpart of 622 Medina Charter, the 1945 UN Charter is seen as the counterpart of the 2008 Revised (1979) OIC Charter, and the 1648 Peace of Westphalia, unfortunately, has no counterpart in Muslim governance. In addition, the 1215 Magna Carta served as inspiration of several present constitutions around the world especially the 1787 United States Constitution.

1215 Magna Carta

²⁶⁷ Cullity, Finian. "The Legitimation of the State: Constitutionalism and Recognition." E-International Relations. January 12, 2014. <http://www.e-ir.info>.

King John of England, who ruled from 1199 to 1216, issued the Magna Carta, which actually means the ‘Great Charter’, in order to pacify the political difficulty of rebellion his monarchy encountered in 1215. It is for the very first time that in the history of United Kingdom all members of the polity were equal in the eyes of law including the monarchs. It epitomizes that everyone is equal under the rule of law and signifies political accountability of state leaders.²⁶⁸ There have been modified editions and the definitive version was King Henry III’s version in 1225, which was further revised and included as part of statute book of King Edward I in 1297.

The Great Charter has 63 clauses that delimited the extent of power of the monarch but only three remained part of the current English law.²⁶⁹ Two of those clauses promoted rights and liberties for the whole kingdom and the Church, and the third (the most famous one) is written as: “No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his equals or by the law of the land.”²⁷⁰ According to Breay and Harrison, “much of the remainder of Magna Carta dealt with specific grievances regarding the ownership of land, the regulation of the justice system, and medieval taxes.”²⁷¹ There were also conditions where the King had to find resources to gain revenues without mutual consent from the people.

²⁶⁸ Fisher, Julian. "Why Magna Carta Still Matters Today." The British Library. Accessed March 29, 2015. <http://www.bl.uk/magna-carta/articles/why-magna-carta-still-matters-today>.

²⁶⁹ Breay, Claire, and Julian Harrison. "Magna Carta in Context." The British Library. Accessed March 29, 2015. <http://www.bl.uk/magna-carta/articles/magna-carta-in-context>.

²⁷⁰ "Magna Carta." The British Library. Accessed March 29, 2015. <http://www.bl.uk/magna-carta/#>. This clause 39 symbolically inspired the Bill of Rights of 1689 in Britain, the Declaration of the Rights of Man and the Citizen of 1789 in France, the American Bill of Rights (1791), the Universal Declaration of Human Rights (1948), the European Convention on Human Rights (1951), and UK’s Human Rights Act of 1998.

²⁷¹ Breay and Harrison’s Magna Carta an Introduction.

In addition, the barons included reforms in the justice system to remedy political abuses of the monarch. Trial by jury was introduced indicating that there is due legal process before imprisonment. Most of the clauses were also provisions on peace making process such as treatment of prisoners of wars and properties. An innovative clause was the creation of a commissioning body that monitors the King's compliance with the implementation of the terms stipulated in the Magna Carta. One of its important clauses as stated above provided that "all 'free men' the right to justice and a fair trial,"²⁷² which was emulated in most of succeeding constitutions in the world and remained the foundation of UK's present constitution and democracy. Until the present day, the Magna Carta served as a symbolic power against tyranny and arbitrary rule by defending individual liberties, human rights, and democratic ideals.

1648 Peace of Westphalia

This is the treaty that puts an end to the bloody series of wars labeled as the "Thirty Years War," which is considered to be one of the most disastrous conflicts in Europe.²⁷³ It started in 1618 with the untoward imposition of Roman Catholicism by Austrian Habsburg on their Bohemian Protestants. Thus, commencing fatal conflicts between and among Catholics and Protestants, France against the Holy Roman Empire and Spain, German princes against each other's emperor, and later joined by the Danes, the Dutch, the Russians, the Swedes, and the Swiss.²⁷⁴ All have political and business self-interests, and where religion and realpolitik played as rules of the game.

²⁷² Breay, Claire, and Julian Harrison. "Magna Carta an Introduction." The British Library. Accessed March 29, 2015. <http://www.bl.uk/magna-carta/articles/magna-carta-an-introduction>.

²⁷³ Cavendish, Richard. "The Treaty of Westphalia." Editorial. *History Today*, 48th ed., sec. 10. Accessed July 30, 2015. <http://www.historytoday.com/richard-cavendish/treaty-westphalia>.

²⁷⁴ Cavendish's *The Treaty of Westphalia* (1998). No page numbers. It was accessed online.

However, the conflicts did not last long when the peace conference opened in Münster and Osnabrück in December 1644. It took at least four years for the representatives to agree on several provisions where their interests are at stake. According to Cavendish, the conference “involved no fewer than 194 states, from the biggest to the smallest, represented by 179 plenipotentiaries.” The presiding officers were the Papal Nuncio, Fabio Chigi (the future Pope Alexander VII) and the Venetian ambassador.

The result of the treaty was primarily territorial independence and sovereignty for all the participating parties. For example, as highlighted by Cavendish, the “treaty gave the Swiss independence of Austria and the Netherlands independence of Spain. The German principalities secured their autonomy. Sweden gained territory and a payment in cash, Brandenburg and Bavaria made gains too, and France acquired most of Alsace-Lorraine. The prospect of a Roman Catholic reconquest of Europe vanished forever. Protestantism was in the world to stay.”²⁷⁵

1945 UN Charter

The Charter of the United Nations was a result after the scourge of the World War II in 1940s. It was defined by the victors of that war (the Allied powers) composed of the U.S., Britain, France, USSR, etc. against the Axis powers (Germany, Italy, Japan, Hungary, Romania, Bulgaria). Before the charter was completed, there were series of events that spearheaded its construction:²⁷⁶ The Declaration of St. James's Palace in June 1941 (a declaratory expression of future victory), the Atlantic Charter in August 1941 (formation of a world body), the Declaration of the United Nations in January 1942 (signed by the first 26 countries of the Allies), Moscow and Tehran conferences in 1943 (defining the

²⁷⁵ Cavendish's *The Treaty of Westphalia* (1998). No page numbers. It was accessed online.

²⁷⁶ "History of the United Nations Charter." UN News Center. Accessed July 30, 2015. http://www.un.org/en/aboutun/history/charter_history.shtml.

UN structures by Great Britain, the US, and the USSR), the 1944-45 Dumbarton Oaks and Yalta (principles were unanimously accepted by the sponsors), and lastly was the signing of the charter in San Francisco by 45 nation-states.²⁷⁷

Some of the charter's significant provisions are maintaining peace and security, achieving international cooperation, recognition of sovereign equality of all its members, advancement of non-intervention to the domestic affairs and jurisdiction of its state members, and establishment of its core organs such as the General Assembly (all members included), the Security Council (it has 15 members but only the US, China, Russia, the UK, and France are permanent members), the Economic and Social Council (it has 54 members), the Trusteeship Council, the International Court of Justice, and the Secretariat.

3.7 Conclusion

Nation-State is thus far a product of socio-political and cultural experiences that are ingrained within the European experiences. Modernity along with secularism paved the way for the culmination of the 'modern nation-state system' and aiding the spread of democracy, capitalism, and nationalism across the globe. The 1648 Peace of Westphalia is considered as the crucial period that lay its advent. Citizenry, territoriality, authority, and sovereignty are the ingredients that constitute the entire cosmos of nation-state. While constitution is the tool in operationalizing those cosmos of nation-state in the international system. These elements developed over time, while some, particularly sovereignty, is being contested presently.

Citizenship developed from confraternity or brotherhood into individual's pledge of allegiance to the state that can be acquired in various ways. Territoriality

²⁷⁷ "Charter of the United Nations." Official Website of the United Nations. Accessed March 29, 2015. <http://www.un.org/en/documents/charter/>.

progressed from communitarian and proprietorship to treaty-based jurisdiction over defined boundaries. Authority matured from a mere contract between the ruler and the ruled into international recognition possessing self-autonomy which has executive, legislative, and judicial powers. Sovereignty evolved from the old Western conception of ‘responsibility for the common good’ into territorial integrity and inviolability of states, which are currently in contentious with empiricism of regional integration and the notion of humanitarian intervention. Constitution advanced from a trifling document which resolves immediate (short/mid-term) conflicts into solidified long-term and optimal codes containing fundamental principles that legally bind sovereign authority and citizenry within a certain territory.

At these contemporary times, there is no alternative paradigm that may challenge the dominance of nation-state, notwithstanding, regional or international organizations because they are seen as playing fields or extensions of nation-states’ interests. And nation-state’s ultimate function is to maintain order and stability in the international system.

The subsequent chapter is part of the second step in Islamic theorizing about IR. The first step was establishing the background that generally discusses relations between ‘religion and IR’, and consequently presenting specificities of putative ‘Islamic versions of IR’. The first part of the second step primarily presents the elements (citizenry, authority, territoriality, and sovereignty) of nation-state including a secondary outlook of constitutional cases (1215 Magna Carta, 1648 Peace of Westphalia, and 1945 UN Charter) as tools in the international system. The second part of the second step will detail how these elements are treated in or dealt by Muslim governance which also includes counterpart constitutional cases (622 Medina Charter and 2008 Revised [1979] OIC Charter). However, there was no Westphalian counterpart on the part of Muslim governance as stipulated in the next chapter.

*O kings greedy of power, I say unto you,
If ye desire happiness, strive after peace.
I covet neither the royal crown nor the hosts of Iran;
Power that endeth in discord is an honour that leadeth to tears....
For I am humble of heart, and my faith bids me be kind.*

*Ferdowsi*²⁷⁸

CHAPTER IV

MUSLIM GOVERNANCE

Throughout history, Islam has been interpreted in various often discordant and conflicting ways. The debates over the question of authority and legitimacy to speak for and thus define Islam are particularly intense in contemporary times. As a result, confusion and perplexed comprehensions exist among Muslims and non-Muslims alike as to what 'Islam's position on a number of different issues such as human rights, democracy, international cooperation, etc. Islam is seen in differing prisms and schemata that resulted to incongruent perceptions among peoples with different cultural and upbringing backgrounds particularly the geographical imaginary division of the 'West' and 'East' set by traditional orientalist scholars which pervaded the discourse in 19th century. The West sees Islam as a religion similar with Christianity though not at the same level of respect they regarded Christianity or Judaism. They perceived Islam as the Other, totally indifferent with their cultural understanding. While the East regards Islam, not only as a religion, but a total way of life that governs every aspects of human existence. However, it is the same perception that they consider Christianity and Judaism as also the Others.²⁷⁹

²⁷⁸ Ferdowsi. *Epic of Kings: Stories Retold from Ferdowsi*. Translated by Helen Zimmern, Lawrence Alma-Tadema, and Edmund Gosse. London: T. Fisher Unwin, 1882, pp. 32-33.

²⁷⁹ Adiong, Nassef Manabilang. "Ideology That Spawns Islamist Militancy." Edited by Frank Shanty. In *Counterterrorism: From the Cold War to the War on Terror*, 253-58. Santa Barbara, CA: Praeger, 2012.

Regardless of that Islam-West perceptions of Othering, it is not quite surprising that for more than 1400 years before decolonization Muslims had substantially practiced political systems that are expressed in various ways such as the caliphate, sultanate, and imamate. Sometimes the leader has both spiritual and temporal authoritative status, while oftentimes these are independently separated depending on the urgencies and needs of particular moments and spaces. Indeed, Muslims greatly experimented their governmental system by relying on borrowing, emulating, converging, devising, and adapting foreign practices (mostly from the ancient world of Persians, Greeks, and Indians), but with the spirit of creativity and innovation. However, when they experienced civilizational destructions from Mongolian invasion and colonialization from European Christendom, the entire Muslim civilization was never fully recuperated. And even within its societies and communities, sickness of fundamentalism, radicalization, and intellectual stagnation emerged. Thus, it remained dormant until now. The spirit of creativity, innovation, and intellectualism gradually fade away. Consequently, nation-state was abruptly adapted and its elements configured the whole system of Muslim governance.

4.1 History

The spread of Islam in the region was done through missionary (sometimes propaganda), diplomacy, and conquest.²⁸⁰ Prophet Muhammad²⁸¹ brought in a new kind of community beyond Arab kinship, where non-Arabs and non-Muslims were also included in the formation of polity. This new polity would soon be guided by Shari'ah in regulating people's beliefs, rituals, leadership,

²⁸⁰ Kennedy, Hugh. *The Prophet and the Age of the Caliphates: The Islamic Near East from the Sixth to the Eleventh Century*. 2nd ed. London: Longman, 2004, p. 45.

²⁸¹ The Prophet also appointed political positions such as the 'wali'(the guardian) and judges to settle disputes. (See: An-Nabhani, Taqiuddin. *The Islamic State*. London: Al-Khilafah Publications, 1998, pp. 118-120.)

families, business, morals, etc.²⁸² In Fazlur Rahman's understanding, the inception of the Muslim community was connected with three events: "the declaration that all Muslims must undertake the *hajj* (pilgrimage) to Makkah, that *jihad* (struggle in the way of Allah) is obligatory, and that the *qiblah*'s direction is changed from Jerusalem to the *Ka'bah* in Makkah."²⁸³

After the demise of the Prophet in 632, political question on who will succeed the Prophet arose. There were three contending political groups wanted to claim for leadership: the *Ansar* (who holds the majority of Muslim soldiers), the *Muhajirin* (raised the issue that a leader must be from the tribe of Quraysh), and the Banu Hashim (who stood for hereditary process).²⁸⁴ The establishment of absolute political religious authority during those times, to Talal Asad quoting Bashir, must be "seen primarily as political reaction, on the part of the trading city of Mecca, to the threats posed to its commercial interests by external powers in the Middle East, as well as by internal tribal anarchy."²⁸⁵ When the rule of the *Rashidun* Caliphs (or rightly guided caliphs)²⁸⁶ ended, it was the start of dynastic monarchies under the guise of caliphate: most notably the Umayyads²⁸⁷ (661-750) and the Abbasids (750-1258).²⁸⁸

²⁸² Black, Antony. *The History of Islamic Political Thought: From the Prophet to the Present*. New York: Routledge, 2001, p. 9.

²⁸³ Rahman, Fazlur. "The Principle of Shura and the Role of the Ummah in Islam." In *State Politics and Islam*, edited by Mumtaz Ahmad, 87-96. Indianapolis, IN: American Trust Publications, 1986, p. 87.

²⁸⁴ Iqbal, Justice Javid. "The Concept of State in Islam." In *State Politics and Islam*, edited by Mumtaz Ahmad, 37-50. Indianapolis, IN: American Trust Publications, 1986, p. 42.

²⁸⁵ Asad, Talal. "Ideology, Class and the Origin of the Islamic State." Review of *Sulayman Bashir's The Balance of Contradictions: Lectures on the Pre-Islamic Period and Early Islam (1978)*. *Economy and Society* 9, no. 4 (1980): 452.

²⁸⁶ They are Abu Bakr (r. 632-634), Umar (r. 634-644), Uthman (r. 644-656), and Ali (r. 656-661).

²⁸⁷ Fred Donner argued that "that a state certainly can be said to have existed from the time of the caliph 'Abd al-Malik (685-705), and that a state probably existed back into the time of Mu'awiya ibn Abi Sufyan (661-680)." (See: Donner, Fred M. "The Formation of the Islamic State." *Journal of the American Oriental Society* 106, no. 2 (1986): 283. doi:10.2307/601592.

With dynastic monarchies, the leadership of *dawlah* (state), according to Davutoğlu, can be theoretically approached into two ways, i.e., by perceiving the Prophet as state leader and/or religious head of a community as precedence to subsequent socio-political formations.²⁸⁹ There are three semantic evolutions of *dawlah*:²⁹⁰ 1) a change of political power or the victory of one dynasty over another; 2) used for continuity and for the ultimate political authority and structure; and 3) it occurred after the political supremacy of the Western international system based on individual nation-states.

Islamic sources (the Qur'an and Sunnah) had very limited politicizing stipulations and thought-making processes, thus consequentially Muslims had to borrow, improvise and innovate in devising their political systems that are usually inspired by Shari'ah, Arab's tribal system, and lands they conquered (especially Persian and Byzantine's polities).²⁹¹ Kaminsky contend that in 10th century there was a clear lineage of political thought running from Late Greek antiquity to Islamic scholars, e.g. al-Farabi, and this was brought in due to necessity.²⁹² Thus, Muslim political traditions were mixed of pre-Islamic Arab tribal system, Persian's statecraft, and political philosophies from Greeks and Indians.²⁹³

²⁸⁸ Ahmad, Mubasher. "Khilafat and Caliphate." *Al Islam: The Ahmadiyya Muslim Community*: p. 7. <https://www.alislam.org/topics/khilafat/khilafat-and-caliphate.pdf>.

²⁸⁹ Davutoglu, Ahmet. *Alternative Paradigms: The Impact of Islamic and Western Weltanschauungs on Political Theory*. Lanham: University Press of America, 1994, p. 191.

²⁹⁰ Davutoglu, 1994, p. 192.

²⁹¹ Ayubi, Nazih. *Political Islam: Religion and Politics in the Arab World*. London: Routledge, 1991, pp. 6-8.

²⁹² Kaminski, Joseph J. "A Theory of a Contemporary Islamic State: History, Governance, and the Individual." 2014. MS, PhD Thesis, Purdue University, p. 50-51.

²⁹³ Berkey, Jonathan Porter. *The Formation of Islam: Religion and Society in the Near East, 600-1800*. New York: Cambridge University Press, 2003, p. 62.

One climatic historical event that caused discords and decline of classical Islamic scholarship that later paved the way for the triumphant of legalistic interpretation of Islam and gave birth to a political ideology, i.e., Islamism, was the Mongolian²⁹⁴ invasion to Muslim lands in early 13th century. Prior to the invasion, there was the blossoming of intellectual competition among scholars from different Islamic schools of thought, disciplines, and sciences. These were the Islamic philosophers, mystics, and jurists competing for intellectual recognition and legitimacy. However, the invasion that massacred Muslims and non-Muslims alike, committed genocidal acts, and burned Islamic mosques and libraries especially the ‘House of Wisdom’ in Baghdad during the Abbasid era resulted to centuries of dark ages or dormancy period characterized by unpleasant and demeaning lives in the whole Muslim world. Therefore, Islamic philosophy and mysticism became dormant while Islamic jurisprudence (legalistic interpretation of Islam) gradually dominated the debates and earned recognition and millions of followers, particularly from major groups and sectors of both Sunni and Shi’a.

In the 16th century, Muslim governance/polity was divided into several political divisions and subsets but these were “consolidated by the trends of political development within Islam as well as by its relationships with the Christian world. The Islamic universal state became transformed into an Islamic state system, following a long process of decentralization and break-up, just as Western Christendom was transformed from a universal into a European state system.”²⁹⁵ Consequently, Muslim governance, according to Farhang Rajaei, attained its maturity and sophistication in the 9th century, where the formulation of Shari’ah was to regulate Muslims and set rules regarding foreign relations, especially with

²⁹⁴ Although at the latter part, Mongols eventually converted to Islam.

²⁹⁵ Shaybani, Muḥammad. *The Islamic Law of Nations: Shaybani's Siyar*. Translated by Majid Khadduri. Baltimore: Johns Hopkins Press, 1966, p. 61.

non-Muslim regimes.²⁹⁶ However, Muslims encounter with European modernity in 18th century suffered a major setback that paved the birth of radical Islamic movements in response to, as they see it, the threat of modernity to the pristine Islamic life.

Fred Halliday claimed that the 1878 Treaty of Berlin brought dramatic changes in the Ottoman Empire and that it was the “formative period of state formation²⁹⁷” in the region.²⁹⁸ And from 1918 to 1922, the empire was partitioned by colonial powers. After World War I, Sharif Husayn of Mecca declared himself as the caliph and only Iraq, Hijaz (present-day Saudi Arabia), and East Jordan recognize his position, while Muslims in India and Egypt rejected his caliphate because they see him as British agent.²⁹⁹ He connived with the British colonizers to revolt against the Ottomans and promised an Arab nation that extends from Hijaz to Egypt and Iran. But, later on, he was betrayed with the Sykes-Picot secret agreement in 1916, which strengthened British and French controls of oil resources in the region.³⁰⁰ Another embarrassment for Sharif Husayn was the Balfour Declaration of 1917 favoring the establishment of Jewish homeland in Palestine by the UK. It, thus, shown here that the real intention of Britain was to

²⁹⁶ Rajaei, Farhang. "Paradigm Shifts in Muslim International Relations Discourse." *Studies in Contemporary Islam* 1, no. 1 (1999): 2.

²⁹⁷ It is important to note that Hinnebusch stated that “state formation is coterminous with a contested process of identity construction, whether a state’s boundaries satisfy or frustrate identity shapes its foreign policy role.” (See: Hinnebusch, Raymond A. *The International Politics of the Middle East*. Manchester: Manchester University Press, 2003, p. 74.)

²⁹⁸ Halliday, Fred. *The Middle East in International Relations: Power, Politics and Ideology*. Cambridge, UK: Cambridge, 2005, pp. 79-80.

²⁹⁹ Enayat, Hamid. *Modern Islamic Political Thought*. Austin: University of Texas Press, 1982, p. 70.

³⁰⁰ Andrea, Mounecif Radouan. "The Territoriality of the Islamic State." Université Paris, Département De Relations Euro-méditerranéennes, Monde Maghrébin, pp. 5-7. https://www.academia.edu/10872599/The_territoriality_of_the_Islamic_State.

utilize Arab dissenting voices and nationalism to brace for Ottoman “attempts to erode Muslim loyalty in the Empire at the opening of World War I.”³⁰¹

Throughout the gradual decline of the Ottoman Empire, the abolishment of the caliphate in the earlier years of the Turkish republic, and the decolonization period, they have all provided an indelible impact to Muslims worldwide. Some notable Muslim figures expressed diverse reactions with the removal of the office of the caliph in Turkey in 1924.³⁰²

- Rashid Rida³⁰³ (b. 1865, d. 1935) protested against the Turkish decision and called for urgent establishment of caliphate, which must have combined spiritual and political authority.
- Ali Abdel Raziq³⁰⁴ (b. 1888, d. 1966) contested Rida’s call in 1925 by advocating separation of Islam and politics and argued that Islam never prescribed a system of government. Paradoxically, this position was also supported by the Grand Ayatollah Mohammad Hussein Fadlallah (b. 1935, d. 2010), who argued that Islam “was not revealed in order to establish a state as an end, but to spread a message based on which a state

³⁰¹ Oliver-Dee, Sean. *The Caliphate Question: The British Government and Islamic Governance*. Lanham: Lexington Books, 2009, p. 166.

³⁰² Ayubi, Nazih N., Nader Hashemi, and Emran Qureshi. "Islamic State." *The Oxford Encyclopedia of the Islamic World*. 2009. Accessed April 22, 2015. <http://www.oxfordislamicstudies.com/article/opr/t236/e0394>.

³⁰³ "Rashid Rida | Biography - Islamic Scholar." Encyclopedia Britannica. Accessed August 05, 2015. <http://global.britannica.com/biography/Rashid-Rida>. Earlier before Rida, Muhammad Abduh (b. 1849, d. 1905) aimed to reform Muslim societies from the dormancy of Islamic scholarship by adapting some aspects of modernity and nation-state system. Abduh rejected the common idea that the entire Qur’an was divinely inspired. Rather he ascribed many parts of it to the personal thinking of Muhammad himself. He advocated that the Qur’an should be understood by reason, rather than literally. From that assertion, he claimed that Islam was fully capable to adjust to modernity. He argued that *ijtihad*, individual judgment based upon case law or past precedent, still could be performed.

³⁰⁴ "Abd Al-Raziq, 'Ali | Biography - Egyptian Scholar." Encyclopedia Britannica. Accessed August 05, 2015. <http://global.britannica.com/biography/Abd-al-Raziq-Ali>.

would come into existence only as a subsequent means toward achieving this goal.”³⁰⁵

- Abul A'la Maududi³⁰⁶ (b. 1903, d. 1979), the prominent Islamist³⁰⁷ thinker, urged for the establishment of a Kharijite-inspired Islamic state³⁰⁸ (which calls for an absolute divine sovereignty) and enforcement of Islamic law in all aspects of human activities. He was a staunch opponent of Western nationalism and democracy.
- Hassan al-Banna³⁰⁹ (b. 1906, d.1949), the founder of Muslim Brotherhood in Egypt in 1928, called for a superior Islamic nationalism and believed that Islam is both a religion and a state. He is ‘frequently characterized as the father of contemporary Islamism’³¹⁰. He wanted to restore an original Islamic order which was the same theoretical advocacy of Ibn Taymiyyah, Abd al-Wahhab, and Qutb. He aimed to include Islamic education or

³⁰⁵ Sabet, Amr G. E. "The Islamic Paradigm of Nations: Toward a Neoclassical Approach." *Religion, State and Society* 31, no. 2 (2003): 191. doi:10.1080/09637490308284.

³⁰⁶ "Mawdudi, Abu'l-A'la | Biography - Journalist and Muslim Theologian." Encyclopedia Britannica. Accessed August 05, 2015. <http://global.britannica.com/biography/Abul-Ala-Mawdudi>.

³⁰⁷ Boroujerdi said that “scholars like Abdullahi An-Na`im and Bassam Tibi argue, the ideology of Islamism and the concept of the Islamic theocratic state whose sole purpose is implementation of the shari'a are but modern and postcolonial phenomena in the Middle East.” (See: Boroujerdi, 2013, p. 15-16). An-Na`im and Tibi’s position was also similar with Maximilian Lakitsch. He argued that “Political Islam and its synonym ‘Islamism’ is a specific modern interpretation of Islam. It has its roots in social conflicts: the establishment of autocratic monarchies in the newly independent Arab countries in the 1950s and 1960s gave rise to social justice demands which these regimes did not meet.” (See: Lakitsch, Maximilian. "Islamic State, the Arab Spring, and the Disenchantment with Political Islam." In *Caliphates and Islamic Global Politics*, edited by Timothy Poirson and Robert Oprisko, p. 15. E-International Relations, 2014.)

³⁰⁸ Bassam Tibi claimed that “the model state presented by Islamic fundamentalism is basically a form of totalitarian rule, even though some writers perceive it as an Islamic pattern of democratic state-making.” (See: Tibi, Bassam. *The Challenge of Fundamentalism: Political Islam and the New World Disorder*. Berkeley: University of California Press, 1998, p. 158.)

³⁰⁹ "Hasan Al-Banna' | Biography - Egyptian Religious Leader." Encyclopedia Britannica. Accessed August 05, 2015. <http://global.britannica.com/biography/Hasan-al-Banna>.

³¹⁰ Euben, Roxanne Leslie, and Muhammad Qasim Zaman. *Princeton Readings in Islamist Thought: Texts and Contexts from Al-Banna to Bin Laden*. Princeton: Princeton University Press, 2009, p. 49.

Madrassah in all aspects of life for every individual particularly those who aspire to run for public office. He vehemently rejected alien culture, entertainment, arts, thoughts, and education especially coming from West (Europe, Israel, and the US) which may corrupt the purity and modesty of Islamic state. In line with Ibn Taymiyya's thought, he agreed totally that jihad is an obligation that must be imposed in an Islamic state, more so in the ummah or Islamic nation. Further, allegiance to the ummah must be by faith alone and not base on origins, cultural or ethnic backgrounds.³¹¹

- Sayyid Qutb (b. 1906, d. 1966), the foremost and most influential Islamist thinker and activist, advanced the idea of '*jahiliyah*' (ignorance of divine guidance) which for him not only covered pre-Islamic era but also contemporary times including Muslim communities. He claimed that what propels in people's beliefs and ideas, habits and arts, rules and laws are in opposition to the pure teachings of Islam and thus all resembled elements of jahiliyah. He further lamented that the Muslim world had ceased to be and reverted to pre-Islamic ignorance because of the scarcity in implementing Shari'ah laws. He also urged for the establishment of Maududi-inspired Islamic state.³¹² Which meant that all states of the Muslim world are not Islamic and thus illegitimate, including his native land Egypt. To restore Islam on earth and free Muslims from 'jahili society, jahili concepts, jahili traditions and jahili leadership'³¹³, he preaches that a vanguard be formed modeling itself after the original Muslims, the "companions" of Prophet Muhammad. The Muslim vanguard (just dictatorship) would successfully vanquished jahiliyah principally for two reasons: 1) They will cut themselves off from the jahiliyah, i.e., they should ignore the learning and culture of non-Muslim

³¹¹ Euben and Zaman, 2009, p. 54

³¹² "Sayyid Qutb | Biography - Egyptian Writer." Encyclopedia Britannica. Accessed August 05, 2015. <http://global.britannica.com/biography/Sayyid-Qutb>.

³¹³ Qutb, Syed. *Milestones*. Indianapolis: American Trust, 1990, p. 21.

groups (Greeks, Romans, Persians, Christians or Jews), and separate themselves from their old non-Muslim friends and family.³¹⁴ 2) They must look to the Qur'an for orders to obey, not as "learning and information" or solutions to problems.³¹⁵

- Out of all the Islamists, only Ruhollah Khomeini³¹⁶ (b. 1902, d. 1989) was able to put his theory of Islamic state into practice by imposing his concept of '*Vilayat-e Faqih*'³¹⁷ (Guardianship/Providence of the Jurist). It is a theocratic polity ruled by jurists. He adamantly opposed monarchy, arguing that a regime should only be ruled by a leading Islamic jurist who would insure Shari'ah law is properly followed. He viewed certain elements of Western culture as being inherently decadent and a corrupting influence upon the youth. As such, he often advocated the banning of popular Western fashions, music, cinema, and literature. His ultimate vision was for Islamic nations to converge together into a single unified power, in order to avoid alignment with either side (the West or the East), and he believed that this would happen at some point in the near future.³¹⁸

Muqtedar Khan³¹⁹ has an interesting view of political thinkers in Islam; he distinguished them by dividing them into two camps: The Islamic theoreticians of

³¹⁴ Qutb, 1990, pp. 16 and 20.

³¹⁵ Qutb, 1990, pp. 17-8.

³¹⁶ "Ruhollah Khomeini | Biography - Iranian Religious Leader." Encyclopedia Britannica. Accessed August 05, 2015. <http://global.britannica.com/biography/Ruhollah-Khomeini>.

³¹⁷ Boroujerdi presented that there are "dissenting voices like those of Mahdi Ha'iri Yazdi (1923-1999), Mohsen Kadivar (1959-), Muhammad Mujtahid Shabistari (1936-), and Abdulkarim Soroush (1945-) have complained that the doctrine of '*velayat-e faqih*' is destroying the sacredness of Islam as jurisprudence and theology have become intertwined with state power, material interest, and political considerations." (See: Boroujerdi, Mehrzad. *Mirror for the Muslim Prince: Islam and the Theory of Statecraft*. New York: Syracuse University Press, 2013, p. 15)

³¹⁸ "Ruhollah Khomeini | Biography - Iranian Religious Leader." Encyclopedia Britannica. Accessed August 05, 2015. <http://global.britannica.com/biography/Ruhollah-Khomeini>.

³¹⁹ Khan, Muqtedar. "The Islamic State." *Encyclopedia of Government and Politics*. Edited by Mary Hawkesworth and Maurice Kogan. 2nd ed. Vol. 1. London: Rout, 2004, pp. 226-227.

the state (e.g. al-Farabi, al-Mawardi, Ibn Taymiyyah, and Ibn Khaldun) and the theoreticians of the Islamic state³²⁰ (e.g. Afghani, Maududi, Qutb, Khomeini, and Taqiuddin al-Nabhani³²¹).

In contrast with Ali Abdel Raziq's claim, Yusuf Qaradawi demonstrated that there are two verses revealed in the Qur'an that says something about the state: "God doth command you to render your trusts to those to whom they are due; and when ye judge between men, that ye judge with justice. Verily how excellent is the teaching which He giveth you! For God is He Who hearth and see the all things. O ye who believe! Obey God, and obey the Apostle, and those charged with authority among you. If ye differ in anything among yourselves refer it to God and His Apostle, if ye do believe in God and the Last Day. That is best, and most suitable for final determination." (Qur'an 4:58-59)

He interpreted the first verse which is "directed to governors and rulers: to preserve trusts and to judge with justice, because wasting the trust and justice inevitably leads the ummah to destruction and ruin."³²² And the second verse is addressed to "believing subjects: to obey the rulers stipulated that they are from among themselves."³²³

Ironically, Hallaq argued that "postcolonial nationalist elites maintained the structures of power they had inherited from the colonial experience and that, as a

³²⁰ Mohd's narrowed view insist that "Islam is composed of the 'aqidah' (doctrine) and a collection of laws emanating from it, the Islamic State must derive its entire constitution from the Islamic aqidah." (See: Mohd, Nasran Mohamad. "The Concept of Islamic State." Grande Strategy. Accessed April 17, 2015. <http://www.grandstrategy.com/2009/03/4484848491219the-concept-of-islamic.html>.)

³²¹ Al-Nabhani (b. 1909, d. 1977) was an Islamic scholar from Jerusalem who founded the Islamist political party *Hizb ut-Tahrir*.

³²² Qaradawi, Yusuf. *State in Islam*. Cairo: El-Falah, 1998, p. 12.

³²³ Qaradawi, 1998, p. 12.

rule and after gaining so-called independence for their countries, they often aggressively pursued the very same colonial policies they had fiercely fought against during the colonial period.”³²⁴ Seyyed Vali Reza Nasr agreed that the Muslim world inherited its “machinery of government, ideologies of modernization, views on social engineering, and political control were all handed down from the colonial era.”³²⁵

In addition, Hallaq has his own predicament with the modern state system. He discussed the theory of progress through the lenses of the modern state vis-a-vis Muslim governance. He argued that the constitutional structures of Islam are more robust than modernity’s constitutional structures because of profound differences in legal, political, and moral aspects, particularly of Shari’ah.³²⁶ Shari’ah for Hallaq is represented by “a complex set of social, economic, moral, educational, intellectual and cultural practices. It was not just about law. It pervaded social structures so deeply that no ruler could conceive of the possibility of efficiently ruling the population without succumbing to a great extent to the dictates of the Shari’ah order.”³²⁷ It is enmeshed with all human practices from norms, mores, folklores, economics, and ethics to culture. In short, it is an all-encompassing human values that guide Muslims.

He lamented that for the past centuries, Shari’ah became a merely body of texts which is far from its characterizations of worldly institution and socio-cultural

³²⁴ Hallaq, Wael B. *The Impossible State: Islam, Politics, and Modernity's Moral Predicament*. New York: Columbia University Press, 2013, p. 12 (kindle version)

³²⁵ Nasr, Seyyed Vali Reza. *Islamic Leviathan: Islam and the Making of State Power*. Oxford: Oxford University Press, 2001, p. 9.

³²⁶ "New Texts Out Now: Wael Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament*." *Jadaliyya*. Accessed April 16, 2015. http://www.jadaliyya.com/pages/index/14212/new-texts-out-now_wael-hallaq-the-impossible-state.

³²⁷ Hallaq, Wael B. *An Introduction to Islamic Law*. Cambridge, UK: Cambridge University Press, 2009, p. 163.

norms. This fervent transformation was the consequence of vehement confrontation between Shari'ah and the modern state. He further stated that "among the specific effects of this contest for mastery over the law was the desiccation and final dismantling of the Shari'a's institutional structures, including its financially independent colleges and universities, and the legal environment and culture that afforded Muslim legists the opportunity to operate and flourish as a "professional" group."³²⁸ He utterly blamed the perpetrators for this untoward transformation to the "centralization, codification, bureaucratization, homogenization and ubiquitous militarization,"³²⁹ all of which are in fact the doings and makings of the modern state system.

Overall, the Muslim world is morally par-excellence, i.e. enshrined within the ethical onsets of Shari'ah, and that the communal care and public welfare is the primal objectives of Islam. On the other hand, the subjectivity of modern Western citizen is 'fashioned by the state for its own selfish utilitarian ends.'³³⁰ Therefore, the modern state is perpetually amoral entity based on materiality and positivism.³³¹

The increasing call for Islamic state must be seen "in a broader historical process, following on the pan-Islamic movement, the national movements, the restructuring of Muslim societies after independence, and the establishment of international Islamic organizations."³³² According to Fred H. Lawson, there are

³²⁸ Hallaq, 2009, p. 167.

³²⁹ Hallaq, 2009, p. 168.

³³⁰ Abu-Odeh, Lama. "Book Review of the Impossible State by Wael Hallaq." Review of *The Impossible State Islam, Politics, and Modernity's Moral Predicament*. Georgetown University Law Center, p. 1.

³³¹ Welton, Mark D. "The Impossible State: Islam, Politics, and Modernity's Moral Predicament by Wael B. Hallaq (review)." Review. *The Middle East Journal* 67, no. 3 (2013): 493.

³³² Waardenburg, Jean Jacques. *Islam: Historical, Social and Political Perspectives*. Berlin: W. De Gruyter, 2002, p. 358.

“three broad dynamics generated the states-system that took shape in the Middle East during the first half of the twentieth century: (1) the end of the imperial institutions of governance that had structured regional politics over the previous 600 years; (2) the rise of local nationalist movements in Cairo, Tunis, Baghdad, Damascus, and other major urban centers; and (3) the appearance of narrowly self-interested, territorially bounded, mutually antagonistic states.”³³³ Nation-State had tremendously reconfigured the entire contemporary course of Muslim governance, and below are discussions how its constituting elements (citizenry, territoriality, authority, and sovereignty) and counterpart constitutional cases are treated based on Islamic understandings.

4.2 Citizenry

Faith is the main criterion and basis for membership in the Islamic community headed by Prophet Muhammad in the 7th century, but according to Ayubi “it nevertheless subjected the believers to the authority of a certain political leadership.”³³⁴ It was through the preaching and leadership of the Prophet that Arabs formed a politico-religious group beyond kinship³³⁵, and after his demise they formally institutionalized their community by borrowing foreign political administrative styles and practices (e.g. Persian’s treasury and military) as they spread all over the region.

³³³ Lawson, Fred Haley. *Constructing International Relations in the Arab World*. Stanford, CA: Stanford University Press, 2006, p. 1.

³³⁴ Ayubi, Nazih. *Political Islam: Religion and Politics in the Arab World*. London: Routledge, 1991, p. 6.

³³⁵ According to Parolin, “The traditional Arab social structure was exclusively based on kin. The individual lived as a member of the kin group, and for it.”(See: Parolin, Gianluca Paolo. *Citizenship in the Arab World: Kin, Religion and Nation-state*. Amsterdam: Amsterdam University Press, 2009, p. 26)

In contrast with medieval European cities, Muslim cities³³⁶, particularly with the emergence of familial dynasties (e.g. Umayyads and Abbasids), are internally fissiparous, divided, and ruled by patrimony where there is the incapacity to build independent associations.³³⁷ Thus, citizenship rights procured from political junctures, contingencies and trajectories than in full submission to Islam.

However, Ahmet Davutoglu insisted that “the socio-political identification of *ummah* specifies a unique type of citizenship consisting of Muslims who decide to live together to perform their divine responsibility through the realization of a lifestyle originating from an axiological norm....”³³⁸ Because a Muslim is the one who submit or surrender him/herself to God and fully accepts the revealed messages as final and universal.³³⁹ And with the signing of the Medina charter a new ontologico-political membership was defined beyond tribal membership in Arab societies. So therefore, Muslim citizen is obligated to follow the authority or government that conforms to the principles and demands of Shari’ah.³⁴⁰

Ummah is concept that determines Muslims as a whole community. The contemporary concept of *ummah* is “a specific kind of social identity”³⁴¹ for

³³⁶ This is different with Qur’anic revelation stating that Muslim society must be a ‘median community’ that mediates extremes and then balances them. (See: Rahman, Fazlur. "The Principle of Shura and the Role of the Ummah in Islam." In *State Politics and Islam*, edited by Mumtaz Ahmad, 87-96. Indianapolis, IN: American Trust Publications, 1986, p. 88)

³³⁷ Isin, Engin F. "Citizenship after Orientalism: An Unfinished Project." *Citizenship Studies* 16, no. 5-6 (2012): 563-72. doi:10.1080/13621025.2012.698480.

³³⁸ Davutoglu, Ahmet. *Alternative Paradigms: The Impact of Islamic and Western Weltanschauungs on Political Theory*. Lanham: University Press of America, 1994, p. 186.

³³⁹ Yusuf, Imtiyaz. "Islamic Theology of Religious Pluralism: Qur'an's Attitude towards Other Religions." *Prajna Vihara* 11, no. 1 (2010): 125.

³⁴⁰ Asad, Muhammad. *The Principles of State and Government in Islam*. Kuala Lumpur: Islamic Book Trust, 1980, p. 75.

³⁴¹ Nieuwenhuijze, C. A. O. Van. "The Ummah: An Analytic Approach." *Studia Islamica* No. 10 (January 01, 1959): 20. Accessed April 16, 2015. <http://www.jstor.org/stable/10.2307/1595124?ref=no-x-route:39443eab1e37c29e4116edee422285bd>.

which by virtue of faith all Muslims are automatically part of it. Imam Zaid Shakir reflected a virtually universal and transnational ‘*cultural ummah*’ at the heights of Muslim rules. He argued that “as a religious community of shared rituals, a shared liturgical language, shared dietary conditions, a common general dress code and unique approaches to art and music, Muslims share a common culture.

This shared reality creates an ummah at the cultural level.”³⁴² He demonstrated that Ibn Battuta (b. 1304, d. 1377) travelled over 70,000 miles from Morocco to Indonesia and remained culturally integrated. He even became a judge in Maldives. However, this was in stark contrast with the experiences of Marco Polo³⁴³ (b. 1254, d. 1324) who was only an observer. However, this so-called ‘*cultural ummah*’ immediately decayed³⁴⁴ with the adaption of nation-state system by Muslim countries, although some rituals are still widely practiced including fasting, praying, standard halal food, etc.

In scrutinizing the word ‘*ummah*’, according to Kaka Khel, it is “derived from the word ‘amm’ (the root), which means ‘to aim at’ or ‘to intend to’. Hence, ordinarily, it means the people who ‘intend to’ follow a leader or a religion. Moreover, it is used in the sense of the desire ‘to belong to’ one place or

³⁴² Shakir, Imam Zaid. "Reflections on the Ummah/Nation-State Divide." *New Islamic Directions*. Accessed April 17, 2015. (p. 3). Continue to the URL link: http://www.newislamicdirections.com/nid/articles/reflections_on_the_ummah_nation_state_divide.

³⁴³ He travelled from Italy to China.

³⁴⁴ Muqtedar Khan envisioned that “while the world is still developing a global consciousness, Muslims have always had an intuitive conception of global citizenship through the idea of Ummah. Every Muslim belongs to the Ummah, regardless of her race or nationality. But today, Muslim identities are increasing in their multiplicity to the point of fragmentation.” (See: Khan, Muqtedar. "The Ummah: Real or Imaginary." *Turkey Agenda*. <http://www.turkeyagenda.com/the-ummah-real-or-imaginary-2060.html>.)

generation, and various kinds of birds.”³⁴⁵ The Qur’an used ‘ummah’ in various contexts, it may mean mother, nation³⁴⁶, group of people, community, humanity, exemplary human beings, duration of time, era, lifespan, method, pattern or specifically addressed to the followers of the Prophet. Ibn Khaldun (b. 1332, d. 1406) used *ummah* as a socio-historical concept and considered its phenomenon longer than dynasty or state (*dawlah*). He relates it with the term *watan* that “expresses a certain relationship between specific group and a specific territory.”³⁴⁷

Orientalist regarded ummah as synonymous with tribe, but Arab linguists insisted its religious connotation. According to al-Faruqi, “to claim that, at the time, the only concept of belonging available was the ‘tribe’ is simply gross historical inaccuracy”³⁴⁸ because there were strong prophetic traditions that are non-ethnic and non-tribal. In Al-Faruqi’s extensive study of *ummah*, she offered ten meanings:³⁴⁹

1. Ummah in the direct sense of ‘path’ or ‘custom’ is already used in the second Meccan period.
2. Ummah means the group that embodies a certain tradition or way or follows a certain law.
3. This conceptual ummah of all believers can be seen in the actual groups to which the primordial single ummah gave rise, and which can be further

³⁴⁵ Kaka Khel, Muhammad Nazeer. "The Rights of Non-Muslims in Islamic State." *Qurtaba*. p. 8. http://www.qurtuba.edu.pk/thedialogue/The%20Dialogue/1_2/5_Dr.%20M.%20Nazir.pdf

³⁴⁶ Robert Saunders concluded that “there is need to recognise ummah-based identity as more than just a profession of faith – it represents a new form of postnational, political identity which is as profound as any extant nationalism.” (See: Saunders, Robert A. "The Ummah as Nation: A Reappraisal in the Wake of the ‘Cartoons Affair’." *Nations and Nationalism* 14, no. 2 (2008): 303. doi:10.1111/j.1469-8129.2008.00322.x.)

³⁴⁷ Ayubi, 1991, p. 21.

³⁴⁸ Al-Faruqi, Maysam. "Umma: The Orientalists and the Qur'anic Concept of Equality." *Journal of Islamic Studies* 16, no. 1 (2005): pages 3 and 5. doi:10.1093/jis/eti001.

³⁴⁹ Al-Faruqi, 2005, pp. 28-32.

identified by the specific creeds into which the primordial message became differentiated.

4. An ummah is the religious law and tradition followed and embodied by a group, therefore by extension, the group itself.
5. The ummah may comprise many or a few adherents, even no more than one. An individual following God's law perfectly and in stark opposition to all people is an ummah on his own.
6. Ummah can mean a tiny group of people devoted to God.
7. Alternatively, ummah can refer to a large group of people.
8. Just as those who follow and embody the ummah are by extension identified as the ummah, the word can take on the connotation of the time or lifespan of the community.
9. Each ummah has an appointed term, which cannot be changed. The concept of 'time' is integral to that of ummah in the sense of its 'age' or 'life', which is always as long as 'one's existence', i.e. quite long.
10. The meaning of the ideal ummah, is the one that matters most to Muslim theology and identity. In that humankind was created for a single purpose, they are a single ummah.

Now, it is difficult to ascertain if there is a correlation of *ummah* as an identifying variable with the modern understanding of citizenship because of its ambiguity and ambivalent characterization. Mohammad Hashim Kamali argued that the discourse and topic of citizenship is very underdeveloped in the literatures of Islamic jurisprudence, thus Islamic scholars would just carelessly associate

citizenship with Muslim identity³⁵⁰ and being a legal member of the abode of Islam (*dar al-Islam*).³⁵¹

In fact, citizenship is not recognized in Shari'ah according to majority of Muslim commentators.³⁵² But some would attribute the Islamic equivalence of citizenship with the accord of the Medina Charter where parties to that document were given set of rights and duties. However, Kamali contested that the modern concept of citizenship has no direct Islamic equivalent because “of Islam’s rejection of all racial, ethnic and hereditary criteria of distinction, which constitute the foundations of nationalism.”³⁵³

He further stated that “the Prophet-cum-head of state himself did not insist on embracing Islam as a precondition of citizenship. The Medina Charter acknowledged and declared the Jews of Medina to be part of the ummah that the Prophet organized immediately after his migration to Medina. Moreover, there is nowhere a requirement in the sources of Shari'ah to say that a non-Muslim resident, the so-called *dhimmi*, must become a Muslim first before he or she can become a citizen of an Islamic state.”³⁵⁴ In addition, there was free mobility of transportation, residency or employment of all individuals residing in Muslim lands, whether they are Muslims or non-Muslims, in spite of competing

³⁵⁰ Hughes warned us not to subscribe to a particular Muslim identity and consider it as the most authoritative because there are several constructed traditions formed by various Muslim groups that are selectively based on their understanding. So he suggested that when using the term ‘Muslim identities’ it should be referred to “the various understandings of Islam that have existed and continue to exist throughout the course of Islamic history.” (Hughes, Aaron W. *Muslim Identities: An Introduction to Islam*. New York: Columbia University Press, 2013, p. 9.)

³⁵¹ Kamali, Mohammad Hashim. "Citizenship: An Islamic Perspective." *Journal of Islamic Law and Culture* 11, no. 2 (2009): 121. doi:10.1080/15288170903273060.

³⁵² Kamali, 2009, p. 122.

³⁵³ Kamali, 2009, p. 124.

³⁵⁴ Kamali, 2009, p. 125.

caliphates among the Abbasids (formerly Iraq, Syria, Egypt, etc.), the Fatimids (formerly Tunisia), and al-Andalus (formerly Spain).

Thus, the restrictions imposed by contemporary Muslim countries, Saudi Arabia or Malaysia, is an absolute violation of Shari'ah where, for example, the 'right to travel, work or reside' are fundamental moral and legal entitlements for all Muslims, but nowadays it became a privilege for certain nationals depending on their social status of a particular Muslim-dominated country. What we are witnessing now is an era of exclusivist membership to a certain nation-state (the only granting authority) that expresses itself in "local rhetoric and relies on ethnicity, culture,"³⁵⁵ nationalism, material wealth, language, particular lifestyles, values, and/or belief system so that an individual can be labeled as part of an entity in this present world order. This was in stark contrast with citizens during the Ottoman period. Isin argued that Ottoman citizenship refers to 'Ottomans were imperial subjects and Turks were republican citizens'³⁵⁶, and that legitimizing factor which led to citizenship law was the *Tanzimat* (reorganization) reforms promulgated between 1839 and 1876.

With regards to minorities, Islamic scholars refer them as *dhimmi*³⁵⁷ (or resident non-Muslim agreed to live and be ruled under a Muslim regime), which is enshrined to the term 'People of the Book' (*ahl al-kitab*) or usually composed of Jews, Christians, Zoroastrians, Mandaeans (Sabeans), and sometimes, according to other contemporary interpretations, it was also accorded to Buddhists and Hindus, depending on the historical records of Muslim encounters in Asia, as

³⁵⁵ Kamali, 2009, p. 151.

³⁵⁶ Isin, Engin F. "Citizenship after Orientalism: Ottoman Citizenship." Edited by Emin Fuat Keyman and Ahmet İçduygu. In *Citizenship in a Global World: European Questions and Turkish Experiences*, 31-51. London: Routledge, 2005.

³⁵⁷ Kaka Khel, pp. 110-117.

seen to have expanded its context to followers of certain ethical principles of higher authority.

They are granted freedom of religion (i.e. rituals, practices, places of worships are fully respected), fundamental rights to life, property, movement, sometimes exemption from military service, and in return they are obliged to contribute by paying a sort of poll tax (*jizya*), while for Muslims the alms (*zakat*) tax.³⁵⁸ With the adaptation of nation-state system by Muslim rulers, *jizya* was scrapped, but in present reality, minorities³⁵⁹ (religious or not) are treated more badly compared, for example, during the Ottoman period.³⁶⁰ Currently, blasphemy and apostasy laws are entrenched in most Muslim-dominated countries and places, e.g. Saudi Arabia, Afghanistan, Pakistan, Brunei, ISIS, etc.³⁶¹

In conclusion, the meaning of citizenship in modern state system was adapted by several Muslim societies during the decolonization period. At first it was faith or submission to the will of God as the main criterion to become part of the group (usually refers to *ummah*). As Muslim lands expanded they have adapted several political and cultural aspects of non-Arabs and non-Muslims but guided by Islam particularly of shari'ah. The establishment of the Medina Charter was an epic moment for the Muslim community because it showed that non-Muslims (especially the people of the book) may also become part or citizen of a political

³⁵⁸ Ayubi, 1991, p. 23.

³⁵⁹ For example of sporadic mistreatment of religious minorities are the Ahmadiyas in Pakistan, Baha'is in Iran and Tunisia, Berbers in Algeria, Jews and Christians in Sudan.

³⁶⁰ Monshipouri cited an example that "Muslim communities protected their minorities from persecution by others; they protected Jews from Christians and Eastern Orthodox Christians from Roman Catholics. In Spain under the Umayyads and in Baghdad under the Abbasid caliphs, Christians and Jews enjoyed a freedom of religion that they themselves rarely allowed each other or anyone else." (See: Monshipouri, Mahmood. "Islamic Law." *Encyclopedia of Law & Society: American and Global Perspectives*. SAGE Publications, 2007. http://www.sage-ereference.com/law/Article_n373.html.)

³⁶¹ Khan, Muqtedar. "Islamic State and Religious Minorities." *Ijtihad*. <http://www.ijtihad.org/2Fislamicstate.htm>.

regime under Muslim rule. However, this self-identification through the concept of ummah is quite ambiguous due to its several meanings and contexts of how it was used in the Qur'an. Thus, orientalist regarded ummah as synonym for a tribe, while Arab linguist insisted for a religious connotation.

Although, there is no direct counterpart of Muslim's citizenry with the modern notion of citizenship, it somehow transcends that with the Medina Charter which also subscribed to ruler-ruled relationship where the authority has the prerogative in delegating who is part of his regime. This was exemplified with the patrimonial and hereditary leadership of the early caliphates and of Ottoman Empire. Thus the next essay will talk about authority.

4.3 Authority

The conception and notion of authority in Islam is one of the most difficult to discern and contemplate especially within the context of ambiguous political authority. As it has been debated over the course of Muslim civilizations that it is the reason political and theological division emerged (Sunni vs. Shi'a), particularly after the death of the Prophet. The Prophet's multiple roles as religious founder, political leader, head of state and spiritual guide comprised key understanding of the concept of political authority.³⁶² His political and diplomatic abilities in concluding treaties, e.g. the Medina charter³⁶³ and Hudaibiyya treaty³⁶⁴, are worth emulating.

³⁶² Khan, Muqtedar. "Political Authority in Islam." In *Handbook on Islam and Economic Life*, edited by M. Kabir Hassan and Mervyn K. Lewis, 520-40. London: Edward Elgar, 2014, p. 521.

³⁶³ This will be thoroughly discussed in the subsequent section pertaining to the constitution.

³⁶⁴ According to Piscatori "Hudaibiyya treaty, which brought a truce in 628 between the believers in Medina and the polytheists of Mecca when the former needed more time to gain strength against the latter; and he sent envoys to the Byzantine, Egyptian, Persian, and Ethiopian rulers (although these had the definite purpose in mind of inducing their conversion to Islam)." (Piscatori, James P. *Islam in a World of Nation-states*. Cambridge: Cambridge University Press, 1986, p. 49.)

Fazlur Rahman argued that leadership in Islam stems from the Quranic revelation (3:104) that recites: “Let there be of you a community who calls (people) to virtue, commands good and prohibits evil, these shall be the successful ones.”³⁶⁵ Some would argue that “authority belongs to ummah³⁶⁶”,³⁶⁷ while others contest that authority is only possessed by God. Iqbal asserted that authority lies with God alone and that laws in Islam have already been legislated through the revealed Qur’an and the Sunnah of the Prophet.³⁶⁸ Thus, the leader of the community or head of state has no legislative power, and if there is a need to alter or modify some laws he must create first advisers (but their opinions are not binding) and secondly, altered laws must be subordinated to Qur’an and the Sunnah.³⁶⁹ In principle and theoretically speaking, supreme authority lies only with God and not with the ruler of the state.

However, Hallaq insisted that “Islamic law³⁷⁰ derives its authority not just because it is believed to be the law of God, for hermeneutically God did not

³⁶⁵ Rahman, Fazlur. "The Principle of Shura and the Role of the Ummah in Islam." In *State Politics and Islam*, edited by Mumtaz Ahmad, 87-96. Indianapolis, IN: American Trust Publications, 1986, p. 88.

³⁶⁶ According to Al-Barghouti, “ummah has no racial or territorial connotations. It comes from the root word *Amm* which, as a verb, means to head for, to quest, to lead, to guide, or to mean and to intend. As a noun it means destination, purpose, pursuit, aim, goal and end.” (Al-Barghouti, Tamim. *The Umma and the Dawla: The Nation State and the Arab Middle East*. London: Pluto Press, 2008, p. 37)

³⁶⁷ Newell, Abdul-Kareem. *Accountability in the Khilafah*. London: Khilafah Publications, 2007, p. 7.

³⁶⁸ Iqbal, Justice Javid. "The Concept of State in Islam." In *State Politics and Islam*, edited by Mumtaz Ahmad, Indianapolis, IN: American Trust Publications, 1986, p. 37.

³⁶⁹ Ibid, p. 38.

³⁷⁰ In Volpi and Turner’s article (p. 6), they argued that Islam has a centrality of consensus over legal norms which are considered as a ‘social order’ of relations between God and men, and within Muslim communities. In addition, there was no difference among secular, rituals and sacred laws because both religion and law may refer to individual’s customs and mores. (Volpi, F., and B. S. Turner. "Introduction: Making Islamic Authority Matter." *Theory, Culture & Society* 24, no. 2 (2007): 1-19.)

reveal a law but only textual signs or textual indications that were to remain empty of legal significance had they been left unexplored.”³⁷¹ Thus, the agents of interpreting the texts and making it into laws are sole responsibilities of the jurists. They are responsible in the interpretative construction, methodology, and codification of the Qur’an and the Sunnah into Islamic Law.³⁷² But the legislature activities of jurists are limited into three conditions: “1) to enforce laws in accordance with the Qur’an and Sunnah (these are the primary Islamic sources); 2) to bring all existing laws in conformity with the Qur’an and Sunnah; and 3) to make laws as subordinate legislation which do not violate the primary Islamic sources.”³⁷³ Crone added that early Muslim government was all about the lawfully maintenance of a moral order.³⁷⁴

Jurists’ discursive construction of the texts requires constant interpretation and commentary, and in “which their schools of law were not only elaborated but also expanded and modified to meet the exigencies of changing times.”³⁷⁵ The identity and authority of their schools of jurisprudence were preserved and maintained because of their commentary jobs, interpretations of Islamic sources, and providers of fiat (or fatwas) that served as forms of dialogue between the past, present and future generations of scholars in expounding the Qur’an and hadith. However, their roles and duties were challenged with the emergence of lay

³⁷¹ Hallaq, Wael B. "Juristic Authority vs. State Power: The Legal Crises of Modern Islam." *Journal of Law and Religion* 19, no. 2 (2003): 244-245. Accessed April 16, 2015. <http://www.jstor.org/stable/10.2307/3649176?ref=no-x-route:5dd3da126f2d75b7c9d5ea96c3986b4b>.

³⁷² See: Hallaq, Wael B. *Authority, Continuity, and Change in Islamic Law*. Cambridge, UK: Cambridge University Press, 2001.

³⁷³ Iqbal, pp. 49-50.

³⁷⁴ Crone, Patricia. *God's Rule: Government and Islam*. New York: Columbia University Press, 2004, pp. 286-287.

³⁷⁵ Zaman, Muhammad Qasim. *The Ulama in Contemporary Islam: Custodians of Change*. Princeton, NJ: Princeton University Press, 2002, p. 38.

interpretations of non-jurists that fragmented their authority.³⁷⁶ Particularly, in today's world of globalized internet age any individuals with proper higher education have the audacity to solely interpret Islamic sources even without looking back to classical texts produced by scholars in the medieval times.

In another perspective, Arjomand opined that obedience is an important component of authority as evidently stated in the Qur'an 4:59, i.e. "O believers, obey God, and obey the Messenger and those in authority among you..."³⁷⁷ And that 'those authorities among you' are entitled to issue commands since Sunni Islam considers a caliph as the heir to the Prophet and the succeeding authorities and subjects are obligated to obey the caliph. With the collection of hadiths (sayings) of the Prophet, it "facilitated a great expansion in the scope and detail of the rules derived from God's law"³⁷⁸ in relation with the duties and responsibilities of the ruler. One may argue that there are two bases of authority revealed in the Qur'an and these are the *din* (religion) and the *mulk* (temporal rule).³⁷⁹ The latter was tainted with another Quranic term, *sultan*, representing as the sole legitimate political authority during the age of empires in Muslim civilization.

To Al-Barghouti the political expression of authority is manifested through the creation of the *dawlah*, a political concept referring to any authoritative political arrangement and it does not necessarily associate with supreme power or sovereignty. All throughout Islamic civilization, dawlah evolved into a

³⁷⁶ Robinson, Francis. "Crisis of Authority: Crisis of Islam?" *Journal of the Royal Asiatic Society* 19, no. 03 (2009): 345-348.

³⁷⁷ Arjomand, Said Amir. "Introduction: Shi'ism, Authority, and Political Culture." In *Authority and Political Culture in Shi'ism*, edited by Arjomand, 1-24. Albany: State University of New York Press, 1988, p. 1.

³⁷⁸ Hefner, Robert W. *Shari'a Politics: Islamic Law and Society in the Modern World*. Bloomington: Indiana University Press, 2011, p. 13-14.

³⁷⁹ Arjomand, p. 1-2.

caliphate³⁸⁰. Sunni scholars elaborated the significance of elective nature of the leader (imam)³⁸¹ restricted only of having executive power, but Shi'a scholars emphasized the infallible³⁸² nature of the imam having inclusive powers of the government (executive, legislative and judicial roles).³⁸³ During the peak of the Abbasid dynasty, the leader (caliph) possesses both religious³⁸⁴ and secular (political) jurisdictions of authority, i.e. a combination³⁸⁵ of imam and sultan. However, there is a balanced (equilibrium)³⁸⁶ of designation of powers and these are distributed among the “the caliph as guardian of the community and the faith, the ulama or religious scholars involved in the function of rendering religio-legal advice, and the judges who settle disputes according to religious laws.”³⁸⁷ In

³⁸⁰ It is the domain ruled by a caliph. According to Mubasher Ahmad (p. 2) “the Holy Quran specifically uses the term *khulafa* indicating a special favor of Allah to the people not only by granting them worldly power, but more specifically as a spiritual reward for their righteousness.” (Ahmad, Mubasher. "Khilafat and Caliphate." *Al Islam: The Ahmadiyya Muslim Community*: 1-13. <https://www.alislam.org/topics/khilafat/khilafat-and-caliphate.pdf>.) Please see also: Khan, Zamir Akhtar. "A Critical Analysis of Khilafat-e-Rashidah in the Modern Perspectives." *The Dialogue* IV, no. 4 (December 2009): 447-73.

³⁸¹ According to Al-Barghouti (2008, p. 38) “etymologically as well as theoretically and historically, the imam means a book, a guide, one that is followed by a group of peoples: ‘and the Quran is the Imam of the Muslims.’”

³⁸² The shi'ite theory of imamate is that the 12th imam is under occultation (or hidden) and believed that one day a true descendant and heir of Prophet Muhammad will appear and provide justice and peace in the world. Thus, shi'a peoples do not recognize the legitimacy of the caliphate system because Sunnis regard the caliph as heir of the Prophet. See Arjomand's (1988) article on page 3.

³⁸³ Rahman, p. 92.

³⁸⁴ To Krämer and Schmidtke (p. 3), religious authority derives from the Qur'an and the Sunnah of the Prophet, and that scholars are treated as sources and mediators of religious knowledge and important than caliphs, sultans and other rulers in the pre-modern world. (Krämer, Gudrun, and Sabine Schmidtke. *Speaking for Islam: Religious Authorities in Muslim Societies*. Leiden: Brill, 2006.)

³⁸⁵ Zubaida (p. 118) claimed that in early 19th century “the idea emerges of authority residing in impersonal institutions of state are neither sultan nor God.” (Zubaida, Sami. *Law and Power in the Islamic World*. London: I.B. Tauris, 2003.)

³⁸⁶ See: Ayubi, Nazih N., Nader Hashemi, and Emran Qureshi. "Islamic State." *The Oxford Encyclopedia of the Islamic World*. 2009. Accessed April 22, 2015. <http://www.oxfordislamicstudies.com/article/opr/t236/e0394>.

³⁸⁷ Ayubi, Nazih. *Political Islam: Religion and Politics in the Arab World*. London: Routledge, 1991, p. 23.

addition, the influence of religion in all aspects of life in the society thus confirmed the social role of ulama.”³⁸⁸

Before the advent of family dynasties or hereditary political power in Muslim polities, the sunni tradition of selecting a leader is usually done through rigorous mutual consultations (shura) from selected stakeholders (mostly ‘senior’ scholars) of the community. And then a binding consensual (ijma) decision is made where the chosen or elected leader will take an oath of allegiance while the ruled will perform a pledge of obeisance through the process of bay’ah (or a social contract between them). Some scholars argued that the process of *shura* may be binding³⁸⁹ or not³⁹⁰ depending on his/her take of the concerned Quranic interpretations and hadiths. It is important to take note that the selection or election is done through the judgment of the jurists, scholars and ulama on the basis that the chosen one is competent and expected to rule according to Shari’ah.³⁹¹

The juridical authority of the leader, especially the caliph, serves as a political symbol in unifying the ummah, but as the Muslim polity evolves the basis for ideological unity is no longer attainable.³⁹² As the Abbasids declined in 12th century, the role of the caliph bifurcated³⁹³ into separated realms of the sacred

³⁸⁸ Akbarzadeh, Shahram, and Abdullah Saeed. *Islam and Political Legitimacy*. London: Routledge, 2003, p. 21.

³⁸⁹ In support of binding shura, read Rahman, 1986, p. 91. He argued for the essence of mutuality between the adviser and advisee for they are mutually on an equal footing.

³⁹⁰ In support of non-binding shura, read Iqbal, 1986, p. 39. He argued that shura are only recommendations and are not obligatory.

³⁹¹ Ahsan, Syed Aziz-al. "Islamization of the State in a Dualistic Culture: The Case of Bangladesh." 1990. MS, PhD Thesis, McGill University, p. 32.

³⁹² Ayubi, Nazih N. et al. "Islamic State." *The Oxford Encyclopedia of the Islamic World*. 2009.

³⁹³ Eickelman, Dale F., and James P. Piscatori. *Muslim Politics*. Princeton, NJ: Princeton University Press, 1996, pp. 46-47. Arjomand said in page 2 that “with the bifurcation of supreme political leadership that resulted from the Buyid conquest of Baghdad in the mid-tenth/fourth

and secular. In addition, the prominent source of legitimate authority became a security issue which refers to the lesser ‘jihad’ or defending Muslim territories from Crusaders, Mongols and other foreign invaders. It also included Shi’ite peoples’ non-recognition of a caliph as heir of the Prophet and their belief on occultation³⁹⁴ symbiotically coexisted with the Persian-styled kingship and sultanate systems as temporal rule.³⁹⁵ And until the present times, Khomeini’s *vilayat-i Faqih*³⁹⁶ is the central body of contemporary Shi’a political thought³⁹⁷, which is controlled by a guardianship-based political system while recognizing the absence of an infallible 12th Imam.³⁹⁸

In the modern period and after the demise of the Ottoman Caliphate in 1924, political authority had broken into three types: monarchical, dictatorial, and semi-democratic.³⁹⁹ The power of the ulama weakened with the adaptation of the modern nation-state system. It divided into two categories: the official ulama and the non-official (independent) ulama.⁴⁰⁰ The official⁴⁰¹ ulama are part of the state

century, and with the subsequent rise of Sultanate, the Caliph remained the heir to the Prophet while the actual power of command passed to the *amir al-umara'* (commander of the commanders).”

³⁹⁴ See further details at Belkeziz, Abdelilah. *The State in Contemporary Islamic Thought: A Historical Survey of the Major Muslim Political Thinkers of the Modern Era*. London: I.B. Tauris, 2009, pp. 50-52.

³⁹⁵ Arjomand, p. 4.

³⁹⁶ It simply means a rule or guardianship of tourists.

³⁹⁷ In page 3, Arjomand (1988) added that there are “two most important distinctive features of the Shi’ite notion of authority, which formed the basis of the later theories of the juristic authority of the ‘*ulama*’, were (1) its derivation from Imamate as the immediate extension of Prophecy and (2) its partial derivation from ‘*ilm* (knowledge).”

³⁹⁸ Vaezi, Ahmad. *Shia Political Thought*. London: Islamic Centre of England, 2004, p. 53.

³⁹⁹ In Khan, 2014, p. 520.

⁴⁰⁰ Akbarzadeh and Saeed, 2003, p. 14.

⁴⁰¹ An example of official ulama is the *Dar al-Ifta* (‘Fatwa Centre’) of Egypt established in 1895. For further explanations, see Zaman, Muhammad Qasim. "The Ulama and Contestations on Religious Authority." In *Islam and Modernity: Key Issues and Debates*, edited by Muhammad

bureaucracy, while the second one is (financially and politically) independent of state control. Although non-official ulama are relatively small in numbers, and even sometimes the state manages to penetrate their leadership. The nation-state had taken almost all the powers of ulama and curtailed their influence from the people.

The only role left for the ulama is administering local family laws and yet it is still under the civil law and supremacy of the state's constitution. Even trainings, tools (e.g. manual and technical books), salaries, and proficiency degree programs to become member of the ulama were directly supervised by the state.⁴⁰² In addition, permit to build and manage mosques were also taken over by the state.

Crisis in the authority of ulama may also be attributed and caused by them as well. There are increasing numbers of ulama preferring to study Islam in Oxford, Cambridge, etcetera, rather than in their own *madrasa* or universities, thus most of them reject past scholarship of their own traditions. They also halted person-to-person (oral) transmission of knowledge by printing and translating Islamic sources from Arabic to various vernacular languages.⁴⁰³ Consequently, according to Robinson "they themselves began to destroy the 'closed shop' which gave them the monopoly over transmission and interpretation of knowledge."⁴⁰⁴

Scholars discussed what form(s) of political authority or government appropriate for the Muslim world in the post-colonial age. Rashid Rida (b. 1865, d. 1935)

Khalid Masud, Armando Salvatore, and Martin Van. Bruinessen, 206-36. Edinburgh: Edinburgh University Press, 2009, pp. 226-229.

⁴⁰² Akbarzadeh and Saeed, p. 23.

⁴⁰³ Yusuf al-Qaradawi uses satellite TVs and internet in disseminating his commentaries and understandings of Islamic sources. See Zaman, 2009, pp. 221-222.

⁴⁰⁴ Robinson, Francis. "Crisis of Authority: Crisis of Islam?" *Journal of the Royal Asiatic Society* 19, no. 03 (2009): 345-348.

argued for the necessity of caliphate that will cater for a balanced worldly and religious interest of the Muslim world.⁴⁰⁵ He likened the caliph with the Catholic's papacy as model for emulation. This was refuted by Shaykh 'Ali 'Abd al-Raziq (b. 1888, d. 1966) contesting that Islam did not prescribe a system of government, and that no mention in the Qur'an regarding a preferred political system for the ummah.⁴⁰⁶

Even the Prophet did not elaborate any particular polity or instructed ways and criteria in choosing a leader. All his political or diplomatic actions were means to propagate Islam. For al-Raziq, caliphate is a product of a historical moment catering to political needs, and that Shari'ah could also be changed because it was also influenced by specific historical circumstances. Abdullahi Ahmed An-Na'im (b. 1946) argued that Shari'ah principles cannot be imposed by the state.⁴⁰⁷ He is in favor of a secular society where different groups of peoples or communities equally share the same political space.

Overall, authority ultimately enshrined to the personhood of the prophet who is the spiritual leader, executor, legislator and judicial interpreter of God's message. Since in reality the prophet is no longer existing, then leadership is bestowed to the subsequent followers, and sometimes the ummah may possessed leadership status through a social contract between the ruler and the ruled. Although scholars emphasized that these subsequent authorities have no legislative power because the Qur'an and the Sunnah (the primal sources) had completely been legislated. Thus, theoretically speaking supreme authority only lies with God alone. If there are instances that some issues are not directly addressed by the

⁴⁰⁵ Black, Antony. *The History of Islamic Political Thought: From the Prophet to the Present*. New York: Routledge, 2001, p. 325-326.

⁴⁰⁶ Ibid, p. 330.

⁴⁰⁷ Ibid, p. 336.

primal sources, then the jurists are given the authority to interpret, comment and apply the sources to their particular times.

These new set of legislations must be subordinated by the primal sources. So technically speaking, the ‘Qur’an and the Sunnah’ through the operations of the *shari’ah* hold authoritative powers that legitimized any forms of leadership and types of political arrangements. There are contested methods in selecting a leader between sunni and shi’a, but these methods (election/consultation or occultation) are still guided by the primal sources. However, with the adaptation of the nation-state system by Muslim societies almost all contours of political leadership especially by the ulama (jurists) weakened, controlled or suppressed. The manifestation of operationalizing authority needs political space, domain or place. And, in which it is attainable via the notion of territoriality.

4.4 Territoriality

The implicit Qur’anic idea of territoriality supports the notion of plurality of authorities and diversity of humanity.⁴⁰⁸ It calls out for nations and tribes to know each other. And simply magnifies that there is synergy and unity in diversity.

“O human beings! Behold, we have created you all out of a male and a female, and have made you into nations and tribes, so that you might come to know one another. Verily, the noblest of you in the sight of God is the one who is most deeply conscious of Him. Behold, God is all-knowing, all-aware.” (Qur’an 49:13)⁴⁰⁹

⁴⁰⁸ In Zachary Karabatak’s 2014 thesis entitled "The Essential Contestedness of Territorial Sovereignty in Islam" of page 22.

⁴⁰⁹ In Imtiyaz Yusuf’s "Islamic Theology of Religious Pluralism: Quran's Attitude towards Other Religions" of page 135 published in 2010.

The *ummah*, a transcendental juristic locality of the faith (i.e. Islamic community as unanimously understood in 19th century)⁴¹⁰, has various synonyms, interpretations, and understandings from Muslim scholars depending on the context of its usage in the Qur'an. It may mean Muhammad's closest followers, encompassing all living creatures, a mother (in Arabic), a community (in Sumerian, Aramaic, or Hebrew), or unified Muslim world (in modern discourse).⁴¹¹ In some respects, al-Farabi referred it to gatherings of tribes or clans or to the structure of a city. He also considered Indians, Abyssinians, Persians, Egyptians, and Syrians as another *ummah* and differentiated it with the term *milla* (which may mean a way, path or cult under a divine ruler with set of views and deeds) because *ummah* rules the entire life of a certain community, including having physical character, natural traits, and common tongue.⁴¹²

The first historical record of an established *ummah* was when Prophet Muhammad⁴¹³ became the leader of different communities composed of Muslims, Jews, Pagans, and Christians in Medina cemented by an agreed treaty or charter stipulating articles of collective security. According to Mandaville, "this 'treaty' provided an overarching sense of authority for the anarchic settlement. Because it demanded complete loyalty from all factions it also effectively prevented the formation of unstable alliances between clans."⁴¹⁴

⁴¹⁰ According to Matthew Derrick's article on "Containing the Umma?: Islam and the Territorial Question," the term *ummah* "entered modern political discourse only in the latter part of the 19th century in the context of two interrelated phenomena: European colonization of territories in which the majority of the world's Muslims lived and the decline of the Ottoman Empire."

⁴¹¹ In page 58 of Peter G. Mandaville's 1998 thesis entitled "Reimagining the Umma: Translocal Space and the Changing Boundaries of Muslim Political Community."

⁴¹² Nazih Ayubi's *Political Islam: Religion and Politics in the Arab World*. London: Routledge, 1991, p. 19.

⁴¹³ During those times, Muhammad is considered the all-encompassing executive-judicial-legislative leader of his community. Executive, in terms of his prophethood status; legislator, in terms of receiver of God's message; and judicial, in terms of his authoritative interpretation of norms and mores of the Arab peoples.

⁴¹⁴ Ibid, same page. It appears that what Muhammad envisioned comprises all three elements of religion, kinship, and territory.

The capability of Muhammad to demand commitment from all warring factions of Medinan society made him an able efficient political authority. This is because of the fact that his previous successes of wars against the settlers of Mecca gave him the pedestal in which neighboring nomadic tribes relied and pledge allegiance to his skillful leadership. Thus, the *ummah* of Medina may be described as conglomerate of numerous communities⁴¹⁵ – be they tribal, confessional, or confederates in nature. The contemporary *ummah* is represented as an imagined politico-religious community patterned and based from the paradigmatic experience of Muhammad’s Medinan society.⁴¹⁶ This type of *ummah* is envisioned by Islamists (Muslim state’s political parties) and Jihadists (transnational terrorist organizations such as al-Qaeda and ISIS) with the aspiration of recreating and reviving it in today’s world to counter the hegemony of nation-state system.

However, most Islamists have adopted the current political configuration of their states. Within the *ummah*, there is a kind of polity mentioned in the Qur’an called ‘*dawlah*’ (usually represent the state or country in modern sense). According to Ayubi et al, the original meaning of *dawlah* used in the Medieval age connotes ‘to turn, rotate, or alternate’.⁴¹⁷ It was even used to describe fortunes, vicissitudes, or dynasty during the Abbasid period. It was only then that it becomes territorial rather than communal because of the study done by al-Ṭahtawi, which he

⁴¹⁵ The community is characterized of a formation of alliances and kinship that is overtly religious confined within the proximities of Muslim faith.

⁴¹⁶ Yosef Jabareen’s "The Emerging Islamic State: Terror, Territoriality, and the Agenda of Social Transformation." *Geoforum* 61 (May 2015): 53. Jabareen lamented that “this resurrected ‘imagined ummah’ fills many Muslims around the world with nostalgia for the majestic past of the Islamic empire in general and the first Caliphate in particular, which is perceived as having been the purest and most just caliphate of all due to its temporal proximity to the period of the prophet himself.”

⁴¹⁷ Ayubi, Nazih N., Nader Hashemi, and Emran Qureshi. "Islamic State." *The Oxford Encyclopedia of the Islamic World*. (2009)

presented the idea of *watan* or fatherland. And the first time the word *dawlah* appeared to be mean as a ‘state’ was in the Turkish memorandum of 1837.⁴¹⁸

Territory, in Islamic legal term, means ‘*dar*’, it is etymologically means ‘house’⁴¹⁹ and synonymous to *mawdhi* (place), *balad* (land), or *watan* (home or place of residence).⁴²⁰ The concept evolved through its interrelatedness with political and legal dominance of the ruler over its land jurisdiction. *Dar*⁴²¹ was structured as a legal framework in order to identify Muslim political order with the rest of the world. In Qur’anic terms, it uses to describe place of residence, final abode, or simply a house. Moreover, it is a specific territory where the ruling regime and its subjects are Muslims. It can be attained if any of the four cases was upheld: “(1) the residents of a territory converted to becoming Muslims; (2) the territory is captured by force but the government allows the Muslims to practice and enforce their Islamic rulings; (3) the non-Muslim residents accept Islamic law under the Muslim protection; and (4) if the territory is conquered through a peaceful agreement where Muslims are allowed to settle and implement land tax.”⁴²²

In classical Sunni jurisprudence, the *dar* is basically classified into two divisions: *dar al-Islam* (the abode of Islam or peace) and *dar al-Harb* (the abode of war or enemy). These are not Qur’anic terminologies but jurists’ interpretations that emerged in the middle of 8th century (the second century in the history of Islamic

⁴¹⁸ Ibid. *Dawlah* also means ‘ups and downs’ (e.g., ‘*dalat dawlatuhu*’; his days have passed) in the Medieval period.

⁴¹⁹ Bouzenita, Anke. "The Principles of Territoriality and Personality in Islamic Law: Is There a Locus Regit Actum in Shari’ah?" *International Journal of the Humanities* 9, no. 7 (2012): 192.

⁴²⁰ Bsoul, Labeeb Ahmed. "Theory of International Relations in Islam." *Digest of Middle East Studies* 16, no. 2 (2007): 74.

⁴²¹ Ayoub, Samy. "Territorial Jurisprudence, Ikhtilaf Al-darayn: Political Boundaries & Legal Jurisdiction." *Contemporary Islamic Studies*, 2012. He defined ‘*dar*’ as “a territory or jurisdiction in which a political structure and an enforceable legal system are indispensable to the very existence and functioning of this entity.” (p. 2)

⁴²² Ibid, p. 84.

civilization). Ayoub argued that it was the *sunnah* (traditions of the Prophet including its *hadiths* or sayings), and not the Qur'an, that has played an essential role in developing these two divisions. He further stated that "in their efforts to synthesize this theory, most jurists projected their legal reasoning upon two major events in Muslim history.

First, they relied upon the event of the migration (*hijra*) from Mecca to Medina in 622 CE. Second, many of their legal determinations were inspired by the conquest of Mecca in 630 CE."⁴²³ These theoretical divisions became so resounding that most of the Sunni jurists have accepted it uncritically especially during the 1255 Mongolian invasion (even after the last crusaders in 1187 were defeated) of most of the entire Muslim lands. Thus, scholars such as Ibn Taymiyyah (b. 1263, d.1328) have adopted it in his works, which are very much cited by both contemporary Islamists and Jihadists alike.

*Dar al-Islam*⁴²⁴ is a legal construct that has territorial dimension where Islamic law prevails and into some extent, a political expression of the *ummah*. In short, it is a politico-territorial⁴²⁵ manifestation of Muslim community. This concept has its pre-Islamic roots, notably, nomadism (non-sedentary) and urbanism (non-rural). This is embodied in Mecca as a religious sanctuary and Medina as the first Islamic state that functioned as the center of trade and commerce at that time. Moreover, it is based on a concept of individual allegiance to the universal

⁴²³ Ibid, p. 13.

⁴²⁴ Samy Ayoub contends that "the essential feature of dar al-Islam is the security (*aman*) for its residents. It appears that there are two trajectories regarding the defining factors for *dar*. The first being that Malikis, Shafi'i, and Hanbalis argue that *dar* is mainly characterized by the legal dominance over this jurisdiction. The second that Hanafis stress that security (*aman*) is the major deciding factor in this situation."

⁴²⁵ Parvin, Manoucher, and Maurie Sommer. "Dar Al-Islam: The Evolution of Muslim Territoriality and Its Implications for Conflict Resolution in the Middle East." *International Journal of Middle East Studies* 11, no. 01 (1980): 5. It is a term coined by the authors to describe *dar al-Islam*.

Islamic message.⁴²⁶ Most of the jurists believed that even if majority of the people are non-Muslims or disbelievers, but the dominant laws promulgated and followed is *Shari'ah* (Islamic legislation or law), then, it is still the abode of Islam.

Dar al-Harb is also a legal construct that has territorial dimension too, but it is politically or economically subjugated by a non-Muslim power. And according to Iqbal, "Muslims would be left with only two alternatives: either to conduct jihad (struggle) in order to regain their independent status, or to migrate to some Muslim country."⁴²⁷ It is quite important to understand deeply this division because some jurists, especially the Hanafis, contend that even if the majority is Muslims but their laws and security are governed by *kufir* (disbelief or infidels), then, it is still the abode of the enemy of Islam.⁴²⁸

Shafi'i invented a third division⁴²⁹, the *dar al-Sulh*⁴³⁰ (territory of friendly non-Muslim nations) or *dar al-Ahd* (land of temporary⁴³¹ truce), whereby Muslim territory has diplomatic relations in non-Muslim territory in order to protect the lives and properties of both Muslim and non-Muslim minorities in both areas in exchange of paying (or receiving) tribute. It signifies that Muslim minorities are free to practice their religion but they are ruled (not protected) by a non-Muslim leader. However, some jurists think that even if there is a concluded armistice

⁴²⁶ Andrea, Mounecif Radouan. "The Territoriality of the Islamic State." Université Paris, Département De Relations Euro-méditerranéennes, Monde Maghrébin.

⁴²⁷ Iqbal, Justice Javid. "The Concept of State in Islam." In *State Politics and Islam*, edited by Mumtaz Ahmad, 37-50. Indianapolis, IN: American Trust Publications, 1986, p. 37.

⁴²⁸ Ayoub, Samy. "Territorial Jurisprudence, Ikhtilaf Al-darayn: Political Boundaries & Legal Jurisdiction." *Contemporary Islamic Studies*, no. 2012

⁴²⁹ *Ibid*, p. 4.

⁴³⁰ Bouzenita, Anke. "The Principles of Territoriality and Personality in Islamic Law: Is There a Locus Regit Actum in Shari'ah?" *International Journal of the Humanities* 9, no. 7 (2012): 193.

⁴³¹ Temporary is a sense that is dependent on the material benefits on both sides.

between the rulers this division is still part of *dar al-Harb*. Bouzenita contemplated that this division, is not entirely an independent territorial one because it relied on the conditions of the contract at hand.⁴³²

Out of all the Sunni schools of jurisprudence (*fiqh*), the Hanafis had focus on the study of territoriality where they developed a legal concept called *ikhtilaf al-darayn*⁴³³ (translated in English as ‘territoriality’ as well). The founder, Abu Hanifa, emphasized that the core factors in declaring a place as abodes of Islam or war/enemy are security (*aman*), fear, and absence of protection (*isma*). They viewed Muslims and non-Muslims as “two independent legal characters, each having its legal status,”⁴³⁴ and where religion is not a determinate factor in their legal structure of territoriality. According to Ayoub⁴³⁵, there are three main factors in Hanafi’s concept of territoriality: “(1) residency; (2) legal status of the individuals (*musta'min*⁴³⁶, *harbi*⁴³⁷, *dhimmi*⁴³⁸ or Muslim); (3) the existence of *al-man`a* (secured jurisdiction).”⁴³⁹

The applicability of their territorial concept rests in two conditions: “(1) the disparity of the legal and physical proximity of two jurisdictions; and (2) the

⁴³² Bouzenita, p. 193.

⁴³³ Ayoub, Samy. "Territorial Jurisprudence, Ikhtilaf Al-darayn: Political Boundaries & Legal Jurisdiction." Contemporary Islamic Studies, no. 2012

⁴³⁴ Ibid, p. 5.

⁴³⁵ Ibid, p. 2.

⁴³⁶ Non-Muslim foreigner that enters Muslim lands within a certain period of time and is legally protected by the Muslim authority. This would include merchants, messengers, and students and other groups that could be given pledge of security.

⁴³⁷ Non-Muslim who does not live under the condition of the *dhimmi* status.

⁴³⁸ Non-Muslim citizens under a Muslim regime and protected by Islamic law.

⁴³⁹ Ayoub’s article of page 5.

absence of inviolability or protection for people's life or property.”⁴⁴⁰ However, despite Hanafi’s insistence on the personal legal status of peoples within the divisions of *dar*, Abou El Fadl argued that “all Muslims belong to a single community (*umma wahida*) regardless of their residence.”⁴⁴¹ In turn, he claimed that Hanafis were preoccupied with territorial and jurisdictional intricacies rather than engage in moral obligations from legal consequences.

It is important to note that Islamic territoriality is a result of historical evolution of Muslim governance and legal conceptualizations of jurists, i.e., from Medinan society, caliphate, empires to the adoption of post-colonial polity (nation-state). In 9th century, al-Muqadassi distinguished cultural regions between Arabs and Persians.⁴⁴² The *Hudud⁴⁴³ al-Alam* (Regions of the World, 983 CE) contained 51 nations divided by provinces and towns. But one of the perennial social elements that bind nations, in Ibn Khaldun⁴⁴⁴ argumentation, is *asabiyyah* (usually translated as solidarity). Through solidarity, people tend to acquire land properties in order to maintain political and economic securities. By the 16th century, competition in amassing amount of lands became fiercer because of the dominance of strong empires such as the Mughals (South Asia), the Safavids (Persia), and the Ottomans (presently Turkey).⁴⁴⁵

However, with the arrival of the European colonialist and imposition of the idea of permanent territorial borders, *dar al-Islam* gradually rescinded. The idea that

⁴⁴⁰ Same page no. 5.

⁴⁴¹ Ibid, p. 3.

⁴⁴² Parvin, Manoucher, and Maurie Sommer. "Dar Al-Islam: The Evolution of Muslim Territoriality and Its Implications for Conflict Resolution in the Middle East." *International Journal of Middle East Studies* 11, no. 01 (1980): 11.

⁴⁴³ It means frontier.

⁴⁴⁴ Ibid, p. 13.

⁴⁴⁵ Ibid, p. 14.

the abode of Islam based on the history of Muslim civilization has been characterized by its expansionist and occupancy tendencies, in contrast with European colonial polity. Considering that in 19th century the threat of widespread European interventions into Muslim lands, Jamal al-Din al-Afghani proposed to the then caliphal ruler, Sultan Abdulhamid, a return to the pristine message of unity in a single Muslim *ummah* in order to restore universal solidarity.⁴⁴⁶ According to Derrick, al-Afghani's conceptualization of *ummah* is an emulation of German's idea of a nation, which could be achieved through a confederation of Muslim states.⁴⁴⁷

The Shi'a⁴⁴⁸ version of *dar* is not represented by *dar al-Islam* or *dar al-Harb*, but by *mustad'afun* (oppressed) and *mustakbirun* (oppressor) worldviews.⁴⁴⁹ Shi'a scholars contend that their 'oppressed-oppressor'⁴⁵⁰ dualism of *dar* is Qur'anic terms (notably 4:75, 97-98, 127 and 8:26)⁴⁵¹ compared with the Sunni's territorial division which is a result of 8th century Hanafi's juristic interpretation. However, there is no clear description whether the Shi'a version of abodes of Islam and

⁴⁴⁶ Derrick, Matthew. "Containing the Umma?: Islam and the Territorial Question." *Interdisciplinary Journal of Research on Religion* 9, no. 1 (2013): 14.

⁴⁴⁷ *Ibid*, p. 15.

⁴⁴⁸ The other major Muslim sect aside from the Sunni.

⁴⁴⁹ Mauriello, Raffaele. *Islam, Shi'ism, and Language in the Geopolitics and International Relations Perspective of the Islamic Republic of Iran: Frameworks and Layers of Understanding*. Proceedings of 8th Pan-European Conference on International Relations, University of Warsaw, Warsaw. p. 4.

⁴⁵⁰ The dualistic division is strikingly manifested in the present constitution of the Islamic Republic of Iran, particularly in the listed goals of article three where it includes "the formulation of the foreign policy of the country on the basis of Islamic criteria, brotherly commitment to all Muslims, and the unstinting support of all oppressed and deprived (*mustadafun*) people throughout the world." ("Constitution of Islamic Republic of Iran." Iran Chamber Society: The Constitution of Islamic Republic of Iran. Accessed July 11, 2015. <http://www.iranchamber.com/government/laws/constitution.php>.)

⁴⁵¹ Abdel Haleem, Muhammad A. S. *The Qur'an: A New Translation*. Oxford: Oxford University Press, 2008.

Enemy as represented by the oppressed-oppressor⁴⁵² duality is territorial in nature. According to Mauriello, Shi'a worldview is more concerned with justice, corruption and knowledge than in formal categorization of the territory.⁴⁵³ In contemporary Iran, the late Khomeini described the Shi'a society in terms of two antagonistic components aside from the oppressed-oppressor' dualism of *dar*, e.g., oppressed nations (*mellat-e mostad'af*) v. Satan's government (*hokumat-e sheitan*), slum dwellers (*zagheh-neshin-ha*) v. palace dwellers (*kakh-neshin-ha*), poor (*foqaha*) v. rich (*servatmandan*), and lower (*tabaqe-ye payin*) and needy class (*tabaqe-ye mostamdan*) v. aristocratic class (*tabaqe-ye a'yan*).⁴⁵⁴ Furthermore, as it is anchored in sound Quranic language and Islamic epistemology (and ontology), this model of 'oppressed-oppressor' has a distinctive Islamic legitimacy and authority.

Therefore, territoriality is loosely conceptualized as *ummah* that has physical aspects, cultural traits and lingua franca. Within *ummah* polities (*dawlah* or states) emerged and it evolved historically into *watan* (fatherland, which expresses the link between group of peoples and a specific geographical location). The Islamic term for *watan*, land, place, house or abode is called '*dar*', where in 8th century juristic interpretation two abodes were created, the abode of Islam (*dar al-Islam*) and the abode of war/enemy (*dar al-Harb*). There are also several contested abodes such as abode of truce, agreement, treaty or of friendly nations whereby Muslims are minority in non-Muslim regimes. The Hanafis had comprehensively conceptualized territoriality (*ikhtilaf al-darayn*) and had several factors that described their territorial concept (e.g. residence, legal status of the

⁴⁵² Mauriello further argued that as it is based on an ethical approach to politics, the *mustad'afun/mustakbirun* paradigm appears to be more appropriate for addressing current issues of globalization and the tendency to look for the creation and expansion of supranational political (inclusive) institutions, i.e. a post-Westphalian world order.⁴⁵² Consequently, as it is anchored in sound Quranic language and Islamic epistemology (and ontology), this model has a distinctive Islamic legitimacy and authority.

⁴⁵³ Mauriello, p. 16.

⁴⁵⁴ Ibid, p. 17.

person, security, etc.). On the other hand, the shi'a version of abodes rest in their Quranic dichotomy of 'oppressed-oppressor' which is vague and questionable if it is deemed territorial in nature. The legitimacy of authority's jurisdiction over a territory is sacrosanct to God's sovereignty, which is discussed in the next essay.

4.5 Sovereignty

Islam is fully endowed with sovereignty (*hakimiyyah*⁴⁵⁵ in Arabic) and evidently stated in the Qur'an (3:26), which says: "O God, Lord of Sovereignty! Thou givest sovereignty to whom thou pleases, and takest away sovereignty from whom thou pleases. Thou exaltest whom thou pleases, and basest whom thou pleases. In thy hand is all good for thou hast power over all things." As Asad understands it, "the real source of all sovereignty⁴⁵⁶ is the will of God⁴⁵⁷ as manifested in the ordinance of the Shari'ah."⁴⁵⁸ But the operational method (i.e. any form of government) to realize the insistence of the Qur'an and Sunnah regarding God's sovereignty and enforcement of Islamic laws depend on the maturity and goodness of the ummah (the Muslim community).⁴⁵⁹ Therefore,

⁴⁵⁵ According to Khatab (p. 145), the root word *hukm* and its derivations were used in the Qur'an 250 times. (Khatab, S. "Hakimiyyah and Jahiliyyah in the Thought of Sayyid Qutb." *Middle Eastern Studies* 38, no. 3 (2002): 145-70. doi:10.1080/714004475.)

⁴⁵⁶ See: Ahsan, Syed Aziz-al. "Islamization of the State in a Dualistic Culture: The Case of Bangladesh." 1990. MS, PhD Thesis, McGill University, p. 55.

⁴⁵⁷ Sabet claimed that "every ummah, be it Islamic or non-Islamic, as the Qur'an states, has its own divinely appointed time, both a beginning and an end. (See: Sabet, Amr G. E. *Islam and the Political: Theory, Governance and International Relations*. London: Pluto Press, 2008, p. 190)

⁴⁵⁸ Asad, Muhammad. *The Principles of State and Government in Islam*. Kuala Lumpur: Islamic Book Trust, 1980, p. 39.

⁴⁵⁹ Iqbal, Justice Javid. "The Concept of State in Islam." In *State Politics and Islam*, edited by Mumtaz Ahmad, p. 47. Indianapolis, IN: American Trust Publications, 1986.

sovereignty lies in the revealed messages of God as embodied in Shari'ah⁴⁶⁰, and not for the ruler or clergy (ulama or jurists) to monopolize it.⁴⁶¹

According to Khatab, "the significance of the term *hakimiyyah* rests in its political meaning.... This means that Allah is the only 'Hakim' or Sovereign and He has the right to ordain the program of human life; people must live according to the Shari'ah ordained by Allah in the Qur'an and the Sunnah."⁴⁶² Consequently, the holder of supreme authority is God alone.

The legitimate goal of Muslim community is the advancement of its public interest (*maslaha*) and public welfare or common good for all Muslims. This is very similar with the early (pre-Westphalian accord) Western conception of sovereignty, which is in terms of responsibility for the common good.⁴⁶³ And in pre-modern world, European kings were divine unlike the sultans or Muslim political elites they were fallible. Samantha May argued that "obedience to the sultan was thus granted, not on account of divine right, but by his ability to defend Islam and the sovereignty of God through His laws."⁴⁶⁴ The concept of sovereignty was realized in modernizing the Ottoman Empire in the 19th

⁴⁶⁰ Khatab described it that "the shari'ah of Allah is everything that prescribed by Allah to order human life. This takes the form of fundamentals of belief, the fundamentals of government, the fundamentals of behavior and the fundamentals of knowledge." (2006, p. 36)

⁴⁶¹ Ayubi, Nazih N., Nader Hashemi, and Emran Qureshi. "Islamic State." *The Oxford Encyclopedia of the Islamic World*. 2009. Accessed April 22, 2015. <http://www.oxfordislamicstudies.com/article/opr/t236/e0394>.

⁴⁶² Khatab, 2002, p. 147.

⁴⁶³ Johnson, James Turner. *Sovereignty: Moral and Historical Perspectives*. Washington, DC: Georgetown University Press, 2014,

⁴⁶⁴ May, Samantha. "Islamist Ideologies, Sovereignties, and Spaces: Imperial Memories and the Challenge to Western Nation-State Territoriality." 2011. MS, Thesis, University of Aberdeen, p. 104.

century.⁴⁶⁵ The sultan utilized it to centralize his authority and eliminate the traditional system of checks and balances.

Belkeziz stipulated that the basis of *hakimiyyah* supports the idea that the power to authorize and legislate excludes human beings and only God is capable of doing so.⁴⁶⁶ He presented that Abul A'la Maududi⁴⁶⁷ (b. 1903, d. 1979), the first Islamist thinker, argued for a theocratic form of government, and not democracy, in an Islamic state. For Islamists, *hakimiyyah* is very similar with the propound claim of the rule of Shari'ah as the only applicable system for Muslim societies. Thus, Shari'ah must be asserted in every Muslim nation's constitution because the supremacy of God's will symbolize sovereignty.⁴⁶⁸

Jackson criticized Maududi for resorting to unreliable hadiths after which he could not get textual aids supporting his thoughts from the Qur'an. He asserted that Maududi's interpretation of the Qur'an "does not take account of social conditions that existed in his time."⁴⁶⁹ For example, Maududi's theo-democracy, a neologism that resulted from his personal understanding of Islamic sources, suggest that ordinary people has governing power under the sovereignty of

⁴⁶⁵ Steunebrink, Gerrit. "Sovereignty, the Nation State, and Islam." *Ethical Perspectives* 15, no. 1 (2008): 7. doi:10.2143/EP.15.1.2029556.

⁴⁶⁶ Belkeziz, Abdelilah. *The State in Contemporary Islamic Thought: A Historical Survey of the Major Muslim Political Thinkers of the Modern Era*. London: I.B. Tauris, 2009, p. 206.

⁴⁶⁷ He "is the first modern Islamist thinker to talk positively about the concept of politics and political authority in Islam, outside the circles of the Shi'a, and to ultimately blur between the concept of *Imami Shi'ism* - the idea of the '*wilayat al-faqih*' - and the theory of the 'Divine Right' which was the political ideology of the pre-Renaissance Christian state in Europe." (Belkeziz, 2009, p. 207.)

⁴⁶⁸ Ahmed, Israr. *Views of Pakistani Religious Leader Dr. Israr Ahmed (1932-2010) Regarding the Structure of an Islamic Caliphate*. Report no. 3066. Middle East Media Research Institute, 2010. <http://www.memri.org/report/en/print4413.htm>.

⁴⁶⁹ Jackson, Roy. *Mawlana Mawdudi and Political Islam: Authority and the Islamic State*. London: Routledge, 2011, p. 111.

God.⁴⁷⁰ And executive and legislative processes must be done by consulting all Muslims until widespread consensus is reached.

Islamists thinking was a reaction of their deplorable political situation, just as so that Sayyid Qutb (b. 1906, d. 1966), the most prominent Islamist thinker, was reacting to Gamal Abdel Nasser's⁴⁷¹ regime that persecuted Islamist groups. Qutb ascribed sovereignty as the greatest attribute of God, which he meant that "only God's authority would prevail in the heart and conscience, in matters pertaining to religious observances and in the affairs of life such as business, the distribution of wealth and the dispensation of justice."⁴⁷² The basis of his idea of God's sovereignty rests with his conception of 'the great unity' and relations of God and his/her creation, life, humankind, and the universe.⁴⁷³ This conception argued for a greater unity among all Islamic sources, primarily the Qur'an and Sunnah, and their relations to all entities (living and non-living things) in the world.

Qutb argued that all human activities, manners and conducts must always relate accordingly to the ordinance of worshipping God.⁴⁷⁴ The acts of pray and worship signify supreme sovereignty of God. Even every state institution (these are, political, social, and economic codes and laws) should always be congruent with and fulfill the essence of worship to God. Qutb's understanding of *hakimiyyah* "maintains that the entire universe issued from the absolute will of God⁴⁷⁵ and is regulated by His law. Every part is in harmony with all parts, and

⁴⁷⁰ Jackson, 2011, p. 131.

⁴⁷¹ The second president of Egypt (b. 1918, d. 1970).

⁴⁷² Qutb, Syed. *Milestones*. Indianapolis: American Trust, 1990, p. 17.

⁴⁷³ Khatab, 2002, p. 151. See also Khatab, Sayed. *The Power of Sovereignty: The Political and Ideological Philosophy of Sayyid Qutb*. London: Routledge, 2006, p. 21.

⁴⁷⁴ Khatab, 2002, p. 151-152. See also Khatab, 2006, p. 21.

⁴⁷⁵ According to Sabet, "this is a matter of predestination, where human free will has no direct power to determine the unfolding of events." (Sabet, 2008, p. 191)

everything is in an integrated unity. Every existing part has a reason for being that is related to this complete and absolute harmony.” Sayyid Qutb was basing his idea of sovereignty on the following Quranic verses:⁴⁷⁶

“God keeps the heavens and the earth from falling. Should they fall, none could hold them back but He.” (35:41)

“There is not a creature on earth whose sustenance is not (provided) by God. He knows its resting place and its repository.” (11:6)

“We created man; and we know the prompting of his soul, and we are closer to him than [his] jugular vein.” (50:16)

“It was Allah who made for you the night to rest in and the day to (give you) light. Allah is bountiful to men.” (40:61)

“It is Allah who has given you the earth for a dwelling-place and the sky for a canopy. He has given you shape and made your shapes beautiful, and has provided for your sustenance.” (40:64)

“It is He who has made the earth manageable for you, so walk about its regions and eat of His provisions.” (67:15)

“Who is it that will defend you like an entire army, if not the Merciful? Who will provide for you if He withholds His sustenance?” (67:20-21)

Qutb’s view of God’s sovereignty is an innovative one (i.e. placing it as the “first pillar before Shari’ah”⁴⁷⁷) and he evidently supports it by citing historical events

⁴⁷⁶ Khatab, 2002, p. 153.

⁴⁷⁷ Khatab, 2002, p. 154.

during the early Muslim society of Prophet Muhammad. He believed that “Islam is a religion and a state”⁴⁷⁸ and that unity between religion and politics is the very nature and principle of Islam. Thus, a system of government is the most important element of Islamic polity. Khatab implied that for Qutb “practicing Shari’ah is the natural outcome of implementing *hakimiyyah* as the only creed of a society and that abiding by Islamic law is the outcome of the belief that Allah is the only sovereign or *Hakim*. The legal implication of this is that there is no Islamic life before the belief that Allah is the only sovereign, even if the Shari’ah is practically implemented.”⁴⁷⁹

Thus, for Qutb, Islamic government must impose Shari’ah and that the leader recognizes God’s sovereignty. An important feature is that “the government in Islam legitimizes its authority not through the result of election but through its activity to facilitate the application of the law.”⁴⁸⁰ Since God’s sovereignty is the source of Shari’ah, then it is also the provider of legitimizing factor of its laws. Khatab list down characteristics of Islamic government based on Qutb’s conception of *hakimiyyah*:⁴⁸¹

- The system of government in Islam is not similar to any other systems.
- It is distinct from all forms of government in secular democracies.
- It is constitutional.
- It is not inherently theocratic or autocratic.
- The form of Islamic government has no impact on the Islamic identity of the state.

⁴⁷⁸ Khatab, 2002, p. 154.

⁴⁷⁹ Khatab, 2002, p. 154.

⁴⁸⁰ Khatab, 2006, p. 35.

⁴⁸¹ Khatab, 2006, p. 28.

The primal basis of Qutb's conception of God's Sovereignty is the declaration and confession of faith, i.e. "There is no god but Allah."⁴⁸² It is the fundamental submission of a believer to the will of God. Placing God as the sole ownership of the believer's life and wholeheartedly giving God the authority of controlling his/her life, activities, rights, duties and obligations via God's revealed messages and Shari'ah. Emanating the importance of *Tawhid* (oneness of God) as the only credible theory of government, and other than that is considered idolatry or unbelief. Thus after accepting God's sovereignty and his view of an Islamic government, then other elements will smoothly follow: "justice on the part of the *hukkam* (rulers), obedience on the part of the *mahkumin* (ruled), and *shura* (consultation) between rulers and ruled."⁴⁸³

Some scholars criticized Qutb's understanding of God's sovereignty stating that *hakimiyyah* is not a Quranic term and that the word '*hukm*' mentioned in the Qur'an has no political meaning.⁴⁸⁴ *Hakimiyyah* as an Arabic word (used as a verb) means 'to govern' and 'to judge'. The criticism was in line with Bassam Tibi's argument that *hakimiyyah* is "not an authentic Islamic concept" because it cannot be found from primary and authentic Islamic sources.⁴⁸⁵

Since the start of Islamist movement (oftentimes referred to the establishment of the Muslim Brotherhood in Egypt by Hassan al-Banna in 1928), their view of Shari'ah "is based on the exclusive sovereignty of God"⁴⁸⁶ citing works of Ibn

⁴⁸² Khatab, 2002, p. 155. In addition, Khatab described Qutb's understanding that "believing that there is no *hakimiyyah* other than God's *hakimiyyah* means that there is no law other than God's law." (2006, p. 35)

⁴⁸³ Khatab, 2002, p. 155.

⁴⁸⁴ Khatab, 2002, p. 147.

⁴⁸⁵ Tibi, Bassam. *Political Islam, World Politics and Europe: Democratic Peace and Euro-Islam versus Global Jihad*. London: Routledge, 2008, p. 85.

⁴⁸⁶ Khan, Muqtedar. "Islam, Democracy and Islamism After the Counterrevolution in Egypt." *Middle East Policy Council XXI*, no. 1 (2014): 77. <http://www.mepc.org/journal/middle-east-policy-archives/islam-democracy-and-islamism-after-counterrevolution-egypt>.

Taymiyyah, Maududi, and especially Qutb to justify their claims. However, Islamic modernists (e.g. Tariq Ramadan and Fazlur Rahman) contested that “Islamists have not fully understood that the Shari’ah is socially and historically constructed.”⁴⁸⁷ In addition, Barnett argued that the Western concept of sovereignty has no real counterpart in the Arab-Islamic history, but instead it can be equated with post-colonial Arab nationalism movements.⁴⁸⁸

In conclusion, sovereignty is commonly understood as ‘the will of God’ which was advanced by Islamists in 20th century. Before that time, it was understood as the promotion of public welfare as the ultimate goal envisaged in *shari’ah* including a sovereign part is bestowed to the subsequent disciples of the prophet who became leaders of Muslim societies. Its success further depends on the maturity and goodness of the ummah. In addition, Islamic modernists argued that Islamists wrongfully understood sovereignty and that the root word used in the Qur’an was meant for ‘to govern’. Thus, *hakimiyyah* (sovereignty) is nowhere to be found in the Qur’an, but most Islamists supported their claims from ‘contested’ hadiths or sayings of the prophet and based it from their personal understandings without looking into the classical scholarship of Islam in early to middle ages. In the present times, the assertion that symbolizes God’s sovereignty can be found in the constitution of Muslim nations. Succeeding essay will briefly present counterpart constitutional cases of nation-state in Muslim governance.

⁴⁸⁷ Khan, 2014, p. 77.

⁴⁸⁸ Barnett, Michael N. "Sovereignty, Nationalism, and Regional Order in the Arab States System." *International Organization* 49, no. 03 (1995):481. doi:10.1017/S002081830003335X.

4.6 Constitutional Cases

Pre-colonial Muslim societies were purely nomocratic, i.e., governed by system of laws, and in which “it spawned a nomocratic culture as well.”⁴⁸⁹ Feldman argued that the difference of constitutional vision between the classical Islam and modern Islamists is that the former one “grew out of the development and interplay of institutions that had a basis in familiar, traditional, and customary ways of life and governance,”⁴⁹⁰ while the latter is a “product of twentieth-century ideology”⁴⁹¹ that “seeks to capture the reins of the existing state and then to transform society through a program of principles and laws capable of being implemented by decree.”⁴⁹²

Feldman’s argument on Islamist’s constitutional vision was supported by El-Affendi stating that Islamists especially led by one of their foremost thinkers, Maududi⁴⁹³, emulated the French and Bolshevik’s constitutional visions where they straightforwardly imposed unto their people even without proper consultations or consensus.⁴⁹⁴ The importance is that they were able to advance their interests, most importantly their constitutional demands. Maududi reasoned out that Islam is the ultimate truth and that peoples must oblige to it automatically whether they like it or not.

⁴⁸⁹ Jackson, Sherman A. "Legal Pluralism between Islam and the Nation-State: Romantic Medievalism or Pragmatic Modernity." *Fordham International Law Journal*, 5th ser., 30, no. 1 (2006): 164.

⁴⁹⁰ Feldman, Noah. *The Fall and Rise of the Islamic State*. Princeton: Princeton University Press, 2008, p. 106.

⁴⁹¹ Feldman (2008, p. 106)

⁴⁹² Ibid, Feldman.

⁴⁹³ Mawdudi has four sources of his Islamic constitution: the Qur’an, the Sunna, the conventions of the Rashidun, and the rulings of the great jurists. (See: Jackson, Roy. *Mawlana Mawdudi and Political Islam: Authority and the Islamic State*. London: Routledge, 2011, pp.109, 118, 123, and 125.)

⁴⁹⁴ El-Affendi, Abdelwahab. *Who Needs an Islamic State?* London: Grey Seal, 1991, p. 143.

To Crone, Shari'ah as a constitution and in its broadest sense of the word is "a set of rules that allocated functions, powers, and duties among the various agencies and offices of government and defined the relationship between them and the public."⁴⁹⁵ But with the decline of the Abbasids in 13th century and emergence of sultanates and empires, Muslim rulers invented state laws (*zawabit*) that co-existed with Shari'ah. For example, the Emperor Jalaluddin Akbar (r. 1556-1605) of Mughal abolished *jizyah*, a Shari'ah based tax imposed to non-Muslim subjects.⁴⁹⁶

Otto has interesting insights on Shari'ah where he distinctively presented four ways in which the term is being used, namely "as divine abstract sharia, as classical sharia, as historically transferred sharia, and as contemporary sharia."⁴⁹⁷ Firstly, the divine-abstract Shari'ah pertains to God's designated plan of moral and good order for the whole (*ummah*) community that is accepted by all Muslims.⁴⁹⁸ Secondly, classical Shari'ah refers to the collections of works of Islamic scholars (jurists, philosophers, scientists, theologians, historians, sociologists, etc.) of the first two centuries after the demise of the Prophet and most works are in jurisprudence.

Thirdly, historically transferred Shari'ah "includes the whole body of interpretations developed and transmitted throughout a history of more than a 1,000 years across the Muslim world, from the alleged closure of the gate of free interpretation to its reopening in the nineteenth century, and up to the present

⁴⁹⁵ Crone, Patricia. *God's Rule: Government and Islam*. New York: Columbia University Press, 2004, p. 281.

⁴⁹⁶ Ahmad, Irfan. "Genealogy of the Islamic State: Reflections on Maududi's Political Thought and Islamism." *Journal of the Royal Anthropological Institute*, 2009, 145-62.

⁴⁹⁷ Otto, Jan Michiel. *Sharia Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in past and Present*. Leiden: Leiden University Press, 2010, p. 25.

⁴⁹⁸ Shari'ah here is abstract and does not exclusively pertain to certain codes of laws.

day.”⁴⁹⁹ Lastly, contemporary Shari’ah is conceptualized as a globalized-internet based that is characterized by ‘vast, fragmented, and dispersed mass’ aiming for interpreting each own version of Shari’ah.

Presently, constitutional excerpts pertaining to Islam are expressed differently in some selected countries, e.g. Bangladesh and Malaysia (Islam is the state religion but other religions may be practiced), Egypt (Islam is the principal source of legislation), Iran (Islam within the Twelver Ja’fari school is the official state religion and that is immutably eternal), and Pakistan (Islam is the only state religion and that sovereignty exclusively belongs to God alone).⁵⁰⁰ In this section, the Medina Charter and the Charter of the Organization of Islamic Cooperation are discussed.

622 Medina Charter

The short-lived Medina Charter,⁵⁰¹ which lasted for only 10 years (622-632)⁵⁰² during the Prophet’s hijrah (migration from Mecca to Medina), is a testament of social contract between the Prophet, his followers and with the Jews, Christians and pagans in Medina. It brought an end to the century-old tribal conflicts between the tribes of Aws and Khazraj in Medina.⁵⁰³ According to Tahir-ul-Qadri, the charter established the following principles: peace and security of the community, religious freedom for all the community-members, acceptance of Medina as a sacred place (i.e. barring all violence and weapons), security of

⁴⁹⁹ Otto (2010, p. 25-26)

⁵⁰⁰ Akbarzadeh, Shahram, and Abdullah Saeed. *Islam and Political Legitimacy*. London: Routledge, 2003, p. 8.

⁵⁰¹ See: "Constitution of Medina from Ibn Ishaq's Biography of the Prophet." Constitution. Accessed April 17, 2015. http://www.constitution.org/cons/medina/constitution_medina.doc.

⁵⁰² Ayubi, Nazih. *Political Islam: Religion and Politics in the Arab World*. London: Routledge, 1991, p. 6.

⁵⁰³ Tahir-ul-Qadri, Muhammad. "Constitution of Medina." The Constitution of Medina. Accessed March 29, 2015. <http://www.constitutionofmadina.com/blog/2012/02/22/constitution-of-medina-in-63-articles/#more-102>.

women, stable inter-tribal relations, parameters for exogenous political alliances, a system for granting protection of individuals, a judicial system for resolving disputes, and a regulated system for the paying of blood money.⁵⁰⁴

Thus, the charter laid down the foundation of an Islamic polity represented by multi-tribal and multi-religious society⁵⁰⁵ that places justice over religious solidarity, and “affirmed the right of the victims of aggression and injustice to restitution regardless of their tribal and religious affiliations.”⁵⁰⁶ Consequently, sovereignty lies with justice in protecting the dignity of all members and does not rest ultimately with the Prophet or any particular groups. On the other hand, Khan contends that the “legitimacy of his rule over Medina was based on his status as the Prophet (PBUH) of Islam as well as on the basis of the compact of Medina.”⁵⁰⁷ The constitution has only two important organs, the executive and judiciary. The legislative is already embedded within the Shari’ah as legislated solely through the revealed messages of God.⁵⁰⁸

Some of its important provisions include freedom of religion, collective security (the idea of helping one another when someone is attacked), no preemptive strike unless agreed by all and of the Prophet, issues concerning the welfare of everyone and of the society must be collectively discussed, consulted, and decided by all representatives of various religious and tribal members, and establishing autonomy among all members while maintaining each own religious identical rights. Thus, the spirit of Medina Charter expresses the principles of

⁵⁰⁴ Tahir-ul-Qadri’s Constitution of Medina. Accessed online sans page numbers.

⁵⁰⁵ Khan, Muqtedar. "The Compact of Medina: A Constitutional Theory of the Islamic State." *Ijtihad*. Accessed April 16, 2015. <http://www.ijtihad.org/compact.htm>.

⁵⁰⁶ Tahir-ul-Qadri (2012). Accessed online sans page numbers.

⁵⁰⁷ Khan, Muqtedar. "Democracy Is Indispensable: A Political Philosophy of Islamic Governance." *The Roundtable* 9, no. 2 (2010), p. 4.

⁵⁰⁸ Iqbal, Justice Javid. "The Concept of State in Islam." In *State Politics and Islam*, edited by Mumtaz Ahmad, Indianapolis, IN: American Trust Publications, 1986, p. 39.

equality, cooperation, consensual governance, and pluralistic polity (i.e. composed of multiple communities where their belief system is respected and maintained).

2008 Revised (1979) OIC Charter

According to its official website, the Organization of Islamic Cooperation (formerly the Organization of Islamic Conference) was established “upon a decision of the historical summit which took place in Rabat, Kingdom of Morocco on 12th Rajab 1389 Hijra (25 September 1969) as a result of criminal arson of Al-Aqsa Mosque in occupied Jerusalem.”⁵⁰⁹ They further stated that it was built upon to safeguard and represent a collective voice of the interests of Muslims around the world, thus making it as the biggest organization after the United Nations. It is composed of more than 57 state members. The permanent secretariat is located in Jeddah, Saudi Arabia. It has three main bodies, the Islamic Summit (composed of state leaders that meets every three years to deliberate policy makings), the Council of Foreign Ministers (which convenes annually to take on general policies), and the General Secretariat (the executive organ that implements the decisions made by the two higher bodies).

The charter stipulates the following principles: solidarity among member states, advancement of common interests, non-intervention to the jurisdiction of member states for they have equal territorial sovereignty, reaffirming the rights of peoples expressed in the UN Charter and international law, strengthening cultural, social, and economic cooperation among member states, and exerting dialogue of civilizations and religions while protecting and defending the image of Islam. Consequently, all OIC member states must adhere to UN Charter’s principles, respect each other’s sovereignty, independence, and territorial integrity, settle

⁵⁰⁹ "About OIC." Organisation of Islamic Cooperation. Accessed July 30, 2015. Continue to the URL which is linked to <http://www.oicun.org/2/23/>.

their disputes diplomatically, and upholds good governance, democracy, human rights, and the rule of law.⁵¹⁰

4.7 Conclusion

Muslims had great creativity in devising political welfare and system, but they suddenly lose this unique character and unable to regain it. They deeply struggled a lot when they encountered European modernity. Instead of being inspired and become competitive by European's intellectual (philosophy, science, technology, etc.) advancement, they imbued resentment and permeated animosity. As they see it as threat that may extinguish Islam. Thus, with vulnerable and powerless polity, they immediately succumbed with the pervading dominance of nation-state. The elements discussed were the paradigmatic explanations of Muslim scholars on how they conceived them based on traditions, historicity, and congruency with Islamic sources.

There is very little to say of Islamic jurisprudence about the modern concept of citizenship. Some tried to symmetrically explain it by going back to historical precedence, while others contextualized it via the ambiguity of '*ummah*'. This particular concept of *ummah* is usually conceptualized as a form of social identity or sometimes, a territorial-context bound. Thus, it overlaps between membership to the Islamic faith and perceived 'juristic-territorial' abode of Islam (*dar al-Islam*). Territoriality has differing conceptualization between sunni and Shi'a scholars. The sunnis contextualized it via the abodes of Islam and war, while Shi'a used Qur'anic contexts of duality of oppressed v. oppressor.

Authority is a contested concept. Some scholars would argue for the ostensible omnipotent God, while others argue for temporal authority of man that

⁵¹⁰ "Charter of the Organization of Islamic Cooperation." Official Website of the Organization of Islamic Cooperation. Accessed March 29, 2015. The URL is linke to: http://www.oic-oci.org/oicv2/page/?p_id=53&p_ref=27&lan=en.

sometimes is imbued with spiritual authority. Even in the area of legislation, it is claimed that all laws have already been legislated by God, while others argue for probable legislature depending on issues at hand and if they are not specifically addressed by the Qur'an and Sunnah. The last element, sovereignty, has been hijacked by Islamists pronouncing it as an innate attribute of God alone, instead of aiming for the sovereign goal of Shari'ah (i.e. *maslaha* or public/common interest). The selected constitutions ultimately differ with each other. The first one, Medina Charter, is characterized with pluralistic and democratic principles. But the OIC Charter is purely a product of modernity that expresses local rhetoric of ethnicity and culture. It absolutely emphasized territorial sovereignty.

The next chapter presents the third step in Islamic theorizing about IR and that is contrapuntal readings of four selected scholars (al-Farabi, Ferdowsi, al-Mawardi, and Nizam al-Mulk) during the Islamic Golden Age, particularly 9th to 11th centuries. It will compare and contrast their views on conceptions of ruling that served as guidelines for all Muslim nations for several centuries in choosing agents for temporal authority in Muslim thought. Somehow, this third step represents an extension of the element of authority (in my view the most contested element because of the political split between sunnis and shi'as) in Muslim governance.

*Truly every king has a sanctuary,
and truly Allah's sanctuary is His prohibitions.
Truly in the body there is a morsel of flesh,
which, if it be whole, all the body is whole,
and which, if it is diseased, all of [the body] is diseased.
Truly, it is the heart.*

- Prophet Muhammad⁵¹¹

CHAPTER V

CONCEPTIONS ON RULING IN MUSLIM THOUGHT

This third step in Islamic theorizing about IR is paramount to and focuses on the salient agent (Virtuous Ruler, Shah, Supreme Leader or King)⁵¹² basing from the works of Al-Farabi (*The Perfect State*), Ferdowsi (*The Epic of Kings*), Al-Mawardi (*The Ordinances of Government*), and Nizam al-Mulk (*The Book of Government or Rules for Kings*) during the Islamic Golden Age, especially between 9th and 11th centuries. The study will first delineate their conceptions on ruling in Muslim thought, and then the author will 'compare and contrast' (i.e. contrapuntal analysis of) their views including his own critique as well. The following table shows the sections of each essay. Sections pertain to the traceable criteria and processes of their views (of the selected works) for an able and effective temporal authority in Muslim thought, for example, as agents of statecrafting⁵¹³ a civilization⁵¹⁴.

⁵¹¹ Stated in *40 Hadith Nawawi 6* (in English translation it is in Hadith 6) under the authority of an-Nu'man ibn Basheer. Accessible at <<http://sunnah.com/nawawi40>>.

⁵¹² Adiong, Nassef Manabilang. "Muslim Agents of Statecrafting a Civilization." Amazon's CreateSpace Independent Publishing Platform. October 21, 2015. Accessed February 20, 2016. http://www.amazon.com/Muslim-Agents-Statecrafting-Civilization-Manabilang/dp/151870333X/ref=asap_bc?ie=UTF8.

⁵¹³ Statecraft is the skillful ability by institutions to manage both domestic and international affairs of the state. An institution can be tripartite democracy (i.e., having equal executive, legislative, and judicial representations), theocracy (a religious organization is considered the head of the state), nomocracy (i.e., the government is based on the authority or rule of law within society), or monarchy (the rulers are elite families considered having royal blood). The optimal agents of

al-Farabi <i>of Damascus, Syria</i> (b. 870/2; d. 950 CE)	Ferdowsi <i>of Tous, Iran</i> (b. 940 CE; d. 1020)	al-Mawardi <i>of Baghdad, Iraq</i> (b. 974 CE; d. 1058)	Nizam al-Mulk <i>of Khorasan, Iran</i> (b. 1018/20; d. 1092)
Selection	Selection	Selection	Selection
Qualification	Qualification	Qualification	Qualification
-	-	Disqualification	-
Responsibility	Responsibility	Responsibility	Responsibility
-	-	-	Function
-	-	-	Evaluation
-	Punishment		Punishment
Settings: Virtuous and Imperfect States	-	-	-
-	-	-	Special Role: Boon- Companions

According to Shmuel N. Eisenstadt⁵¹⁵, the central analytical core of the term civilization - as distinct from such social formations as political regimes, different forms of political economy or collectivities like ‘tribes,’ ethnic groups or nations, and from religion or cultural traditions is “the combination of ontological or cosmological visions, of visions of trans-mundane and mundane reality, with the definition, construction, and regulation of the major arenas of social life and

statecrafting influence institutions of polity and economy including governmental regularities and behaviors of societies and of communities under their own territorial jurisdiction.

⁵¹⁴ Civilization may be regarded as a composition of multiple nation-states converged by homogeneous factors of belief system, religion, culture, and development in science and technology. The progress may originate from the evolution and utilization of language (oral v. written literatures), literary and intellectual histories of thinkers/authors and of their unique local knowledge, and the geo-political and human conditions of a particular age that lead to the axial transition of a certain civilization. The origins of progress caused the emergence of axial transition or moment in every civilization is introduced by Robert N. Bellah. (For more details regarding axial transitions of civilizations, see Robert N. Bellah. *Religion in Human Evolution: From the Paleolithic to the Axial Age*. Cambridge et al: Harvard University Press, 2011.) Moreover, the sustainability of life (temporal period) of a civilization lies to the skillful art of effective statecrafting by established institutions. For further information, see Peter J. Katzenstein. *Civilizations in World Politics: Plural and Pluralist Perspectives*. London, UK: Routledge, 2009.

⁵¹⁵ An encyclopedic entry written by Eisenstadt for the 2001 International Encyclopedia of the Social and Behavioral Sciences, and it is accessible at <<http://www.sciencedirect.com/science/article/pii/B0080430767008226>>.

interaction”. However, Marshall G.S. Hodgson⁵¹⁶ contended that civilization is “a relatively extensive grouping of interrelated cultures, insofar as they have shared in cumulative traditions in the form of high culture on the urban, literate level; a culture, that is, such as that of historical India or Europe taken as cultural wholes. Such groups of peoples have varied greatly among themselves and yet have shared broadly cultural and historical experiences differing decisively from those of more distant peoples.”

And the sustenance of high culture can be glued through a form of solidarity or sense of belongingness which was studied and extrapolated by Ibn Khaldun⁵¹⁷ through his notion of *asabiyyah*. This term refers to social solidarity with an emphasis on amalgamation, collective consciousness and sense of shared purpose and values, and social cohesion, originally in a context of tribal culture, clans, and/or clientship (mutual patronage to the whole community).⁵¹⁸ According to Norbert Elias⁵¹⁹, one of the elements of civilizing process is state formation. This

⁵¹⁶ Marshall G.S. Hodgson. *The Venture of Islam: Conscience and History in a World Civilization* (Vol. I: The Classical Age of Islam). Chicago, USA: University Of Chicago Press, 1977, p. 91.

⁵¹⁷ Ibn Khaldun. *The Muqaddimah: An Introduction to History*. Translated by Franz Rosenthal and with Introduction by Bruce Lawrence, (Abridged Edition), New Jersey, USA: Princeton University Press, 2004.

⁵¹⁸ Hodgson emphasized the keen consciousness of the world Muslim community. He further explains that “they are moved by a sense of universal Muslim solidarity, and maintain in the most diverse geography not only the essential distinctive Islamic rites - including the great common pilgrimage to Mecca where all nations may meet - but also, to some degree, a sense of a common cultural heritage.” Thus, Islam is the common denominator between Hodgson and Ibn Khaldun, as they see it as the core element in studying the pluralistic identities and mapping out the historiographies of Muslim communities - be they in different sections or categories such as individuality, ethnicity, society, linguality, geography, demography, ancestry, etc. Another singular denominator between Hodgson and Ibn Khaldun is the notion on allegiance. For Ibn Khaldun, strong allegiance originates from (blood) relationship and common lineage and descent. On the other hand, Hodgson sees strong allegiance via confessional religiosity and its traditions is somewhat populist because “they tended to cast their doctrines and their moral standards into forms intelligible to the ordinary person.”

⁵¹⁹ Norbert Elias. *The Civilizing Process: State Formation and Civilization (Vol. II)*, Oxford: Blackwell, 1982.

element looks into the causes of increasingly centralized nations which also includes interconnected web of societies that comprises the process of statecraft.

The succeeding essays will tackle the perspectives of al-Farabi, Ferdowsi, al-Mawardi, and Nizam al-Mulk regarding their agent (virtuous ruler, shah, supreme leader or king) on conceptualizing ruling in Muslim thought which served as guidelines for Muslim nations for several centuries in selecting their temporal authority. The last essay will analyze the comparisons about their views by comparing sections on selection, qualification, and responsibility which are commonly represented in their works; while a section on other observations are those of unique or distinct to a particular scholar's work such as al-Farabi's settings of virtuous and imperfect states and Nizam al-Mulk's boon-companions and their roles concomitant to the king.

5.1 The Virtuous Ruler of Al-Farabi

Al-Farabi's perfect leader is a virtuous ruler that has the combined characteristics of theoretical capability or inclination of a philosopher (to educate the elites) and charismatic or persuasive power of a prophet (to influence the masses). Most of his works on political philosophy were his preferred criteria on selecting a virtuous ruler. And this can be reviewed in one of his books on political philosophy, which is: Al-Farabi,⁵²⁰ *The Perfect State: Mabadi' ara' ahl al-Madina al-Faḍila: A Revised Text with Introduction, Translation, and Commentary* (Trans. Richard Walzer. Gloucestershire, UK: Clarendon Press, 1985).

⁵²⁰ There were inconsistencies regarding his full name and date of birth: some Arabic sources say his complete name is *Muhammad Ibn Muhammad Ibn Uzalagh Ibn Tarkhan* and others state *Abū Naṣr Muḥammad ibn Muḥammad Fārābī* or *Abu Nasr ibn Muhammad ibn Muhammad ibn Tarkhan ibn Uzlag Al-Farabi*. In the West he is known as *Alpharabius*. He is said to have been a native of Farab in Transoxiana and of Turkish or Turkoman origin. He was born in 870 or 872 in the district of the city of Farab in Turkestan⁵²⁰ or in Otrar (located in present-day Kazakhstan). Following his visit to Egypt in 949, he returned to Damascus (located in present-day Syria), where he died in 950.

In the fields of ethics and politics, a number of treatises were written by al-Farabi. The list opens with the Opinions of the Inhabitants of the Virtuous State (*Ara' Ahl al-Madinah al-Fadilah*) and the Civil Polity (*al-Siyasah al-Madaniyah*), and includes an Epitome of Plato's Laws (*Kitab al-Nawamis*), select sections on politics (*Fusul Murtaza'ah min Aqawil al-Qudama'*), a treatise on the Attainment of Happiness (*Tahsil al-Sa'adah*) and a shorter tract entitled Admonition to Seek the Path of Happiness (*al-Tanbih 'ala Sabil al-Sa'adah*).⁵²¹

He is popularly known as “the second teacher,” while Aristotle was the first. Moreover, al-Farabi commented on many of Aristotle's works and wrote a number of independent Works.⁵²² He grew up during the reign of Nasr I ibn Ahmad of the Samanid dynasty which considered itself as Persian and has been associated in Islamic history with learning. In Bukhara, he pursued his advanced study of fiqh, music, and later religious sciences. Upon completing his studies, he became a qadi (judge), but he abandoned his job and left for Baghdad in his early forties to study philosophy⁵²³ and logic.

Selection

Al-Farabi premised his political treatise stating that humans cannot attain perfection they are destined to outside the framework of political association⁵²⁴ or

⁵²¹ See: Fakhry, Majid. *Al-Farabi, Founder of Islamic Neoplatonism: His Life, Works, and Influence*. Oxford, UK: Oneworld Publications, 2002, pp. 1-6.

⁵²² Ibid. pp. 211-214.

⁵²³ Robert Hammond added that the political philosophy of Al-Farabi is a mixture of Platonic and Aristotelian elements. The main Platonic element in al-Farabi's political theory is to put all humanity in one universal state, which is an organized humanity without national boundaries and not ruled by a particular king but by God. See: Hammond, Robert. *The Philosophy of Alfarabi*. New York: The Hobson Book Press, 1947.

⁵²⁴ Fakhry, Majid. *Al-Farabi, Founder of Islamic Neoplatonism: His Life, Works, and Influence*. Oxford, UK: Oneworld Publications, 2002, p. 101.

in al-Farabi's⁵²⁵ words "societies of people." It is because their very nature cannot live alone, but need constant help from other people to provide them their needs. This brings them together in a community where everybody needs other to survive and attain perfection. His idea on political association is directed towards attainment of true happiness or goals such as pleasure and acquisition of wealth. In other words, a virtuous ruler is selected out of necessity in a community, especially if he displays intellectual capacity of a philosopher and charisma of a prophet.

Consequently, leadership for al-Farabi entails that not all citizens (part of the society) are capable of becoming leaders of the state; only the most perfect person in the community or one who has the most number of good qualities can hold the position of being the leader. He also preferred a head of state to exist first and then to have people for him to lead.

Qualification

According to al-Farabi the ruler is the source of all power and knowledge. Al-Farabi writes:

"... the virtuous ruler without qualification is he who does not need anyone to rule him in anything whatever, but has actually acquired the sciences and every kind of knowledge, and has no need of man to guide him in anything. He is able to comprehend well each one of the particular things that he ought to do. He is able to guide well all others to everything in which he instructs them, to employ all those who do any of the acts for which they are equipped, and to determine, define, and direct these acts toward happiness."⁵²⁶

⁵²⁵ See: Al-Farabi. *The Perfect State: Mabadi' ara' ahl al-Madina al-Fadila: A Revised Text with Introduction, Translation, and Commentary*. Trans. Richard Walzer. Gloucestershire, UK: Clarendon Press, 1985.

⁵²⁶ Al-Farabi, p. 42.

Moreover, he stated that no one can be a ruler if he lacks the power of imagination of which the prophet is the most accomplished representative. The philosopher who lacks it is a false philosopher because the absence of this faculty forms a serious defect that leaves him incapable of governing the state and educating the masses. Hence, the philosophic and prophetic faculties constitute, for al-Farabi, the first and necessary requirement that the virtuous ruler must fulfill. In the Virtuous State, however, al-Farabi enumerates twelve other qualities the virtuous ruler must acquire. These, in brief, are as follows.⁵²⁷

1. Perfect and sound bodily organs that can perform their function with ease.
2. Sound understanding that enables him to grasp the intention of the speaker.
3. Good memory that retains what he understands, sees, hears and perceives.
4. Intelligence and keenness of mind which allows him to grasp the reality of a certain situation with the minimum of indicative signs.
5. Eloquence which assists him in articulating his thoughts.
6. Love of education so that he is not burdened by the effort accompanying learning.
7. Moderation in matters of food, drink and sex, as well as natural shunning of levity and of pleasures caused by these things.
- 8 Love of truth and truthful people and dislike of lying and liars.
9. Natural magnanimity and repugnance of meanness.
10. Indifference to money and all other worldly pleasures.
11. Natural love of justice and just people and abhorrence of injustice and unjust people; to treat other people like he treats his family, that is, without any discrimination and to see justice is done to oppressed

⁵²⁷ Ibid. p. 75.

whoever he is; being easy to bend but difficult to bend to oppression or evil.

12. Possession of firm resolution and the courage to do what he believes must be done.

In addition to these twelve innate attributes, al-Farabi enumerates in the Aphorisms of six other “conditions” that must be possessed by the ruler. These conditions, unlike the attributes, do not emerge until after maturity. They are: wisdom, perfect practical wisdom, excellence of the faculty of persuasion, excellence of producing a representative imagination of the truth, power to fight holy war in person, and the absence of any physical impediments which would prevent him from attending matters about holy war.⁵²⁸

Responsibility

The virtuous ruler must assign positions to the various inhabitants, each according to his merit, either in a subservient or in a ruling position. The task of the virtuous ruler is to strive to eliminate evil from the state because happiness is “the good qualification” for the disappearance of all evil, whether natural or voluntary. In his attempt to destroy voluntary evil and to bring the good into existence, the virtuous ruler employs two methods: instruction and the formation of character.⁵²⁹

By instruction, al-Farabi means the introduction of theoretical virtues in the state. For without education, no citizen can attain perfection and happiness. The second method is the formation of the character of the citizens. It is the means by which moral virtues are introduced in the state. This involves habituating the citizens to do virtuous acts that become dispositions representing “the practical states of character.” In order to habituate the citizens to what is right; the virtuous ruler

⁵²⁸ Ibid. p. 79.

⁵²⁹ Ibid. p. 48.

must employ persuasive arguments that help establish these acts and states of character in the soul completely so as to arouse the resolution to do acts willingly.

What al-Farabi is saying is that, in order for the virtuous ruler to instruct the elite and form their character, he ought to be a philosopher skilled in the speculative sciences, and in order for him to instruct the masses and form their character, he ought to be a prophet who possesses persuasion and imagination to perfection.

Settings: Virtuous and Imperfect States

A virtuous state is compared by Al-Farabi to a perfect and healthy body whose organs differed in their natural functions. The heart is the master organ and is in the first rank, while the lower organs are in the second rank functioning with the aim of perfecting the first rank; and the lower organs being served by much lower organs performing their functions for the perfection of the second rank. It is similar to a state where a human master is being served by his subordinates, and the former in turn is being served by the lowest category of subordinates who are not being served by anybody.⁵³⁰

He also identified four imperfect states: The first is the ignorant state, which is one in which the inhabitants do not know what real happiness is and therefore cannot seek it, but are lured by false pleasures in life (such as personal safety or self-preservation, wealth, pleasure, honor, conquest, freedom or lawlessness); the second is ruined state, one in which the inhabitants know what is happiness but fail to live up to it and so they behave like those in the ignorant state. They know the good but they do contemptible things. The third is the declined state, which is one in which the inhabitants were originally living according to the concept of the perfect state but have regressed through time. And the last is the lost (misled) state, which is one in which the inhabitants have never achieved happiness and/or

⁵³⁰ Sjadzali, Munawir. *Islam and Governmental System*. Jakarta: Indonesian-Netherlands Cooperation in Islamic Studies (INIS), 1991, p. 36.

have no concept of God. They are ruled by a false leader who resorts to trickery and deception in attaining his goals.

5.2 The Shah of Ferdowsi

Epics serve as one of the tools in marking the axial moment of a nation or civilization. It connects someone's past to present via channels of oral or written literatures. Thus, it represents the heritage of people's collective memory which linked them to their past to present, and guides them to their future. According to Farhat-Holzman⁵³¹, epics have always played the role of giving a people a sense of their historic continuity, a sense of language and its appropriate literary form, and above all, their earliest sense of peoplehood – which in some cases took the form of early nationalism. Some examples of notable epics are the Sumerian Gilgamesh, the Hebrew Bible's story of David and Goliath, the Aeneid, the Spanish epic of El Cid, the French Song of Roland, etc.

Hakim Abul-Qasim Firdausi Tusi or simply Ferdowsi wrote and collected *Shahname*⁵³², which is indeed a classic of its own – with its own style and wonderful literary form. It provided foundational history, cultural heritage, and national identity all throughout the Persian world, i.e., from Iran, Central Asia, to Pakistan and India. In addition, it also reflects Persian values, its sense of nationhood, and use of Persian language at the point in their history when they had lost their national independence from the onslaught of Arabic language.⁵³³

⁵³¹ Farhat-Holzman, Laina. "The Shahnameh of Ferdowsi: An Icon to National Identity," *Comparative Civilizations Review*, No. 44, Spring 2001, p. 104.

⁵³² The *Shahname* is a collection of pre-Islamic stories, legends, history, myths and poems that had been told by storytellers, grandparents and holy men for hundreds and hundreds of years. It was collected and written by Hakim Abul-Qasim Firdawsī Tusi or simply Ferdowsi.

⁵³³ *Ibid*, p. 105.

The Shahname has 62 stories, 990 chapters, and contains 60,000 rhyming couplets, making it more than seven times the length of Homer's Iliad, and more than twelve times the length of the German Nibelungenlied.⁵³⁴ It is structured according to the mythical and historical reign of 50 Persian Kings. The epic can be roughly divided into three parts: the first part tells of the mythical creation of Persia and its earliest mythical past; the second part tells of the legendary Kings and the heroes Rustem and Sohrab; the third part blends historical fact with legend, telling of the semi-mythical adventures of actual historical Kings.⁵³⁵

Ferdowsi used pre-Islamic sources for his epic in an Islamic Iran. He wrote his poem in Persian rather than Arabic, creating a national epic that reconstructed the history and myth of the ancient Persian peoples. Consequently, the Shahname has an important place in Persian culture and in the hearts of Persian people. One of the functions of the “Epic of the Kings” is to protect and preserve the Persian collective memory, language, and culture in a turbulent sea of many historical storms and challenges of modern times, e.g., globalization. For over a thousand years Persians, Afghanis, Azeris, Georgians, Tajiks, Kurds, and a myriad of other ethnic groups have continued to read and listen to recitations from Shahnameh.

Selection

In this epic of kings, a shah can be selected either by the incumbent shah or through familial hereditary process. The first chapter (i.e., the Shahs of Old) until the last chapter (the Death of Rustem) indicated that the first shah emerged with Kaiumers when he first sat upon the throne of Persia and automatically became the master of the world.⁵³⁶ Then, Husheng⁵³⁷ was selected by Kaiumers to lead

⁵³⁴ See Ferdowsi and the Shahnameh accessible at <<http://shahnameh.eu/ferdowsi.html>>.

⁵³⁵ See Clayton, Sally Pomme. “Shahname Synopsis,” British Library: Learning Inside History (2005). Accessed at <<http://www.bl.uk/learning/cult/inside/corner/shah/synopsis.html>>.

⁵³⁶ Further details at Shahnameh at pages 3-4.

⁵³⁷ He is not related (by blood) with Kaiumers.

his army against Deev⁵³⁸ who killed his son, Saiamuk. After Husheng left the world, Jemshid⁵³⁹ became the shah and ruled the world for more than 700 years. He was automatically appointed because his father, Tahumers, was the previous shah. Feridoun and his sons, Zal, and Rustem are some of the notable shahs who ruled the world (Persia). Below is an excerpt on how Jemshid immediately became the shah:

“Howbeit when Tahumers had sat upon the golden throne for the space of thirty years he passed away, but his works endured; and Jemshid, his glorious son, whose heart was filled with the counsels of his father, came after him. Now Jemshid reigned over the land seven hundred years girt with might, and Deevs, birds, and Peris obeyed him.”⁵⁴⁰

Qualification

There are two recurring characteristics in Ferdowsi’s collection for an individual to qualify for the position of shah: intelligence (having the necessary knowledge for an effective public administration and care for the welfare of his fellow subjects) and courage (salient bravery to protect his subjects, manifest strong will and determination, and potentiality in standing against threats, enemies, and misconceptions). For example, Husheng is the intelligent shah who ruled Persia for 40 years as explained in this excerpt:

“Now Husheng was a wise man and just, and the heavens revolved over his throne forty years. Justice did he spread over the land, and the world was better for his reign. For he first gave to men fire, and showed them how to draw it from out the stone; and he taught

⁵³⁸ The son of Ahriman, the evil, who is very jealous with Kaiumers’ status throughout the cosmos of the universe.

⁵³⁹ Son of Tahumers. Tahumers ruled the world for 30 years and died naturally.

⁵⁴⁰ Shahnameh, p. 6.

them how they might lead the rivers, that they should water the land and make it fertile; and he bade them till and reap. And he divided the beasts and paired them and gave them names.”⁵⁴¹

The second one is courage as shown in the seven heroic trials⁵⁴² of Rustem⁵⁴³.

1. *The lion*: Rakush⁵⁴⁴ gallops two days’ travel in one day. They rest and a lion appears. Rakush kills the lion while Rustem sleeps.⁵⁴⁵

2. *The desert*: Rakush and Rustem got lost in a dry desert and nearly died of thirst. Their prayers brought a sheep who leads them to a stream.⁵⁴⁶

3. *The dragon*: While Rustem sleeps, a dragon appears. Rakush strikes his hoof on the ground, the dragon vanishes and Rustem awakes. Finally, Rustem sees the dragon. Rakush bites the dragon and Rustem cuts off its head.⁵⁴⁷

4. *The witch*: They find a banquet of food spread out under some trees and sit down to eat. A beautiful woman appears welcoming them. Rustem praises her beauty and God for creating her. But she changes shape into a hideous terrifying hag. Rustem catches her and kills her.

5. *Battle with Ulad*: While Rustem sleeps Rakush wanders into a field and starts eating the crops. The farmer is furious. Rustem fights the farmer and pulls off his ears. The farmer gets the hero, Ulad, to represent him.

⁵⁴¹ Ibid, p. 5.

⁵⁴² The 7 heroic trials were summarized at <http://www.bl.uk/learning/cult/inside/corner/shah/synopsis.html>. You can also find some similarities with the trials of Hercules in Rustem’s stories.

⁵⁴³ He is the son of Zal and Rudabeh who reigned for 300 years.

⁵⁴⁴ Rustem’s war horse.

⁵⁴⁵ Rakush saved Rustem life while he’s asleep.

⁵⁴⁶ Rustem and Rakush test of religious faith is displayed.

⁵⁴⁷ Whenever Rakush would wake Rustem, he immediately gets irritated and reprimand Rakush which happened twice.

Ulad arrives with a whole army. Rustem destroys the whole army single-handedly. He then asks Ulad if he knows where King Kavus is being held. Ulad is so impressed with Rustem he offers to be his guide and protector.

6. *Demon King Arzhang*: They come upon a demon encampment. Rustem and Rakush kill the demon king Arzhang and the other demons run away. They continue on the long journey to King Kavus.

7. *The White Demon*: King Kavus's castle is besieged by demons. Rustem waits until dawn comes and the demons fall asleep. He kills them. They capture the White Demon and cut out his liver. Kavus is set free.⁵⁴⁸

Responsibility

The primary duty of the shah is to protect his kingdom from insecurities such as poverty, famine, threats from external forces (impending invasions), and maintain stability, peace and order all over his territorial jurisdiction. This is more elaborated from the 700-year reign⁵⁴⁹ of Jemshid⁵⁵⁰.

He had command over all the angels and demons of the Persian world, and was both king and high priest. Excerpt: “*Now Jemshid reigned over the land seven hundred years girt with might, and Deevs, birds, and Peris obeyed him.*”⁵⁵¹ He was responsible for several inventions that made life more secure for his people: the manufacture of armor and weapons, the weaving and dyeing of clothes of linen, silk and wool, the building of houses of brick, the mining of jewels and precious metals, the making of perfumes and wine, the navigation of the waters of the world in sailing ships. In short, humanity had risen to a great civilization in Jamshid's time.

⁵⁴⁸ After all the trials and adventures, Rustem fulfilled his mission to set Kavus free from captivity from the demons.

⁵⁴⁹ The Shahs of Old, pp. 6-7.

⁵⁵⁰ The Shahs of Old, p. 7.

⁵⁵¹ Ibid, p. 6.

Excerpt from the section of Jemshid's regime:

“And the world was happier for his sake, and he too was glad, and death was unknown among men, neither did they wot of pain or sorrow.... And the year also he divided into periods. And by aid of the Deevs he raised mighty works, and Persepolis was builded by him, that to this day is called Tukht-e-Jemsheed, which being interpreted meaneth the throne of Jemshid. Then, when these things were accomplished, men flocked from all corners of the earth around his throne to do him homage and pour gifts before his face. And Jemshid prepared a feast, and bade them keep it, and called it Neurouz, which is the New Day, and the people of Persia keep it to this hour. And Jemshid's power increased, and the world was at peace, and men beheld in him naught but what was good.”⁵⁵²

In addition, Jemshid also divided the people into four groups: The priests, who conducted the worship of Hormozd; the warriors, who protected the people by the might of their arms; the farmers, who grew the grain that fed the people; and the artisans, who produced goods for the ease and enjoyment of the people. Excerpt: “And he first parceled out men into classes; priests, warriors, artificers, and husbandmen did he name them.”⁵⁵³

Punishment

The shah is reprimanded or punished if his heart and mind are full of hatred (i.e. perpetual vengeance against his enemies), greed of power and wealth, and

⁵⁵² Ibid, pp. 6-7.

⁵⁵³ The Shahs of Old, pp. 6-7.

unfaithful to God. As it is shown in this excerpt, Jemshid was punished by God and replaced him with Ahriman.

“Then it came about that the heart of Jemshid was uplifted in pride, and he forgot whence came his weal and the source of his blessings. He beheld only himself upon the earth, and he named himself God, and sent forth his image to be worshipped. But when he had spoken thus, the Mubids, which are astrologers and wise men, hung their heads in sorrow, and no man knew how he should answer the Shah. And God withdrew his hand from Jemshid, and the kings and the nobles rose up against him, and removed their warriors from his court, and Ahriman had power over the land.”

5.3 The Supreme Leader of Al-Mawardi

Abu al-Hasan al-Mawardi was born on 364 AH/974 CE in Basra (located in present-day Iraq) and died on 450 AH/1058 CE in Baghdad located in the same country.⁵⁵⁴ He grew up and served the Abbasid Caliphate and the Buyids, and witnessed the zenith of the Fatimids and the rise of the Seljuks. Literally, he experienced a polarized *ummah* (an imagined unified community of believers of Islam) where political turmoil, conflicts, anomie, and social problems plagued the entire Muslim core regions from Arabia to North Africa.

However, this did not stop al-Mawardi’s determination to become one of the highly respected scholar in Islamic jurisprudence. He enjoyed the respect and trust of Caliphs and Buyids alike, both of whom resorted to him for mediation, asked him to hold negotiations with their rivals and took advantage of his diplomatic skills as ambassador.⁵⁵⁵ He served as judge in several Iraqi districts

⁵⁵⁴ Dates of his birth and demise were taken from the Translator’s Introduction at page xii of al-Mawardi’s *The Ordinances of Government*.

⁵⁵⁵ Ibid, p. xiii.

and was awarded the honorary title of “Judge par excellence (*aqda al-quda*)” and was known as independent thinker (*mujtahid*) in religious matters.

The book, *The Ordinances of Government (Al-Ahkam al-Sultaniyya w'al-Wilayat al-Diniyya)*,⁵⁵⁶ is primarily al-Mawardi's attempt to interpret the existing political order through an Islamic framework, where the Caliphate is the ideal form of government to safeguard and implement the rules of Shari'ah (or Islamic law). Thus, it should uphold faith (derived from the revealed law) and manages the affairs of the world (derived from human law or reason and rationality). This was necessary in order to reassure people that, despite the apparent weakness of the Caliphs, the society in which they were living and the authorities to which they were submitting were legitimate in Islamic terms.

Since al-Mawardi believed that the authority of governors, judges and administrators was dependent on their appointment by a legitimate Caliph, the legitimacy of the caliphate must be preserved at all costs. Without this reassurance, people would lose faith in government institutions, including the courts, and might resort to civil unrest or schismatic religious sects, like the Fatimids.⁵⁵⁷

Selection

There are two ways⁵⁵⁸ to determine the supreme leader (Imam or King): selection by the electors or appointment by a predecessor. The electors, a collective body, will select a supreme leader (king) for the nation. Members of the electors must

⁵⁵⁶ Where all quotations and citations will be referred continuously in this essay.

⁵⁵⁷ “*Al-Ahkam Al-Sultaniyyah: The Laws of Islamic Governance* by Asadullah Yate; and *The Ordinances of Government: A Translation of Al-Ahkam Al-Sultaniyya A'Al-Wilayat Al-Diniyya* by Wafaa H. Wahba.” Review by: Ingrid Mattson, *Journal of Law and Religion*. Vol. 15, No. 1/2 (2000 - 2001), pp. 399-403. Stable URL: <http://www.jstor.org/stable/1051533>

⁵⁵⁸ Third section of the first chapter located at page 5.

demonstrate its probity (the quality of having strong moral principles; honesty and decency), knowledge leading to recognition of the person fitted by his qualifications for the post of supreme leader, and prudence and wisdom likely to make them choose the best candidate and the most capable and knowledgeable in managing state affairs.⁵⁵⁹

With regards to the number⁵⁶⁰ of electors, there are contestations among scholars, some argued for the “generality” in order for his election to be unanimously approved and his authority universally accepted, few argued for a minimum number of five as predicated by Abu Bakr and Umar’s experiences, while scholars from Kufa argued for only three persons basing from a marriage contract, and others argued for a single person citing the experience of Ali.

Once the supreme leader is determined, if he accepts, the electors pledge their allegiance to him and his assumption of office takes effect immediately, but if he declines, other candidates are approached instead. If there is a tie in the result of the election, age (the older one is given precedence) and the quality (courage and knowledge) are the determining factors in selecting the sole winner.⁵⁶¹ Moreover, electors may not cast their votes if uncertainty persists following investigation that neither candidate can establish his temporal advantage because al-Mawardi believed that the office of supreme leader is a contract and that sovereignty may not be shared.⁵⁶²

⁵⁵⁹ It’s the first section of the first chapter (On the appointment of the Sovereign {Imam}) located at page 4.

⁵⁶⁰ Third section of the same chapter located at page 5.

⁵⁶¹ Fourth section of the first chapter located at page 6.

⁵⁶² Fifth section, p. 8-9.

With regards to appointment by the predecessor (or the validity of succession⁵⁶³), scholars have different opinions.⁵⁶⁴ Some Iraqi jurists tend to directly accept the legitimacy of the successor even without the proper selection process of the electors. However, majority of jurists and theologians argued that the establishment in office could only take place as a result of ‘free choice’ by the electors because they believed that the office of the sovereign is an appointment that is conferred by someone empowered to do that.⁵⁶⁵

Qualification

Al-Mawardi imposed seven conditions⁵⁶⁶ (as supported by Islamic traditions) of eligibility for supreme leadership: first, justice or probity with all its attributes; second, knowledge conducive to the exercise of independent judgment in crises or decision-making; third, sound hearing, vision and speech so that perception could serve as a correct basis for action; fourth, physical fitness and freedom from handicaps to movement or agility of action; fifth, prudence that ensures wise handling of the subjects and able maintenance of their interests; sixth,

⁵⁶³ Al-Mawardi argued that, in p. 9, “should an incumbent, therefore wish to nominate a successor, he must do his best to find the one most qualified for it ... he must first ascertain whether he is a son or a father; if not, he may appoint him to office without participation from anyone else, and even without consulting the electors.” All that the supreme leader needs is the acceptance from the one he nominated to take his appointment into effect. However, if on the other hand, the successor is a son or a father there are three acceptable approaches in pp. 9-10: first, he may not nominate a son or father until he consults the electors and they judge his nominee suitable for the office; second, accords him the right to decide independently whether to nominate a son or father, because he is the sovereign, whose word is command for the nation to obey whether believed to be in its interest or against it; and third, he has the authority to appoint his father but not his son, as one is by nature more partial to one’s son than to one’s father, and is therefore inclined to amass wealth mostly for the benefit of the child rather than the parent.

⁵⁶⁴ Ibid, p. 7.

⁵⁶⁵ Now, this is where al-Mawardi contrived the legitimacy of dictatorship for he allows that the selection of a leader can be reduced to singular entity. In addition, in page 7, he opined that there should only be one sovereign ruler.

⁵⁶⁶ Ibid, p. 4. It’s the second section of the same chapter.

dauntless courage in defense of the homeland and repulsion of its enemies; and seventh, notable Qurayshite⁵⁶⁷ descent.

Disqualification

There are two important factors that may disqualify a supreme leader from his office: lack of justice⁵⁶⁸ and physical disability⁵⁶⁹. The latter is divided into three kinds: missing senses (i.e. loss of reason⁵⁷⁰, sight⁵⁷¹, hearing, speech or loss of senses that do not affect the office of the sovereign such as smell), missing organs⁵⁷², and mental deficiency.

Responsibility

Once the supreme leader has been identified and started managing his administration. He is required to establish his deputies⁵⁷³ to whom he delegates authority. These are the ministers, governors, appointees who have particular jurisdiction but over unlimited territory (e.g., chief judge, command-in-chief,

⁵⁶⁷ This condition, according to al-Mawardi, is a matter indisputably settled by explicit text and by general consensus. For it was from the own words of the Prophet that “Imams (leaders) come from Quraysh.”

⁵⁶⁸ It pertains to sinfulness, committing forbidden deeds and venturing on violations of decency in pursuit of pleasure. See page 17 of the 11th section of the first chapter.

⁵⁶⁹ This has something to do with suspected unorthodoxy, which would preempt investiture and continuation in office in the opinion of some scholars, on the ground that mere suspicion is sufficient as in the case of utter disbelief. See page 17 of the 11th section of the first chapter.

⁵⁷⁰ Refers to chronic diseases such as madness or idiocy.

⁵⁷¹ With the exemption of night-blindness and poor vision, for they can still continue their office.

⁵⁷² This has four categories: First, those that do not affect the validity of appointment or continued tenure in office (e.g., removal of penis or testicles); second, those that preclude appointment to the office of the Caliph and continued tenure in it (e.g., loss of the hands or legs invalidate himself from becoming the supreme leader); third, those that preclude appointment to office but there is disagreement on its effect on continued tenure (e.g., partial disablement from work due to loss of one arm or leg which excludes the candidate for appointment); and fourth, those that do not prevent an incumbent from remaining in office but there is disagreement on the question of the legitimacy of conferring te office on a candidate suffering from it (e.g., disfigurement of face or ugliness, mutilated nose or gouged eye). Further details are elaborated in pp. 19-20.

⁵⁷³ Ibid, pp. 21-22. 14th section of the first chapter.

defender of the borders, and collector of the land tax and legal alms), and appointees who have special jurisdiction in a particular territory (e.g., local judge, land-tax agent, legal-alms collector, defender of the frontier, and garrison commander in a certain district). Ten necessary public duties⁵⁷⁴ were laid down by al-Mawardi:

1. He must guard the faith, upholding its established sources and the consensus of the nation's ancestors, arguing with emerging heretics or suspicious dissenters, demonstrating the truth to them and administering to them the legal penalties, so that the faith should remain pristine and the nation free from error.
2. He must enforce law between disputing parties and end disagreement among antagonists until justice prevails and there are no more oppressors or oppressed people.
3. He must protect the country and the household, so that all may go about the business of living and travel anywhere unworried by deception or loss of life or property.
4. He must dispense the legal punishments so that God's prohibitions are observed and His worshippers' rights may be protected from vandalism or misappropriation.
5. He must strengthen border posts by deterrent equipment and fighting force so that the enemies may not gain the chance to violate what is sanctified or shed a Muslim's or protected non-Muslim's blood.
6. He must fight those who resist the supremacy of Islam after being invited to embrace it, until they convert or sign a treaty of subjection, so that God's claim to have the faith superior to any other is established.
7. He must collect taxes and alms imposed by jurisprudence, on the basis of explicit text and the exercise of judgment, intrepidly but without tyranny.

⁵⁷⁴ 10th section of the first chapter at page 16. Duties are copied verbatim to emphasize specific obligations and activities provided by the author.

8. He has to estimate the payments and allocations that must be made by the treasury without extravagance or niggardliness, and pay them neither before nor after the appointed time.

9. He must appoint men who are reliable and sincere and of good counsel to perform the functions or take care of the funds he charges them with in order to ensure efficiency and honest management.

10. He has personally to oversee matters and study the conditions of the people in order to manage public policy and guard the faith instead of relying on delegation of authority while he is preoccupied with pleasure or worship, for those deemed honest do sometimes betray the trust, and counselors may deceive.

5.4 The King of Nizam al-Mulk

Hasan ibn ‘Ali of Tus or popularly known with his noble title as Nizam al-Mulk, the chief minister of the administration of the great empire of the Seljuk, had first served Sultan Alp Arslan and then his son Malikshah for over 30 years. Coincidentally, the rise and fall of the Seljuks coincided with Nizam al-Mulk’s birth and demise. According to two sources, he was born either in 408 AH/1018 AD (*Mujmal-I Fasihi*) or in 410 AH/1020 AD (*Tarikh-I Baihaq*); and died in 485/1092, murdered by one of the assassins of the Isma’ilis whom he denounced so fiercely in his book, *Siyasatnama*.⁵⁷⁵ He is also a staunch supporter of promoting orthodox religious education, where he founded madrasas or colleges of higher learning in several cities. They were known as Nizamiyyas after him, and the most famous of them were at Baghdad and Nishapur.⁵⁷⁶

⁵⁷⁵ The dates of his birth and death were taken from the same book (*Siyasatnama*) located in the introduction part at page ix.

⁵⁷⁶ *Ibid*, p. x. In Nishapur, he recruited al-Ghazali to become a professor and later invited him to join in his court as one of the highly respected viziers.

Sultan Malikshah commissioned all his political advisers (vazirs) to produce treatises on the art of government because he was so dissatisfied with the current state of his empire.⁵⁷⁷ The selection of Nizam al-Mulk's treatise (i.e. the *Siyasatnama*) over other treatises as the sole handbook of protocols for governance was never known.⁵⁷⁸

In his treatise,⁵⁷⁹ *The Book of Government or Rules for Kings (Siyar al-Muluk or Siyasat-nama)*, he drew up a set of governmental protocols and different aspects of governing the empire, specifically written for Malikshah's regime. Nizam told stories from a historical perspective to show that a weak regime can be cured when a just king refrain from collaborating with evil-doers. According to him, a king must have right judgment, an effective vizier, and officers of virtue. Every task must have proper and suitable worker. While heretics are put down and the orthodox are raised up.

Tyrants are repressed, soldiers as well as peasants fear the king, the uneducated is not given position, the inexperienced are not promoted, advice is sought from the intelligent and mature, and men are selected for their skill and not because of their money. In addition, it raises the point that religion is not sold for worldly things, everything is ordered according to merit, thus all people have work according to their capability, and all things are regulated by justice and government by the grace of God.⁵⁸⁰

⁵⁷⁷ Ibid, p. xi. The current state of his empire pertains to the disorganized system of his administration. So Malikshah started a project to have the best blueprint of government protocols and bureaucratic (or standard) procedures to centralized the whole empire.

⁵⁷⁸ It was not documented how his treatise was selected by Sultan Malikshah, but my hunch is that he did his own way by playing some dirty tricks just like what he did to al-Kanduri, another vazir (minister), clandestinely ordered to be executed. Nizam al-Mulk perceived al-Knaduri as an obstacle or threat for his ambition to become the 'khwaja (master) of the world' under the empire of Seljuk.

⁵⁷⁹ Where all quotations and citations will be referred continuously in this essay.

⁵⁸⁰ M. A. Zaidi's review published on 13 May 2002 at <<http://www.amazon.com/The-Book-Government-Rules-Kings/dp/0700712283>>.

Selection

It is quite vague to understand how a king must be chosen. According to Nizam al-Mulk, that “in every age and time God (be He exalted) chooses one member of the human race and. having endowed him with goodly and kingly virtues, entrusts him with the interests of the world and the well-being of His servants.”⁵⁸¹ Then, it is stated that by divine decree the king “acquires some prosperity and power, and according to his deserts The Truth bestows good fortune upon him and gives him wit and wisdom, wherewith he may employ his subordinates every one according to his merits and confer upon each a dignity and a station proportionate to his powers”.⁵⁸²

Qualification

For a man to become a full-pledged king, he must have these innate qualities. It is necessary that the king must have “a comely appearance, a kindly disposition, integrity, manliness, bravery, horsemanship, knowledge, (skill in) the use of various kinds of arms, accomplishment in several arts, pity and mercy upon the creatures of God, (strictness in) the performance of vows and promises, sound faith and true belief, devotion to the worship of God and the practice of such virtuous deeds as praying in the nights⁵⁸³, supererogatory fasting, respect for religious authorities, honoring devout and pious men, patronizing men of learning and wisdom, giving regular alms, doing good to the poor, being kind to subordinates and servants, and relieving the people of oppressors.”⁵⁸⁴

⁵⁸¹ Most of his arguments regarding the king can be found in chapter 1 (On the turn of Fortune’s wheel and in praise of The Master of the World – may Allah confirm his Sovereignty) located in pp. 9-11.

⁵⁸² Ibid, p. 9.

⁵⁸³ He added that in addition to the five prescribed times of prayer, the king must devote his evening times to God.

⁵⁸⁴ Ibid, pp. 10-11. You may notice that following the principles of Islam is an integral part of becoming a king for Nizam al-Mulk.

Responsibility

It is in Nizam al-Mulk's understanding that God "charges a king to close the doors of corruption, confusion and discord, and He imparts to him such dignity and majesty in the eyes and hearts of men, that under his just rule they may live their lives in constant security and ever wish for his reign to continue."⁵⁸⁵

The king has the duty to "select his ministers and their functionaries from among the people, and giving a rank and post to each, he relies upon them for the efficient conduct of affairs spiritual and temporal. If his subjects tread the path of obedience and busy themselves with their tasks he will keep them untroubled by hardships, so that they may duly pass their time in the shadow of his justice. If one of his officers or ministers commits any impropriety or oppression, he will only keep him at his post provided that he responds to correction, advice or punishment, and wakes up from the sleep of negligence. However, if he fails to mend his ways, he will retain him no longer, but change him for someone who deserves the post. When his subjects are ungrateful for benefits and do not appreciate security and ease, but ponder treachery in their hearts, showing unruliness and overstepping their bounds, he will admonish them for their misdeeds, and punish them in proportion to their crimes."⁵⁸⁶

Function

Aside from the general responsibilities of the King, he also has specific functions in the creation of super infrastructures (in al-Mulk's words, advancing the civilization). The king must "construct underground channels, dig main canals,

⁵⁸⁵ Similar page, but he did not elaborate on the technicalities of the operation on how God give orders to the king, instead my personal hunch is that the instructions and orders of God can be found in the sources (Qur'an and Hadith) of Islam.

⁵⁸⁶ A long quotation located in page 10. The subsequent sentences refer to the specific functions of the King.

build bridges across great waters, rehabilitate villages and farms, raise fortifications, build new towns, erect lofty buildings and magnificent dwellings, build inns for travelers along the highways, and schools for those who seek knowledge.”⁵⁸⁷

It is also one of the functions of the king to always practice justice and virtue but with specificities as stated by al-Mulk. He said that “it is absolutely necessary that on two days in the week the king should sit for the redress of wrongs, to extract recompense from the oppressor, to give justice and to listen to the words of his subjects with his own ears, without any intermediary. It is fitting that some written petitions should also be submitted if they are comparatively important, and he should give a ruling on each one.”⁵⁸⁸ In addition, the king should not be hasty in decision and that there must be a thorough investigation and research before making a conclusion or judgment. He argued that “for hastiness is a mark of weakness, not a sign of strength.”⁵⁸⁹

A king must always take into account, particularly in urgent matters or business, to consult his counsel with wise elders, loyal supporters, and ministers of state. For al-Mulk “a man who does not take counsel in affairs shows weak judgment ... No task can be accomplished without men of the proper skill; no more can any enterprise succeed without deliberation.”⁵⁹⁰

⁵⁸⁷ As stated in footnote no. 11. It is explicitly manifested that Nizam al-Mulk is obsessed with the aesthetics of the empire that needs to specifically list them for Malikshah’s pleasure.

⁵⁸⁸ “Chapter III: On holding court for the redress of wrongs and practicing justice and virtue” located at page 13.

⁵⁸⁹ “Chapter XXXVIII: On the inadvisability of hastiness in affairs on the part of kings” located at page 129.

⁵⁹⁰ “Chapter XVIII: On having consultation with learned and experience men” located at page 92.

Evaluation

Firstly, it is important to note that the servants (for al-Mulk) have accorded rights to record “those good qualities that are indispensable to a king, and make note of every principle which kings have followed in the past but now do not observe, indicating what is good and what is bad, whatever came to the mind of his humble servant that he had seen, learnt, read or heard...”⁵⁹¹ must be written down. And, secondly, it is certain that God will judge the king for “on that great day he will be asked to answer for all those of God’s creatures who are under his command, and if he tries to transfer (his responsibility) to someone else he will not be listened to. Since this is so, it behooves the king not to leave this important matter to anyone else, and not to disregard the state of God’s creatures.”⁵⁹²

Punishment

Nizam al-Mulk emphasizes the wrath of The Truth (God) if “there occurs any disobedience or disregard of divine laws on the part of His servants, or any failure in devotion and attention to the commands of The Truth (be He exalted), and He wishes to chasten them and make them taste the retribution for their deeds ... verily the wrath of The Truth overtakes those people and He forsakes them for the vileness of their disobedience.”⁵⁹³

In addition, it is God alone according to al-Mulk that “kingship disappears altogether, opposing swords are drawn, blood is shed, and whoever has the stronger hand does whatever he wishes, until those sinners are all destroyed in tumults and bloodshed, and the world becomes free and clear of them; and through the wickedness of such sinners many innocent persons too perish in the

⁵⁹¹ Ibid, p. 11. It is interesting to note that al-Mulk divided the evaluation process of a king’s track record into human (material) and God (divine) assessments.

⁵⁹² “Chapter II: On recognizing the extent of God’s grace towards kings” located at page 13.

⁵⁹³ This quotation can be found in page 9 of the first chapter after al-Mulk wrote that God is the sole authority in choosing the king, while God also has the power to remove him.

tumults.”⁵⁹⁴ It is quite interesting that these warnings were written in the beginning of chapter I (On the turn of Fortune’s wheel and in praise of The Master of the World – may Allah confirm his Sovereignty).

Special Role: Boon-Companions

According to Nizam al-Mulk, “a king cannot do without suitable boon-companions with whom he can enjoy complete freedom and intimacy.”⁵⁹⁵ As a general rule, boon-companions⁵⁹⁶ cannot be government officials and vice versa because they may “indulge in high-handed practices and oppress the people.” For al-Mulk, there are advantages for the necessity of boon-companions because: “firstly, they are company for the king; secondly, since they are with him day and night, they are in the position of bodyguards, and if any danger should appear, they will not hesitate to shield the king from it with their own bodies; thirdly, the king can say thousand different things, serious and frivolous, to his boon-companions which would not be suitable for the ears of his vizier or other nobles; and lastly, all sorts of sundry tidings can be heard from boon-companions, for through their freedom they can report on matters, good and bad, whether drunk or sober....”⁵⁹⁷ Thus, it leads Nizam al-Mulk to conclude that to know the character of the king you have to see if his boon-companions are good or bad.

⁵⁹⁴ Ibid, p. 9.

⁵⁹⁵ “Chapter XVII: Concerning boon-companions and intimates of the king and the conduct of affairs” located at pp.89-91.

⁵⁹⁶ There are several criteria for a suitable boon-companion. Nizam al-Mulk argued that “he must be well bred, accomplished and of cheerful face. He should have pure faith, be able to keep secrets and wear good clothes. He must possess an ample fund of stories and strange tales both amusing and serious, and be able to tell them well. He must always be good talker and a pleasant partner; he should know how to play backgammon and chess, and if he can play a harp and other musical instruments, so much the better. He must always agree with the king... Where pleasure and entertainment are concerned, as in feasting, drinking, hunting, polo and gaming – in all matters like these it is right that the king should consult with his boon-companions....”

⁵⁹⁷ Ibid, p. 89.

5.5 Comparison of their Views on Agents of Ruling

Their classical works provided guidelines for all nations in choosing and knowing the qualities, responsibilities, functions, and other pertinent information regarding the essence of becoming a leader and of leadership as well. But, to whom has more efficacies in terms of their views to leadership comparable with the head of state (president or prime minister) in today's world?

On Selection

Al-Farabi's view is more on the result or output of a community that naturally convenes themselves because it is necessary and needed by each partaking members. His political organization is an 'association of peoples' who are in symbiotic with one another. And, the most refined among the members (in terms of philosophical knowledge and potential persuasion to convince people with his line of thinking and position in addressing certain significant issues) must be automatically qualified for the position of becoming the virtuous leader. However, the question that someone may ask is 'what are the specific technical procedures and protocols in selecting the virtuous ruler?' This also includes inquiry on testing tools to examine and verify his character as a virtuous individual.

Ferdowsi's view⁵⁹⁸ is significantly related with political institutions of monarchy, totalitarian type of leadership, and dynasty of familial regimes. An individual can only become shah if he is appointed or selected by the out-going shah or if it is hereditary that originated from previous generations of royal family-based rulers.

⁵⁹⁸ Unfortunately, these types of political regimes do exist today. You can find them from East Asia, Africa, to South America, etc., although, some monarchies hold titular (symbolical) representations only. Nepotism, cronyism, and favoritism are often the causes of these regimes that usually lead them to their downfall (i.e. if the welfare of his people is not seriously taken care of or dealt with).

Nizam al-Mulk's view is vague regarding the process of selecting a leader. He contends for a divine intervention and only in this manner that a leader can be determined. I contend that since he is writing for a specific person, the Sultan of the Seljuk Empire, he is providing valuable prominence in defining the status of the leader. In short, he wanted to please and show that the Sultan is divinely chosen as the sole steward of God's creation thus giving him a pedestal of automatic power and wide proximal influence all over his territories. In addition, the leader has innate characteristics of goodly and kingly virtues and receiver of wealth, power, wit, and wisdom for he was the righteous one determined by God through his message given to the Prophet.

While al-Mawardi is more technical and jurisprudential that is backed up by historical traditions and recorded (documented) reports to show evidences supporting his ideas and claims. His ideas of having electors suggest a representative democracy but in the veins of oligarchy because you have few chosen people who have the sole right in selecting the supreme leader. Although, he provided us how a person can be a member of electors it still remains unclear on who or how a person can become an elector. Probity, knowledge, wisdom, and prudence are difficult to find to a man because they need more years of trainings and development of their expertise. You also need to survey societies by asking each of the inhabitants who have gained their high respect and admiration consonance with the characters mentioned above, thus you may identify and nominate members for the electors. The numbers of electors are also contested as shown with different opinions from jurists. It may even be reduced to one, i.e., appointed by the incumbent official.

Ferdowsi and Nizam al-Mulk have similarities in terms of selecting the leader (agent of statecraft) and that is through the prerogative of the incumbent leader or if it is divinely intervened. And, al-Farabi's 'societies of peoples' and al-Mawardi's 'body of electors' have democratic inclinations (where, at least, the

leader is selected by his community itself or the people have a voice in choosing their representative).

On Qualification

All four of them agreed that a leader must be intelligent and has the wisdom and knowledge of public administration and governance, but al-Farabi takes it to a different (higher) level categorizing the leader as a philosopher (which meant that he innately acquired all the intellectual faculties of a philosopher as distinctly listed in his 12 qualities and 6 conditions to become a virtuous ruler). Moreover, al-Farabi added the power of imagination and charisma (power of persuasion) as a salient quality of a leader. On the other hand, Ferdowsi gave importance of the virtue of courage and bravery as a significant asset of a leader.

Both al-Mawardi and Nizam al-Mulk believed that a leader must be morally pious and believer of Islam, physically fit for the position in order to become effective in handling his tasks and duties, and has the audacity and courage to provide security for his subjects and territories. However, since al-Mawardi is a jurist his requirement for an individual to become a leader is that he must be a descent coming from the Quraysh community as supported by Islamic traditions and documented reports. While al-Mulk gives precedential importance to the aesthetic outlook of the leader having a comely appearance, a kindly disposition, manliness, and knows the art of horsemanship since Seljuks are well-known horsemen.

In short, a leader must be knowledgeable, faithful, brave, risk-taker, and physically fit for the position. However, none of them argued that a leader is someone that knows how to listen to his constituencies and manifests the virtue of humility.

On Responsibility

All argued for specific duties and tasks for the leader as having the obligation to immediately create and organize his administration by appointing particular person appropriate for the job, but no one argued for establishing a consultative body in order to review, evaluate, and confirm his nominated individuals for their specific post. Thus, the leader has the utmost authority, leniency, and prerogative as to whom he would give the position, which usually leads to problematic favoritism, cronyism, and nepotism. And, basically the roots of dictatorship are starting to spread all over his dominion. In addition, since he has the power to appoint, he also has the power to remove or persecute them as long as those individuals are guilty of their crimes. In this regard, the leader must be just, virtuous, and morally apt in order to conclude a verdict to the suspect.

According to the recurring stories in *Shahnameh*, Ferdowsi's primary duty for the leader is to protect his dominion from insecurities such as poverty, famine, threats from external forces (impending invasions), and maintain stability, peace and order all over his territorial jurisdiction. This is probably the main reason why he gave importance to courage as a major quality of the leader. For al-Farabi, in order for the leader to instruct the elite and form their character, he ought to be a philosopher skilled in the speculative sciences, and in order for him to instruct the masses and form their character, he ought to be a prophet who possesses persuasion and imagination to perfection. In short, a combination of two professions: philosopher and prophet.

Al-Mawardi highlighted that his leader must uphold faith, protect the people by destroying forces threatening the foundation of their Islamic faith, and fight those who resist the supremacy of Islam, while al-Mulk pays concrete attention to expanding and building more infrastructures for the Seljuk Empire. In this regard, al-Mawardi argues for theoretically strengthening the Islamic faith, while al-Mulk argues for materialistic wealth and power in order to bring peace and order in the whole Muslim empire.

If you will pay more attention, you may correlate their views of the tasks and responsibilities of their leader in today's actual professions, i.e., academic professor (for al-Farabi), military general (for Ferdowsi), pope (for al-Mawardi), and industrial engineer (for Nizam al-Mulk).

On Other Observations

Al-Farabi likened his virtuous state into a modern bureaucratic government where each official has specific roles and duties but in a hierarchical (pyramid) system. That is, there is a top level position with its own subordinates, while those subordinates have also their own (lower) subordinates. Their primal responsibility is to maintain an organized institution where the top rank official is satisfactorily served by his subordinates, and these subordinates are also satisfactorily served by their own subordinates. Protocols of their duties are respectfully followed, maintained, and preserved. He also elaborated on his ideas of imperfect states: ignorant, ruined, declined, and lost/misled states. You can find some related variables of his imperfect states comparable with democracy, capitalism, socialism, and communism.

Both Ferdowsi and Nizam al-Mulk have emphasized the wrath of God in reprimanding leaders who are disobedient of His rules. Al-Mawardi did not provide details about punishment of the leader but he provided a section on disqualification from becoming the sovereign Imam, which he centered on committed injustices (acts) and detailed conditions and factors relating to physical disability. Thus, al-Mawardi is traditionalist in upholding and maintaining the traditions documented through the sources (Qur'an, Hadith, and consensual decisions and respected arguments from other jurists, theologians, and commentators alike) of Islam.

Nizam al-Mulk is somehow innovative in terms of providing evaluative process to assess the current track record of the leader, even though he is particularly

addressing his Sultan's demands, wants, and needs in order to satisfy and please him. Thus, he provided a full chapter on boon-companion and literally emphasizing that his leader is the entrusted steward by God and of His creation.

It is no wonder that al-Mawardi's work is highly regarded and recognized as a major reference discussed and quoted in courses on Islamic political thought, law, and government. For many scholars, it has been described as the standard formulation of the orthodox Sunni's Islamic theory of government, but for others contend that there is no such thing as a single received Sunni theory of government because they view the book as an attempt by al-Mawardi to reconcile a certain interpretation of Islamic law, the Ash'arite doctrine (one of several existing or possible theoretical positions on the subject) with the political realities under the Buyids.⁵⁹⁹

The *Siyasatnama* became a classic on its own paving the way to reorganize the administrative system of the Seljuk Empire and inspiring the establishment of the Ottoman Empire, one of the longest polities existed in the world. Thus, the impacts and influences of these selected works can still be felt in the contemporary world, from monarchical parliamentary form of government to presidential one, and referenced as blueprint for the creation of standard operating procedures and protocols for a bureaucratic system of a modern world.

5.6 Conclusion

It is interesting to note that these scholars have different professions/vocations; a philosopher (al-Farabi), a poet (Ferdowsi), a jurist (al-Mawardi), and a bureaucrat (Nizam al-Mulk). And yet the author selected them as practical sources of conceptualizing and applying 'authority' of Muslim governance for a probable Islamic theorizing about IR. The selected contributions of these four scholars served as guidelines for all Muslim nations for several centuries in the selection

⁵⁹⁹ Further contentions and arguments on al-Mawardi's book are presented in the Translator's Introduction of the same book located at page xiv.

of temporal authority in Muslim thought. This temporal authority became the prescriptions and recommendations for the operations of *siyar* and how Muslim regimes deal with non-Muslim authorities and other dissimilar societies.

Al-Farabi is one of the scholars who revitalized Greek philosophy in late antiquity when it was dead in Western Europe. He influenced great thinkers of Islamic civilization including Ibn Sina (Avicenna, 980-1037), Ibn Rushd (Averroes, 1126-1198), and Musa ibn Maymun (Maimonides, 1135-1204). Al-Farabi is reputedly regarded as the founder of philosophy within the Islamic world even though he had some noteworthy predecessors, such as al-Kindi and al-Razi. The importance of *'The Perfect State'* is the combination of divine and political science that justifies sound beliefs on 'philosopher cum prophet' as the most virtuous ruler in the world.

Ferdowsi's magnum opus, the *Shahname*, marked as one of the tools of axial moment of several Muslim nations for over centuries which until now is being recited and commemorated. His epic gave peoples of connecting to their past (memories), a sense of shared historic continuity, and the precursor for the emergence of nationalism for Persians (Iranians), Afghanis, Azeris, Georgians, Tajiks, Kurds, etc. It was written in Farsi where at the point in their history they had lost their national independence from the onslaught of Arabic language. Therefore, *Shahname* provided foundational history, cultural heritage, and national identity all throughout the Persian world, i.e., from Iran, Central Asia, to Pakistan and India.

Al-Mawardi is the epitome of providing the sunni theory of caliphate. He had served the Abbasids (with major capital cities in Iraq that includes Baghdad, Kufa, and Samarra, in Damascus of Syria, and in Cairo of Egypt) and Buyids under Shi'a Islam (with major capital cities in Iran that includes Shiraz and Rey, and in Baghdad of Iraq), and experienced the rise and zenith of Fatimids (with capital cities in Tunisia that includes Raqqada, Mahdia, and El-Mansuriya, and in

Cairo of Baghdad) and Seljuks (with major capital cities of Iran that includes Nishapur, Rey, Isfahan, and Hamadan, in Merv of Turkmenistan, and in Konya of Turkey). His lifetime was the period of existing multi-rivaling caliphates, which is plagued by socio-political turmoil and conflicts. Aside from being an Islamic jurist and judge, he is also a statesman who lead major diplomatic negotiations between Abbasids and Buyids. His *Ordinances of Government* became an influential theoretical blueprint in inspiring treatise, charters and constitutions in most sunni-Arab countries for several centuries.

Nizam al-Mulk is the chief minister of the administration of the Seljuk Empire. His treatise, *Siyasatnama*, served as the guiding structure and manual of the empire. It included ways of how the authority deals with other polities – be they Muslims or not. He also founded colleges of higher learning called after his title as *Nizamiyyas* wherein *Siyasatnama* is part of their curriculum. Some parts of the treatise also became a blueprint for contemporary bureaucratic system in the modern times.

One of the purposes of this chapter is to counter rebut the recent publication edited by Richard Ned Lebow, Hidemi Suganami, and Peer Schouten entitled *The Return of the Theorists: Dialogues with Great Thinkers in International Relations* (Palgrave Macmillan, 2016), where they discussed the thoughts of Confucius, Kautilya, Aristotle, Machiavelli, Hobbes, Locke, Kant, Foucault, Marx, Morgenthau, Waltz, Wendt, etc. But not a single scholar from the Muslim civilization was presented.

After we have established the background of relations among ‘religion & IR, and Islam & IR’, and discussed one of the unit of analyses in IR (i.e. the nation-state) with detailed study of its elements and few constitutional cases. Whereby, we subsequently presented how these elements and counterpart constitutional cases are understood in Muslim governance including select Muslim thinkers’ conceptualizations on ruling as an extension of the element of authority. The last

step is an analysis of practical case regarding how a specific contemporary Muslim society (the Bangsamoro) reconfigured its political system/arrangement under the context of nation-state (i.e. represented by the Republic of the Philippines, a predominant Christian country) is presented in the succeeding chapter.

*Cats are marvelous creatures
- they either adapt to circumstances, or
decide to make circumstances adapt to them.
Either way - they win.*

Will Advise⁶⁰⁰

CHAPTER VI

THE BANGSAMORO

With the historic signing of the Framework Agreement on the Bangsamoro⁶⁰¹ on March 27, 2014 between the Moro Islamic Liberation Front (MILF) and the Philippine government including previously signed 12 annexes. Muslim-dominated Bangsamoro as a polity purports the idea that its emergence entails an Islamic sub-state system within the parameters of the Catholic-dominated Philippines by having its own distinct but some mutually shared powers on executive, legislative, and judicial bodies of government with respect to the Moro's customs, traditions, and Islam.

However, its contours of implementation will depend on the approval of the Philippine congress paving the way for a plebiscite to determine its core territory and administrative powers concomitant Philippine's branches of government. And its constitutionality will be decided by the Supreme Court of the Philippines. This article will discuss the Bangsamoro's adaptation of modern state system via the history of Islam in the Philippines, the origin of the conflict, the current state of Islam, relations between Muslims, Christians and with the government, the phase of negotiations between MILF and the Philippine government regarding the

⁶⁰⁰ From the novel 'Nothing is here...' by Stefan Dimov. Available at <https://www.goodreads.com/quotes/tag/adaptation>

⁶⁰¹ This is my forthcoming chapter entitled "The Contemporary Question of the Bangsamoro in the Philippines" in Carimo Mohamed (ed.) *Religion and Legal Boundaries in Islamic Contexts*. Newcastle upon Tyne, UK: Cambridge Scholars Publishing. (under review)

creation of sub-state system under Philippine laws, the implication of the customary law (Presidential Decree 1083), and the constitutionality of the 2014 Bangsamoro Basic Law.

6.1 The Bangsamoro⁶⁰²

Muslim Arab missionaries arrived in the southern Philippines in fifteenth century and started spreading the message of Islam including marrying the locals usually daughters of the clan/tribal chief. The natives who accepted Islam were later known as the Bangsamoro (literally means the nation of the Moro people). Etymologically, the word Moro was derived from the term ‘Moor’, which the Spanish rulers in colonial Philippines used it to refer to all Muslims. Spanish efforts to subjugate the Moro homeland resulted in the Spanish-Moro wars that began in 1565 and lasted for over 300 years.⁶⁰³ To gain the sympathy and support of Christianized Native Filipinos, the Spaniards infused the term ‘Moro’ with derogatory connotations such as pirates, traitors, enslavers, cruel, and barbaric.⁶⁰⁴

The Moro communities are composed of 13 Islamized ethno-linguistic groups located in the islands of Mindanao, Sulu, and Palawan. These are the Iranun, Magindanaon, Maranao, Tao-Sug, Sama, Yakan, Jama Mapun, Ka'agan, Kalibugan, Sangil, Molbog, Palawani, and Badjao.⁶⁰⁵ There are also Muslims

⁶⁰² Further details at Tuazon, Bobby M., ed. *Rethinking the Bangsamoro Crucible: A Reader*. Quezon City, Philippines: Center for People Empowerment in Governance (CenPEG) Publications, 2008.

⁶⁰³ Kamlian, Jamail A. “Who are the Moro People?” *Philippine Daily Inquirer*, October 20, 2012, Accessible at <http://opinion.inquirer.net/39098/who-are-the-moro-people>

⁶⁰⁴ Ibid.

⁶⁰⁵ Lingga, Abhoud Syed M. “Democratic Approach to pursue the Bangsamoro People’s Right to Self-Determination” Geneva, July 17, 2002, Accessible at <http://democracy.mkolar.org/Bangsamoro-Self-Determination.html> and Lingga, “Muslim Minority in the Philippines.” *Pieces for Peace: The MOA and the Mindanao Conflict*, Philippine Council for Islam and Democracy, Magbassa Kita Foundation, Konrad-Adenauer-Stiftung, p. 9. Accessible at www.kas.de/wf/doc/kas_15470-1522-2-30.pdf?090113033629

among the other indigenous peoples of Mindanao like the Teduray, Manobo, Blaan, Higaonon, Subanen, T'boli, and others. In recent years, significant numbers of people from Luzon and the Visayas islands, as well as migrant communities in Mindanao, have converted to Islam.⁶⁰⁶

There are religious and social conflicts between Muslims and Christians including government's political and economical negligence, discriminatory (social policies), and crimes (massacres) toward the Moro people. Thus, it resulted to the formation of two Muslim armed separatist groups: The Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF), which is an offshoot of MNLF. The latter group (MILF) is presently negotiating with the Philippine administration, aiming for full autonomy with definite treasury powers and administrative authority, which will replace the Autonomous Region of Muslim Mindanao (ARMM), created in 1989 as a result of talks between the Philippine government and MNLF.

6.2 Pre-Islamic Era⁶⁰⁷

Before the advent of Islam in the early fifteenth century, there were already aborigines inhabiting much of the coastal lands, plains, and riverside areas of the Philippines. The inhabitants were mostly animists and polytheists with pagan rituals and ceremonies. They worshipped inanimate objects such as rocks, mountains, plants, trees, sun, rain falls, moon, and clayed human or animal

⁶⁰⁶ Hussain, Noor Najiha Syahirah Che et al. "Muslim Minorities in Philippines: The Mindanao Conflict," Centre for Foundation Studies of International Islamic University Malaysia, April 6, 2012, p. 5. Accessible at https://www.academia.edu/9585754/MUSLIM_MINORITIES_IN_PHILIPPINES_THE_MINDANAO_CONFLICT_2012_

⁶⁰⁷ Further readings, please see: Saleeby, Najeeb M. *The History of Sulu*. Manila, Philippines: Bureau of Public Printing, 1908.

figures which they believed contain magical or supernatural powers to ease their sufferings, particularly in times of drought, conflict, and famine.

However, they formed a strong social cohesion and established political communities via familial orientations, brotherhood or sisterhood by blood, and principles of collective security (defending their own clan, tribe or community against perceived threats from outside forces). They had three hierarchical social classes and these are the chiefs, commoners, and slaves. The uniqueness of this structure was that commoners could be chiefs if they have committed heroic activities recognized by the whole society, especially by the ruling elites, while slaves could buy their freedom if they had enough earned property or money to pay their owners.

In every political community, codes of laws were developed in order to minimize costly conflicts or wars and resolve contentions on territorial disputes, murder, treason, and among others. They generally had an agricultural-based economy system and utilized barter trade though other forms of livelihood such as fishing, pottery-making, and weaving were also practiced.

6.3 Islamic Era until the End of the U.S. Colonial Era⁶⁰⁸

Islam came to the Philippine archipelago via trading routes from Arab lands far to the West, via India and Southeast Asia, including what is now the Indonesian and Malaysian-controlled island of Borneo, which lies near the southern Filipino islands of Sulu, Mindanao, and Palawan). Among those who brought Islam were traders and Muslim Arab missionaries and teachers.

⁶⁰⁸ For further readings, see: [1] Canoy, Reuben R. *Mindanao: The Quest for Independence*. Cagayan de Oro, Philippines: Mindanao Post Publishing Company, 1987. [2] Madale, Abdullah T. *The Maranaws: Dwellers of the Lake*. Manila: REX Book Store, 1997. [3] Majul, Cesar A. *Muslims in the Philippines*. Quezon City, Philippines: University of the Philippines Press, 1973. [4] Saleeby, Najeeb M. *The History of Sulu*. Manila, Philippines: Bureau of Public Printing, 1908.

In 1450 CE, Arab explorer and scholar Sharī'ful Hashem Syed Abu Bakr arrived in Sulu from Melaka and married Param Isuli, the daughter of Raja Baguinda (one of the chieftains in Mindanao). He founded the first sultanate of Sulu in 1457, which was also served as the very first centralized government on the island. The ethnic communities of Tausug and Yakan believed that Abu Bakr belongs to a Sharīf (title of nobility) lineage, meaning he was one of the descendants of the Prophet Muhammad. This multi-ethnic sultanate had extensive foreign relations of trade, military alliances, and mutual friendship with neighboring islands and principalities including Java, Buayan, Brunei, Cebu, China, Makassar, Manila, and Maguindanao.

The full Islamization of the west coast of Mindanao was accelerated with the arrival of Muhammad Sharīf Kabungsuwan.⁶⁰⁹ Like Abu Bakr, Sharīf Kabungsuwan was an Arab and believed to be a descendant of the Prophet. It was not long after his arrival that Sharīf Kabungsuwan established the Sultanate of Maguindanao in 1516.⁶¹⁰ The political hold of the Maguindanao sultanate over Mindanao however did not last long, as dynastic quarrels often broke out among the Muslim leaders.⁶¹¹

The sultanate's steady decline continued up through the arrival of the American colonialists at the turn of the twentieth century. This decline created a vacuum of leadership and finally led to the rise of small principalities in Mindanao, while others proclaimed their own sultanates as in the case of the 18 royal houses in Lanao area.⁶¹² In the face of the decline of the Maguindanao sultanate, the rise of

⁶⁰⁹ Bara, Hambal. "The History of the Muslim in the Philippines" *National Commission for Culture and the Arts*. Accessible at <http://www.ncca.gov.ph/about-culture-and-arts/articles-on-c-n-a/article.php?i=232&igm=4>

⁶¹⁰ Ibid.

⁶¹¹ See Bara's article.

⁶¹² Ibid.

Lanao royal houses signaled the disintegration and break-up of ‘aşabīya (tribal solidarity) among the Muslims in mainland Mindanao.⁶¹³ Although the Lanao royal houses still exist, they are no longer viewed as political forces.⁶¹⁴

Spain was the first colonizer of the Philippines. Since several islands and polities gradually befell to their colonial rule in 16th century onwards, it never stops the Muslims of the southern islands to continue resisting them despite of their advanced weaponry and war technology. Muslims were no alien to Spaniards because of Spain’s 400-year experience under Muslim rule, i.e. the Al-Ándalus. Consequently, they pejoratively label the Filipino Muslims as also Moors. It is similar with their descriptions of the Moors of North Africa that invaded their country in 711 C.E. Intermittent wars between the Spaniards and the Moros (Muslims) lasted for almost 300 years, and yet they were not successful in fully colonizing the Moro lands. Chinese traders and pirates assisted the Moros in waging battles against the Spaniards including requesting help from neighboring sultanates in Borneo and Indonesia.

Not until the end of the Spanish-American War through the signing of the Treaty of Paris in 1898 when Spain sold the Philippines in exchange of \$20,000 (which ironically included the Moro lands that they have never colonized and sans the knowledge of the Moros).

The U.S. colonial government systematized and regulated the whole process of land ownership, land registration, cadastral survey, homesteading, and agricultural investments.⁶¹⁵ Through class legislation and discriminatory

⁶¹³ Ibid. Bara’s online article.

⁶¹⁴ Ibid.

⁶¹⁵ Kamlian, Jamail A. “Who are the Moro People?” *Philippine Daily Inquirer*, October 20, 2012, Accessible at <http://opinion.inquirer.net/39098/who-are-the-moro-people>

processes, the ancestral lands and economic resources of the Moros and Lumad (non-Muslim ethnic groups) would gradually drift into the hands of Christian Filipino settlers and large American corporations.⁶¹⁶ More importantly, the Moros would also lose their right to govern themselves according to their own legal systems, as their territories were systematically incorporated into the bureaucracy of the Philippine colony.⁶¹⁷

Their once sovereign states, in the form of the sultanates, were reduced to mere provinces of the colonial government and later incorporated into the Philippine Republic.⁶¹⁸ It must be noted that during the American imperial rule, various Moro leaders from different sultanates voiced out their desire for their homeland to be granted independence but ignored and rejected by the U.S. government.

6.4 State of Islam in Independent Philippines⁶¹⁹

After the Philippines won its independence in 1946 and Mindanao and Sulu were made part of the new nation-state, links with the Muslim world gradually shifted from Southeast Asia to the Middle East.ⁱ This started with the admission of students from Mindanao to Al-Azhar University [Jāmi‘at al-Azhar (al-Sharīf)] in Cairo. The Arab petrodollars, especially from the 1970s onward, provided scholarships to many students studying at Middle Eastern universities, who after finishing their studies came home as paid missionaries of religious institutions, and established madāris and Qur’anic schools that teach what they learned of Islam in the Middle East.

⁶¹⁶ Ibid.

⁶¹⁷ Ibid.

⁶¹⁸ See Kamlian’s article.

⁶¹⁹ Further details at Stephens, Matthew. “Islamic Law in the Philippines: Between Appeasement and Neglect.” *Background Paper Series 9*, ARC Federation Fellowship: Islam, Syari’ah and Governance, 2011, pp. 1-32.

Even Islamic reform movements in the Middle East and the Indo-Pakistan subcontinent have influence over Muslims in Mindanao and Sulu. Sayyid Quṭb of the Muslim Brotherhood and Shaykh al-Islām Allamah Sayyid Abul Ala Maududi of Jamaat-e-Islami, for example, had profound influences on the political thought of Hashim Salamat, founder and head of the MILF, which seeks separate state for the Muslims in Mindanao and Sulu, until his death in July 2003.

Muslim-Christian Relations

Animosity between Christian and Muslims in the Philippines has a long lineage, going back to at least the eighteenth century, when, on December 21, 1751, Manila governor-general F. Valdez y Tamon prompted by attacks of Moros aided by Chinese pirates issued a decree that ordered: 1) the extermination of all Moros with fire and sword; 2) the destruction of all their crops and desolate their lands; 3) make Moro captives; 4) recover Christian slaves; and 5) the exemption of all Christians from payment of any taxes and tributes while engaged in the termination of these Moros.⁶²⁰

This history has led to continuing negative attitudes among the majority Christian population toward Muslims, as revealed in a study conducted by the Filipinas Foundation in 1975 as well as in the Philippine Human Development Report or PHDR of 2005⁶²¹. These prejudices, both studies found, have led to the exclusion of the Moro people from jobs, education, housing, and business opportunities.

The PHDR study revealed that a considerable percentage (33 to 39 percent) of Filipinos was biased against Muslims. Exclusion from job opportunities was very

⁶²⁰ Ang, Josiah C. "Historical Timeline of the Royal Sultanate of Sulu including Related Events of Neighboring Peoples." Accessible at http://www.seasite.niu.edu/tagalog/Modules/Modules/MuslimMindanao/historical_timeline_of_the_royal.htm

⁶²¹ Accessible at the Human Development Network at <http://hdn.org.ph/2005-philippine-human-development-report-peace-human-security-and-human-development/>

high given that 46 percent of the Christian population would choose a Christian male worker and 40 percent Christian female domestic helper over those of Muslim background. Meanwhile, only four percent would prefer a Muslim male worker and seven percent Muslim female domestic helper. Also, the study showed that in Metro Manila 57 percent would opt for a residence with a higher rent but far from a Muslim community.

Muslim-State Relations

Muslims were entirely neglected by the Philippine republic. Ever since the establishment of the first republic, drafting of the first constitution, deciding on which state symbols such as flags, emblems, etc. should represent them, the Muslims were never consulted or part of the decision-making process. Moro lands and resources were exploited and the distribution of wealth was highly unequal resulting for Muslim communities to live in extreme poverty. Anomie, animosity and lack of trust between them were exacerbated by the Jabidah massacre, where numbers of young Moros were deceived and killed by the soldiers as instructed by the government. This paved the way for the emergence of rebel and separatist Moro groups aiming for independence.

A confluence of the following factors⁶²² provided the conditions for the emergence of the armed separatist movements after World War II: 1) the loss of traditional Muslim homelands to waves of local and foreign corporate incursions and government-supported Christian internal migrations to Mindanao; 2) economic backwardness of the Muslim-dominated provinces in relation to the rest of the Philippines; 3) difficult access of Muslims to government positions especially in the higher bureaucracies and career services; 4) the leadership provided by a new generation of university-educated Muslim intellectuals and professionals in organizing the separatist movements; and 5) a vastly expanded

⁶²² Rivera, Temario C. "The Struggle of the Muslim People in the Southern Philippines: Independence or Regional Autonomy?" *Asian Cultural Studies* 15 (2006).

network of international linkages that have supported in varying ways of the Muslim struggle for autonomy or independence. All of these would revive and strengthen the consciousness of a cultural and religious identity increasingly seen as distinct from the majority Christian population.

Muslim Law and the State

The application of Islamic law in the Philippines is narrowed specifically only to personal and family affairs. The issuance of Presidential Decree 1083 on 04 February 1977 under the 1973 Philippine Constitution was the pronouncement of codification of Muslim's personal and familial law as part of the laws of the land. (Ali, 2007:94)

The law implemented for Muslims does not entirely comply with their religious beliefs; instead it dedicates itself in addressing customary practices, cultural expressions, and local traditions. This customary law is bounded within the limits and parameters set by the Philippines' secular constitution. The use of the word "Shari'ah" does not necessarily constitutes its standard description as understood in Islam especially in labeling Shari'ah courts, Shari'ah bar examinations, or Shari'ah lawyers. Its utility is to appease and satisfy religious belief system of Muslims respective of whether the practice conforms to Islam or not. As long as it is subjugated under the constitution, then, the law(s) for Muslims are recognize as legally binding. In other words, these so-called Shari'ah courts et al are part of the judicial system, but lacks the authority to implement religious edicts and rulings or build and operate religious institutions.

In addition, decisions made by the Shari'ah courts are appealable to the Supreme Court even if the final ruling deviates from Islam. Thus, the ruling decided by the Supreme Court is absolutely final. It is interesting to note that Philippines is the only major Christian country in Southeast Asia whose followers constitute almost 90% of the total population, while Muslims constitute less than 10% and yet they were granted judicial recognition through the enforcement of customary laws

guided by their cultural expressions, norms, and religious beliefs. The Philippine government sacredly adheres to the principle of separation of the church from the state, which was inspired by the U.S. secular state. This principle, basically, means that the state cannot interfere to religious matters and vice versa.

Filipino citizenry regards the Constitution as sacred similar to holy scriptures in religion. It is considered the ultimate fundamental law that is binding to all citizens, and thus all laws (be they religious or not) must conform to the provisions of the supreme Constitution. This kind of practice and thinking is a colonial legacy imposed by the USA, which surprisingly adapted by Filipino political elites but not of the Moros because they have Shari'ah as their ethical and jurisprudential guiding ethos. According to Ali (p. 98) "P.D. 1083 does not embody the entire Islamic personal laws contained in the basic sources of Islamic law as expounded in *fiqh* (Islamic jurisprudence). What it codified is just a personal law relating to personal status, marriage and divorce, rights and obligations, and property relations between spouses, paternity and filiation, parental authority, support and maintenance, and succession or inheritance."

In addition, only four mainstream Sunni (Orthodox) schools of jurisprudence are recognized since Moros are generally affiliated with the Sunni sect of Islam: The Hanafi, Hanbali, Maliki, and Shafi'i. However, any rulings decided by Moro's Shari'ah courts that conform to these schools are still subjected and bounded within the parameters set by the Constitution. If it contradicts the Constitution, then, it is straightforwardly invalid and not enforceable. P.D. 1083 is considered a special law since it only applies to Moros and not to all Filipinos. Should a conflict arise between P.D. 1083 and the general Philippine Civil Code and the Family Code, the former prevails over the latter. For example, in P.D. 1083 the imam (religious leader) is authorized to solemnize a marriage while Civil and Family codes authorized local officials. In this case P.D. 1083 prevails, particularly for the Moros.

Politically, the ratification of P.D. 1083 is designed to remedy and compensate Muslim grievances. This is the most significant concession made by a Catholic majority country for the Muslim Moro peoples, but it was never amended or developed especially that this Code of Muslim Personal and Family Laws were enacted in 1977 under the 1973 charter, although the Philippine Constitution evolved to presently 1987 Constitution.

6.5 Limitations of Selected Provisions on Presidential Decree 1083⁶²³

Polygamy

The practice of polygamy under the general Family Code of the Philippines, which applies to all Filipinos including the Muslims, is not permitted. A subsequent marriage is approved if the former marriage is annulled or with the death of the spouse. Muslims are exempted to this rule if they adhere to the provisions of P.D. 1083.

Jurisconsult (Mufti)

The Jurisconsult must be knowledgeable of the Islamic sources such as the Qur'an and Sunna. He is appointed by the President of the Philippines for a term of seven years and his office is supervised by the secular Supreme Court. The Mufti may give fatāwā (edicts) that are entirely non-binding advisories to disputed parties, which is different to the Muftis of Shari'ah courts in Muslim majority countries. The enacted edicts in Muslim countries are binding to all parties.

Shari'ah Court

According to P.D. 1083, there are two kinds of Shari'ah courts: The Shari'ah District Court (similar to Philippines' Regional Trial Court) and the Shari'ah

⁶²³ A decree to ordain and promulgate a code recognizing the system of Filipino Muslim laws, codifying Muslim personal laws, and providing for its administration and for other purposes.

Circuit Court (equivalent to Philippines' Municipal Circuit Trial Court). The decree has created 5 Shari'ah District Courts and 51 Shari'ah Circuit Courts in Mindanao (the southern island of the country). These Shari'ah courts cannot operate independently from the national government, but they are integral part of the judicial system of the Philippines. Thus, they are supervised by the Supreme Court of the country. Shari'ah courts are specialized courts dedicated to cater only the Muslim Moros.

The Judge

In Islam, the selection, criteria, and qualification of a judge are determined by the jurists. However, the Philippine's Constitution prescribed that a judge must be a Filipino naturalized-born citizen, member of the Philippine Bar, and with proven years of competence and credibility. Thus, the judge for the Shari'ah District Court must have the same qualifications set by the constitution. They have to pass the regular Philippine Bar examination and engage with the secular law for at least ten years. This provision only qualifies for Shari'ah District Court. The judges for the Shari'ah Circuit Court have different criteria. Select judges must successfully pass the Shari'ah Bar examinations and members of the ulama (jurists) are permitted to take the test, especially for those who are graduates of Islamic jurisprudence from Muslim majority countries and of knowledgeable of the Arabic language. Usually, the candidates for the Shari'ah Bar test have to complete the 45 days of Shari'ah training seminar conducted by the Philippine's National Commission on Muslim Filipinos before sitting for the examination.

Women and Non-Muslims

In the Philippine Constitution, the selection for a judge in any courts has no gender or religious restrictions. In addition, there were no provisions in P.D. 1083 restricting women or non-Muslims to practice law under their judicial system. Therefore, they are not disqualified to be appointed as judge in a Shari'ah court as long as they comply with the rules, protocols, and procedures set by the Constitution. It is quite bizarre that in actual Shari'ah courts in Muslim majority

countries, non-Muslims are disqualified to become a judge and practice Islamic jurisprudence.

Right to Appeal

All decisions enacted by lower courts including Shari'ah courts are appealable to the Supreme Court. Regardless whether the decision made by the Supreme Court deviates from Islam or not, it is considered final and absolute.

6.6 On Political Negotiation's Phases and Dynamics

As early as the late 1970s, *Shaykh*⁶²⁴ Salamat Hashim of the New Moro National Leadership Front (New MNLF) Leadership (later Moro Islamic Liberation Front – MILF) had firmly valued, as a matter of policy, the wisdom of conducting dialogues in lieu of armed confrontation in the resolution of even the most difficult cases of conflict. The Marcos regime adopted a dual-approach policy in dealing with the MNLF and the MILF. In fact, the GPH⁶²⁵ dealt officially with the former, and informally with the latter. There were no serious negotiations between the parties.

When Corazon “Cory” C. Aquino became the president, the MILF was supposed to join the MNLF in an enlarged negotiating panel. This was the earlier understanding between Nur Misuari-led MNLF and Salamat Hashim. However, the Cory Aquino Administration only pursued its peace negotiation with the MNLF and seemingly ignored the MILF. With that the MILF unleashed the January five-day military offensives in Mindanao. On January 16, 1987,

⁶²⁴ *Shaykh* is variously spelled *Sheik*, *Shayk*, *Shaikh* or *Shekh*. In southern Philippines, this honorific title is given to respected Muslim religious scholars or *ulama*.

⁶²⁵ Government of the Philippines (GPH) is the official name given to the party of the Philippine Government under President Benigno “PNOY” Aquino III based on the categorization laid down by the International Standard Organization (ISO) in 2012. In this study, Government of the Philippines (GPH) and Government of the Republic of the Philippines (GRP) are used interchangeably. For clarity, the researcher is referring to one and the same party – Philippine Government.

President Aquino sent Aquilino Pimentel, Jr. to the MILF on a mission of peace that culminated in the signing of a truce agreement in the next morning.

In 1992, Fidel V. Ramos assumed power and immediately formed the National Unification Commission (NUC), which is the predecessor of the Office of the Presidential Advisers on the Peace Process (OPAPP), to act as an advisory body that would prepare a general amnesty program and peace policy. In the same year NUC Chairperson Haydee Bofill Yorac⁶²⁶ met MILF Vice-Chairman for military affairs Al Haj Murad Ebrahim⁶²⁷ in Maguindanao. The exploratory talks with the MILF were temporarily suspended during the election period of ARMM.

While the national-level peace initiatives stood still, local-level peace initiatives were conducted. Among the agreements signed between the AFP and the MILF were the Murad-Diaz Memorandum of Agreement on September 3, 1994, the MALMAR Agreement on January 29, 1995, and the AFP-MILF Memorandum of Understanding on April 18, 1996.

Subsequently after the signing of the 1996 Final Peace Agreement (FPA)⁶²⁸, more serious steps and initiatives to pursue the peace negotiations with the MILF got underway. The initial efforts were two successive exploratory one-on-one

⁶²⁶ Haydee Bofill Yorac served as COMELEC Commissioner in 1986 and ran for a senate seat in 1998. She passed away on September 13, 2005 at the age of 64 in Chicago, USA after struggling with cancer.

⁶²⁷ Al Haj Murad Ebrahim was the former Zone I Commander and Chairman of Kutawato Regional Committee-MNLF, the Vice Chairman for MILF Military Affairs and the Chief of Staff of Bangsamoro Islamic Armed Forces-MILF. His leadership as the present Chairman of the MILF has been affirmed by a unanimous decision of the MILF Central Committee after the demise of Salamat Hashim in July 2003 and eventually sanctioned by a popular mandate via Islamic *bay'a* (Islamic way of political allegiance) pronounced by the Moro people during the MILF General Consultation held at Camp Darapanan on May 29-31, 2005.

⁶²⁸ The Final Agreement on the Implementation of the 1976 Tripoli Agreement Between the Government of the Republic of the Philippines (GRP) and the Moro National Liberation Front (MNLF) with the Participation of the Organization of Islamic Conference Ministerial Committee of the Six and the Secretary General of the Organization of Islamic Conference (Manila, Philippines: September 2, 1996).

talks between Executive Secretary Ruben Torres⁶²⁹ and MILF Vice-Chairman for Political Affairs Ghazali Jaafar, first in Davao City on September 10, 1996 and then in Cagayan de Oro City on October 22, 1996.

The exploratory talks, peace initiatives and local-based peace discussions between the GPH and MILF from the late 1970s to 1996 embraced three consecutive administrations: Ferdinand E. Marcos, Corazon C. Aquino and Fidel V. Ramos, which served as the conditioning prelude to the formal peace process that has started in 1997.⁶³⁰

Formal Peace Negotiation

On September 2, 1999, GRP Panel Chairman Undersecretary Orlando V. Soriano and MILF Vice Chairman for Political Affairs Ghazali Jaafar signed an agreement at the Maguindanao Provincial Capital to hold the opening ceremony of the GPH-MILF Peace Talks at Da'wah Center at Crossing Simway in Sultan Kudarat, Maguindanao on October 25, 1999 at 10:00 am.⁶³¹

Skirmishes again took place in Datu Piang in Maguindanao on September 29, 1998. It was a chance encounter between a squad of MILF Special Forces and a column of Army soldiers; it degenerated into a full-blown war that spread to some areas in Isulan, Sultan Kudarat province and Maitum, Sarangani. The fighting ebbed after the GPH sent Ruben Torres and Undersecretary Orlando Soriano to confer with MILF leaders on how to stop the fighting and proceed

⁶²⁹ It should be noted that Ruben Torres is a former campus-mate and close friend of MNLF chairman Nur Misuari, Torres and Misuari studied in UP together in 1958 and classmates in Law School in 1962. Ruben Torres was involved by former president Fidel Valdez Ramos in the back channeling process of the GPH-MNLF Peace Negotiation and used to convince Misuari to sit down in peace negotiation during Ramos Administration.

⁶³⁰ Salah Jubair. *Bangsamoro: A Nation Under Endless Tyranny* (Kuala Lumpur, Malaysia: IQ Marin SDN BHD, 1999), 193. Salah Jubair is actually the pen name of the Bangsamoro Transition Commission Chairman Mohagher Iqbal and he is also known as "IQ".

⁶³¹ Agreement (Sultan Kudarat, Maguindanao: September 2, 1999).

with the opening ceremony of the GPH-MILF Formal Peace Talks on October 5, 1999.⁶³²

The formal opening ceremony of the GPH-MILF peace talks on October 25, 1999 during the administration of Joseph E. Estrada was the culmination of nearly three years of preparatory talks between the GPH and MILF. GPH Peace Panel was chaired by Usec. Orlando V. Soriano and Aleem Abdulazis Mimbantas for MILF who served as the first Chairman of MILF Peace Panel in its peace talks with the GPH.

GPH and MILF Peace Panels, composed of six members, were mandated to pursue the peace negotiations on the substantive issues under a favorable atmosphere of peace and harmony. Other than the Peace Panels, Panel Advisers, Secretariat and Technical Committees were also present and part of the peace talks. Technical Committees provided technical support to their respective peace panels on the substantive issues. Secretariats were tasked to handle and prepare all administrative requirements relative to the conduct of the meeting.⁶³³

As early as the First Round of the formal peace talks, the MILF Peace Panel submitted its proposed draft “GPH-MILF Comprehensive Agreement on the Security and Immunity Guarantees” along with the “Agreement on the Respect of Human Rights and Humanitarian Laws.” During the Second Round of the formal peace talks, the Technical Committees of both panels were directed to discuss, for submission to the Peace Panels, the MILF Draft on Immunity and Security Guarantees, and GPH counterproposal; and, the MILF Draft on the Comprehensive Agreement on Respect for Human Rights and Humanitarian Laws.

⁶³² Salah Jubair, ‘The Long Road to Peace Inside the GPH-MILF Peace Process’ (Institute of Bangsamoro Studies: Cotabato City, 2007), 29.

⁶³³ Agreement on the Rules and Procedures on the Conduct of the Formal Peace Talks Between the GRP and MILF Panels (Sultan Kudarat, Maguindanao: December 17, 1999).

The GPH extended safety and security guarantees to MILF members who were directly and principally involved in the peace talks. They were guaranteed not to be restrained, searched, seized, and harassed on their persons or property in connection with their participation or involvement in the peace talks. Appropriate identification cards were jointly issued by the GPH and MILF Peace Panel Chairmen to MILF members covered by safety and security guarantees. MILF submitted the list of its members for guaranteed safety and security.⁶³⁴ With all of those negotiations, both parties (the Philippine government and the Muslim Moros) were able to agree on a certain basic law called:

6.7 The Bangsamoro Basic Law

The Bangsamoro Transition Commission was created through the issuance of Executive Order 120 by the President of the Philippines on December 2012. The commission's main responsibility is to draft a Bangsamoro Basic Law which will replace the current Autonomous Region of Muslim Mindanao (ARMM). The drafted law will be submitted to the Congress for its enactment into law. Thereafter, a plebiscite on the basic law, which shall be limited to the qualified voters in the territory specified in the framework agreement, shall be held. Once the basic law is ratified, the ARMM shall be abolished, and a Bangsamoro Transition Authority (BTA) shall replace the Transition Commission. BTA officials shall be appointed by the President, and they will serve in the interim until 2016 when a Bangsamoro Government shall have been elected and installed.

⁶³⁴ Agreement on Safety and Security Guarantees (Cotabato City: March 9, 2000).

The Framework Agreement between the government of the Philippines and the Moro Islamic Liberation Front (MILF) provides the following:⁶³⁵

1. In so far as the constitution of the Bangsamoro is concerned, the framework stated that “the provisions of the Bangsamoro Basic Law shall be consistent with all agreements of the Parties” and for the Transition Commission “to work on the drafting of the Bangsamoro Basic Law with provisions consistent with all agreements entered and that may be entered into by the Parties.”
2. With respect to the powers of the Philippine Government as the “Central Government,” it provides a list and then followed by the statement stating, “this list is without prejudice to additional powers that may be agreed upon by the Parties.”
3. As to revenues and taxes, the framework stated: “Consistent with the Bangsamoro Basic Law, the Bangsamoro will have the power to create its own sources of revenues and to levy taxes, fees, and charges, subject to limitations as may be mutually agreed upon by the Parties.”
4. As to sharing of wealth, it provides “the Bangsamoro shall have a just and equitable share in the revenues generated through the exploration, development or utilization of natural resources obtaining in all the areas/territories, land or water, covered by and within the jurisdiction of the Bangsamoro, in accordance with the formula agreed upon by the Parties.”
5. Also as to sharing of revenue and wealth, the framework provides that “the details of revenue and wealth-sharing arrangements between the Central Government and the Bangsamoro Government shall be agreed upon by the Parties. The Annex on Wealth Sharing shall form part of this Agreement.”

⁶³⁵ Quotations from number one to five can be found at the “2012 Framework Agreement on the Bangsamoro Political Region,” *Rappler*, October 10, 2012, and accessible at <http://www.rappler.com/nation/13758-2012-framework-agreement-on-the-bangsamoro-political-region>

Unconstitutionality

According to Atty. Victor Avecillia, the agreed basic law is unconstitutional because of the two following claims: First, the Transition Commission is void because the President has no power to create a public office under the Constitution. Second, the planned plebiscite must be voted by the whole Philippine citizenry because the 1987 Constitution forbids class legislation.⁶³⁶

Another vocal critique of the agreement is Sen. Miriam Defensor Santiago⁶³⁷, she claims that the “agreement establishes not a mere autonomous region as provided for by the Constitution, but a substate which will exercise certain sovereign powers that should be reserved only for the central government.” She further argued for constitutional supremacy by stating that “the basic function of a constitution is to list the powers of the state and to list the rights of the citizens. The constitution is a list of sovereign powers that are reserved for the government, meaning to say, all the three branches. This is the principle of constitutional supremacy. It is beyond ridiculous to state that the Philippine Constitution should accommodate the agreements of the Parties whenever necessary.” Santiago listed the reasons why she believes that the Bangsamoro will turn into a substate, as follows:⁶³⁸

1. The powers of the central government shall be determined by the Agreement, thus turning Bangsamoro into a substate.
2. The Autonomous Region for Muslim Mindanao, which is provided for by the Constitution, will be abolished by mere agreement with the MILF,

⁶³⁶ Avecillia, Victor. “Bangsamoro Basic Law is Unconstitutional.” *The Scrutinizer*, *Manila Standard Today*, March 1, 2014.

⁶³⁷ Santiago, Miriam Defensor. “Miriam: Bangsamoro Agreement Unconstitutional.” *Senate of the Philippines’ Press Release*. April 2, 2014. Accessible at https://www.senate.gov.ph/press_release/2014/0402_santiago1.asp

⁶³⁸ All quotations were remarks of Santiago.

which is not surprising if you consider that the Bangsamoro has become a substate.

3. Allocation to the Bangsamoro of all powers exercised by the national government over local government units.

4. Although the Constitution provides that natural resources belong to the state, in the Bangsamoro territory, only Bangsamoro will have exclusive jurisdiction over natural resources.

5. The Annex on Power Sharing gives to Bangsamoro so-called “exclusive powers,” which is defined as a tautology, as “powers or matters over which authority and jurisdiction pertain to the Bangsamoro government.”

6. Only the Bangsamoro shall be under a ministerial form of government, while the rest of the country will operate under a presidential form of government.

7. The Agreement in Part 7, para. 4, subpara (b) enumerates the functions of the Transition Commission which at present is reportedly drafting the Bangsamoro Basic Law. One of the functions of the Transition Commission is as follows: “To work on proposals to amend the Philippine Constitution for the purpose of amending and enriching in the Constitution the agreements of the Parties whenever necessary without derogating from any prior peace agreement.”

The history of the Bangsamoro people is no doubt ranked as the first line of historical development of the Philippines. The Muslims’ sultanate institution, the religious legacy of Islam, and the Muslim *adat* (local customs and traditions) have nurtured the doctrine of Bangsamoro Muslim nationalism. The cohesiveness of the 13 Muslim-ethnic groups under the spirit of Islamic solidarity is a living reality of Bangsamoro’s common will. It is within this context by which the struggle of the Bangsamoro people finds a just treatment in Philippine history.

However, the secular nature of the Philippine Constitution has undermined the full potential of the Moro people to emancipate in their own homeland and with their own socio-political traditions and religious belief system. Although the enactment of Presidential Decree 1083 was a great concession made by the Philippine government to the Muslim Moros, the implications were merely a matter of consideration to their selected norms and customs. But in reality it further subjugated them with the powerful secular state laws of the Philippines that affected their livelihood and well-being. Presently, almost all of the Moro people are living under the poverty threshold.

With the Bangsamoro Basic Law (BBL) that is now under scrutiny by the Philippine Senate, the House of Representatives, and of the Supreme Court (whether it is constitutional or not), is seen as merely a legal burden instead of an encompassing religious, social, political, economical, and cultural issue. It only proves the furthering subjugation of the hopes of the Muslim Moro people under a foreign entity sacred to almost all Filipinos, i.e. the post-colonial Philippine Constitution. So in terms of the elements of nation-state system, the Moro Muslims are under the territorial sovereignty and supreme authority of Philippines' constitution. However, they are given equal citizenship rights but limited governmental and judicial autonomies as inscribed within the BBL.

6.8 Conclusion

In line with the comparative elements of nation-state and Muslim governance including conceptions on ruling in Muslim thought, the reconfiguration of the political arrangement⁶³⁹ within the Bangsamoro under the Philippines' state system entails:

⁶³⁹ For more information, see the Office of the Presidential Adviser on the Peace Process at <http://www.opapp.gov.ph/>

1) The establishment of a new Bangsamoro political entity with its own structure of government (i.e., parliamentary form) supervised by the Philippines' presidential form of government. The Bangsamoro Government is democratic because all members of parliament will be elected as representatives of the Bangsamoro People. Consistent with the 1987 Philippine Constitution, both the executive and the legislative in a parliamentary system shall be elective and representative of their constituent political units.

2) The relationship between the National and Bangsamoro governments shall be asymmetric. It is asymmetric because it is distinct from the relationship between the National Government and other local government units. Specifically, the 1987 Philippine Constitution confers the Bangsamoro Government, as an autonomous region, legislative powers over such matters as administrative organization and ancestral domain, which are not granted to local government units.

3) All issues that may result in a dispute between the National and Bangsamoro governments shall be resolved by an intergovernmental relations mechanism. The nature of powers between these two governments will have reserved, concurrent, and exclusive powers.

- *Reserved powers* are matters over which authority and jurisdiction are exercised by the National Government. The reserved powers enumerated on Power Sharing remains the same. Only the National Government can exercise power or authority over national defense and security, foreign relations, monetary policy, and customs and tariffs among others.
- *Concurrent powers* refer to the powers shared between the National Government and the Bangsamoro Government. In the exercise of these concurrent powers, the concerned ministries of the Bangsamoro Government are required to cooperate and coordinate with the National Government.

- *Exclusive powers* are matters over which authority and jurisdiction pertain to the Bangsamoro Government only.

4) The territory is composed of the land mass, maritime, terrestrial, alluvial and aerial domains. Whatever power the Bangsamoro may exercise over its territory, it must be consistent with and not contravening to the country's international obligations and commitments. In addition, Bangsamoro has jurisdiction over waters that extend up to 12 nautical miles from the low-water mark of the coasts.

5) The Bangsamoro Government's treasury power is exercised through the development of Islamic Banking. A Shari'ah supervisory board will be created specifically for this purpose. Towards this end, the Bangsamoro Government is also authorized to participate in the management of the Al-Amanah Islamic Investment Bank.

6) Under the explicit language of the Bangsamoro Basic Law, the Shari'ah law shall have application over Muslims only, and nothing shall operate to the prejudice of non-Muslims and non-indigenous peoples. There shall be cooperation and coordination with the National Government regarding the Shari'ah justice system. The national justice system will remain intact for all matters outside the jurisdiction of the Shari'ah Courts, and the inherent power of judicial review by the Supreme Court (to review any grave abuse of discretion amounting to lack or excess of jurisdiction by the Shari'ah Court) under the 1987 Philippine Constitution.

- The Shari'ah courts have jurisdiction over personal and property relations under the Presidential Decree No. 1083 otherwise known as the 'Muslim Code of Personal Laws', have jurisdiction over Shari'ah commercial and criminal laws enacted by the Bangsamoro Parliament.

In toto, the shari'ah justice system of the Bangsamoro Government, which is annexed as appendix in this thesis, reflects al-Mawardi's sunni theory of caliphal

government (referring to his *Ordinances of Government*) but comprehensively negotiated and renounced much of Bangsamoro's sovereignty to the Philippines' nation-state system.

*Seeking of knowledge is incumbent upon every Muslim...
Prophet Muhammad⁶⁴⁰*

*The true sign of intelligence is not knowledge but imagination.
Albert Einstein⁶⁴¹*

CHAPTER VII

CONCLUSION

It is difficult to discern what the future holds or look like for the entire discipline and phenomenon of International Relations. Inasmuch scholars, students, and practitioners would hope for a “happily ever after” type of an ending or process. There are more to look forward to and see as it unfolds in our very own eyes. There is no consensus among scholars about what constitute the scope and subject-matter of IR. It gradually evolves and develops paralleled with the temporal and spatial changes occurring in the state of affairs of actors in the international system. In addition, there is a serious paucity of shared ontological, epistemological, and methodological premises embedded with the conceptions of scholars on certain matters such as the notion of nation-state or of the ‘international’.

All we could do is to try contemplating our perspectives of worldviews and hoping for a balanced treatment of IR between the West and the rest of the world. That is, no more labeling the West as the “core” while the rest as the “periphery” of IR. There should be a finite line of equilibrium, which gives equal importance of shared experiences accounted by all state and non-state actors in the international system/society. Thus, bringing in a truly globalized discipline of IR

⁶⁴⁰ Ibn Majah 1/224 and Tirmidhi 218 (Available at http://www.wisdomislamic.info/texts/knowledge_files/knowledgeQur'an&Ahadith.htm)

⁶⁴¹ Read more at http://www.brainyquote.com/quotes/topics/topic_knowledge.html#e2FS66E2PzS7uXrW.99

that gives equal importance of all traditions, worldviews, and experiences from different parts of the world.

The challenge here is to what extent IR is open to non-Western traditions of thoughts, alternative cosmologies, and knowledge systems that are locally produced. Theorizing in the International Relations discipline remains a Global North (mainly North America and Western Europe) enterprise that continues to be the primary knowledge, especially theory-producing hub shaping its foundational parameters and key problematiques. Many, if not most, alternate intellectual formulations, concepts and tools offered by scholars from the Global South are de-valued on account of being ‘metaphysical’, ‘spiritual’, or, at best alternative ‘belief systems’ – none of which meet the ultimate gold standards of rationality and scientific spirit – or, largely as a source of knowledge about local realities, but never of theory and hence considered as ‘second class’.

The world is indeed home to different cosmologies with diverse knowledge systems and, each of these may have different ways of knowing and, often these are indeed constitutive of different realities. The challenges for scholars who are trying to think through ways of doing IR differently, which may well entail stepping out of the precincts of IR to engage with other disciplines and other ways of knowing realities seem to refer to:⁶⁴²

- Critical interrogation of both epistemological and ontological standpoints for knowledge creation in International Relations, with due recognition to the inherent multiplicity of ontologies.
- The historical pasts of different civilizations including the Islamic, the Indian, the Chinese, the Egyptian, the Aztec, the Maya or the Inca located in the Global South or, those located in the recessive margins of the Global North such as the Aboriginal and Indigenous people of the North

⁶⁴² These are the challenges discussed by the Delhi Group’s workshop which was organized by the World International Studies Committee (WISC) and Institute for Research on India and International Studies (IRIIS) last January 2016 in New Delhi, India.

and South Americas and Australia, for devising new (alternate?) knowledge practices in International Relations.

- Exploration of ways to expose, unravel and, possibly transform the deeply embedded practices of ‘othering’ in International Relations that work through inscribing a whole range of binaries such as ‘men versus native’, ‘men versus women’, ‘white (wo)man versus black (wo)man’ to ‘reason versus belief’, ‘objective versus subjective’, ‘order versus chaos’, north vs south and ‘primitive’ vs ‘modern’—all of which are cast in an explicit or implicit hierarchy where the ‘self’ or the first category is privileged, most often also de-legitimizing the ‘other’.

Consequently, the challenges continue in discovering ways for the probable systematization of an Islamic theory of International Relations. **STEP ONE** had established the background of relations among ‘religion & IR’, and ‘Islam & IR’. This background generally discusses the relations of religion and IR, and of the eventual emergence of Islam in the forefront of theorizing efforts. Although there is an ontological predicament as to the nature and existence of religion, Islam may serve to fill the lacuna of religion’s ambiguity especially its relations with IR. Religion starts off as an ambiguous variable to IR scholars. Religion’s essential and uniqueness characterization pertain to the adherence to supernatural beings or ‘being’ held as sacred or holy in the eyes of their followers. Scholars critical to religion instigated that ‘religion’ or ‘religions’ are modern inventions that are made to appear ubiquitous and self-privatized. The marginalization of religion in IR is an actual effect of the religious-secular binary which argued for religion’s insignificance to rational life. Thus the reification of religion in IR is a result of identifying religion of having its own properties and characteristics subject for empirical analysis and observation.

However, that simplistic comparison does not purveys the complexity of relations between religion and IR. The good-bad binary outlook of religion as seen by IR scholars convey an unstable ‘variable’ of observation. It is no wonder that the

growing importance of religious factors affecting, for instance, the behavior of states is undeniable nowadays. Religion serves as source of social and cultural identifications for some groups of peoples or communities, and the legitimacy of their religious identity may inadvertently afflict political legitimacy. That, in turn, may also shapes foreign policy makings. There are instances where IR scholars tried to integrate religion to IR theory but none so far had the audacity to work or produce new theories based on religious pretext and explanatory power. Some had find ways of contemplating its inclusion to compatibly insert religion to mainstream theories such as social constructivism and liberalism; while others looked for its probability of integrating it into realism particularly political/classical realism.

All these efforts permeated to opening a door for Islam whether providing its version(s) of IR or integrating it within or around the boundaries of IR. Islam, so far, has not provided a systematic IR theorizing effort, and in particular tensions on normative understandings of so-called 'Islamic IR' aggravated failed attempts of building a cohesive Islamic theory of IR. For the past decades, whenever someone tried to understand Islamic IR it is always within the spaces of political theology coupled with *siyar* (concentrating on relations between Muslims and non-Muslims) and supported by the 'Islamization of knowledge' movement. Hence, Islamic versions of IR are somehow seen as antithetical to present structure of IR.

The two-part **STEP TWO** analyzed the elements (these are, citizenry, authority, territoriality, and sovereignty) including constitutional cases and comparing them between nation-state and Muslim governance since both possessed differing traditions of thoughts and empirical experiences. The former was a result of ingrained European's socio-political and cultural empiricism, while the latter was the denouement of culminated empiricism of Muslims' historical past. Both have different epoch of existence: nation-state (1648-present) and Muslim governance (632-1924).

The unpleasant encounter between Muslims and modern Europeans, particularly in 18th century with the invasion of Napoleon Bonaparte of Egypt, was colored by hostility and conflict, especially that they had previous encounters (e.g. Crusaders period, Battle of Lepanto, etcetera). The proliferation of Orientalist works that painted Muslims as inferior and supplanted by European's superiority in politics, culture, arts, language, social values, philosophy, and among others. Most importantly, the unjust depiction of Muslims by international Western media, especially with the emergence of ISIS, is very prominent nowadays.

The goal of selecting those elements and constitutional cases is to conspicuously show contrapuntal readings (compare and contrast) between them and not to alienate the Western IR community. The purpose for that selection is to speak with the Western IR community regarding how Muslims (their thinkers and experiences) relate to the specified elements instead of concentrating on unfamiliar theological precepts. Thus, I decided to remain within the parameters of these elements in order to clearly see their palpable differences, and also desired to discover some commonalities or shared understandings along the way. Comparisons of elements and constitutional cases between nation-state and Muslim governance are shown below:

Citizenry

The historical basis of ascribing oneself as member of a nation-state is confraternity, while in Muslim governance it is faith. Nowadays, membership to a polity (i.e. citizenship) can be acquired in several manners (e.g. *jus soli*, *jus sanguinis* or naturalization by marriage, period and status of residency, etc.) depending on the laws of the granting authority, which is the state. Citizenship laws are consensually legislated by the intellectual and political elites associated in a political community through the regulations of the government, while laws in Islam are already legislated by God through the revealed Qur'an and the Prophet's Sunnah, and if there are issues that may not be explicitly addressed,

then, they could be consulted (*shura*) until a consensus (*ijma*) of majority of Islamic jurists and scholars is achieved.

During the medieval age, it was commented by later scholars that citizenship gradually developed through the formation of European city-states where an individual (outsider or insider) pledge allegiance to the higher authority (monarch or feudal lords), thus, entitling him/her full rights, protection, and qualification to serves in any offices s/he aspired. It was further institutionalized with the emergence of territorial sovereignty and defining it based on certain borders or boundaries. However, the present notion of citizenship is becoming more complex as several criteria (e.g. ethnicity, culture, religion, language, economic status, etc.) are taken into full consideration before the state bestows citizenship.

In addition, citizenship in European middle ages is accorded full rights to their members regardless of geographic origin, status or gender as long as they submit their allegiance to their authority. This is similar with being a member of the ummah that requires no geographic, racial, and gender preferences as long as that individual submits to the will of God. Even non-Muslims (particularly members of the people of the book) can become citizens in Muslim regimes and are protected via a social contract, for example, the Medina Charter.

Citizenship in Europe is always associated with city-states that could be extended to outsiders, while in non-European places especially in Muslim lands it is linked with kin groups, families and related clans or tribes. But this evolved with dynasties and empires, e.g., at first it was faith or submission to the will of God as the main criterion to become part of the group (usually refers to ummah). As Muslim lands expanded they have adapted several political and cultural aspects of non-Arabs and non-Muslims but guided by Islam particularly of shari'ah.

Although, there is no direct counterpart of Muslim's citizenry with the modern notion of citizenship, it somehow transcends that with the Medina Charter which

also subscribed to ruler-ruled relationship where the authority has the prerogative in delegating who is part of his regime. This was exemplified with the patrimonial and hereditary leadership of the early caliphates and of Ottoman Empire.

Truly, there is no direct jurisprudential equivalence on the part of Muslim governance or social identifying element that may conform to the modern conception of citizenship. Firstly, medieval Muslim communities were patrimonial and no independent ‘city-like associations’ comparable with Europe existed. This also includes kinship among Arabs in pre-Islamic era. Secondly, there are no restrictions imposed with regards to mobility to travel, work, study or reside in any Muslim-dominated territories (e.g. experiences of al-Ghazali or Ibn Battuta). And lastly, non-Muslim residents enjoyed political and religious autonomy while they are levied a sort of poll tax (*jizyah*) for purpose of collective security.

Authority

Authority in nation-state (abbreviated as NS) is anthropomorphic with human characteristics attached to it, particularly its natural desires to impose their influence unto others. Claiming that this material actuality is their ‘right’ to issue commands and reciprocally expected to be obeyed by certain population or citizenry. The right of the authority is built upon perceived and actual legitimate actions, processes and sources such as laws and principles accorded in a constitution, external recognition by another authority (or state), structural dependent entities that comprises the government (these are: executive, legislative, and judiciary), inherited self-determination, idea of monopoly of violence, modern political maps recognized by world bodies, and among others.

Supremacy and sacredness of authority are possessed by a certain document called the constitution, the written laws consensually decided by groups of senior intellectuals and political elites. However, provisions of the constitution may still

be modified if it is deemed necessary by political elites and multinational corporations controlling the executive, legislative, and judicial branches of the government.

If nation-state's authority is human-bounded and human-constructed, then in Islam authority is supernatural-bounded and divinely-constructed but its operationalization depends on interpretations of religious elites of scholars (ulama) and jurists mostly crafted through the process of consensus (ijma) basing from the established (Sunnah) practices or traditions created by the Prophet, and laid down to his companions to generations. The Qur'an possessed supreme authority over all written human laws which also complement the Sunnah. Thus, it is universal and cannot be altered or modified. However, Shari'ah (legislated laws of the jurists) could be modified (added, omit or alter) depending on the exigencies of changing times. The idea that NS monopolize violence is equivalent to Islam's monopoly of moral order under the dictum of 'commands good and forbids evil'.

If NS claims the right to issue command and be followed, then the Qur'an instructed and prescribed the ummah (the population) to submit their obedience to God, to the Prophet, and to subsequent authorities. The legitimacy of 'authorities after the demise of the Prophet' varies between sunni and Shi'a understandings. For sunni, a leader is elective and considered the heir of the Prophet, while for Shi'a a leader is infallible and remains occulted until he appears as the true heir of the Prophet that will provide justice and peace throughout the world. In the 20th century, the power of the ulama and jurists weakened with the adaptation of nation-state by most of Muslim societies.

In similar aspects between NS and Muslim governance, the possessor of sovereignty acquires authority from reciprocated mutuality between the ruler and the ruled, which is acknowledged as the source of legitimacy, whether by 'natural law, divine mandate, hereditary law, a constitution, or even international law.'

This is similar with Islam's *bay'ah* principle which is pledging allegiances between the ruled and the ruler. In nation-state, bodies or codes of law are considered ubiquitously as the main source of legitimacy; which is also similar with *shari'ah* (as codes of law) that provides operational legitimacy to the authority.

In NS, the degree of authority can be measured by the proximity of divergence or bifurcation between B's orders and the preferences of A's (full or partial) voluntarism. Thus, even if authority is supreme it is never without limit, which means that some command may be restricted or defied on the basis of consensual understanding of ethics and morality. This also echoes the overall prowess of principles of morality and ethics stated in the Qur'an that may limit the operationalization of authority.

Territoriality

The historical nature of territorial identification for the West is the legal system of proprietary or ownership (one of Kantian account of territorial rights) by the ruler or a social contract⁶⁴³ with its own people (members), while for the Muslims they are based on the premise of occupancy and expansion as embedded in the propagation of the Islamic faith. For example, presently there is a hybridity of ISIS as having its own territory, but not yet recognized as sovereign in the international community, is based on their specific utopian imagination of resurrecting a so-called Muslim *ummah* (community) operationalized through the system of their understanding of the Caliphate. They absolutely reject nation-states created during the colonial period because they viewed it as artificial and

⁶⁴³ There is also a kind of social contract among the Arabs in pre-Islamic period, and they called it *Bay'ah* (oath or pledge of allegiance). It is the signing of a covenant between the ruler and the ruled. In order to effectively implement the covenant, recognition of legitimacy must be attained through the declaration of oath of allegiance of the ruler and pledging the allegiance by the ruled. The process of bay'ah was incorporated within Islamic traditions. Prophet Muhammad and the subsequent caliphs practiced bay'ah to legitimize their political status and build confidence and trust among their subjects.

imaginary borders in order for the West to subjugate Muslims and pursue their socio-political and economic interests in the region.

Therefore, territoriality is loosely conceptualized as *ummah* that has physical aspects, cultural traits and lingua franca. Within *ummah* polities (*dawlah* or state) emerged and it evolved historically into *watan* (fatherland, which expresses the link between group of peoples and specific geographical location). The Islamic term for *watan*, land, place, house or abode is called 'dar', where in 8th century juristic interpretation two abodes were created, the abode of Islam (*dar al-Islam*) and the abode of war/enemy (*dar al-Harb*). There are also several contested abodes such as abode of truce, agreement, treaty or of friendly nations whereby Muslims are minority in non-Muslim regimes.

However, the idea of territorial sovereignty is gradually being recognized by contemporary Islamic scholarship as a result of historical conditions that something Islam recognizes it as a reality. The Organization of Islamic Cooperation (OIC), in reality, operates and configured within the confines of nation-state system as opposed to the Islamic *dar* or Hanafi's *ikhtilaf al-darayn* (i.e. territoriality). The territoriality of a nation-state postulates contiguous borders which are legally imposed and adjudicated, while boundaries in Muslim governance are adjudicated by juristic division of realms or abodes of Islam and of war/enemy including certain period of truce or peace treaty and its politico-territorial unit of analysis (the *ummah*).

Moreover, this also includes Hanafi's study of territoriality on the bases of security, fear, existential threat, protection, and the independent legal status of the peoples comprising the whole territory. On the other hand, it is different with the Shi'a version of territoriality (i.e. *mustad'afun/mustakbirun* paradigm) referring to Quranic revelations and their understanding of the message of God, which explicitly manifests justice, knowledge, and prevention of corruption. Thus, the shi'a version is vague and unclear whether it connotes territoriality or not.

Sovereignty

There are particular differences of conceptualizing sovereignty between nation-state and Muslim governance. Firstly, the source of sovereignty for most of Muslim scholars is the will of God and the basis of it is their submission and declaration of faith that there is only one God, while for citizens or defined population (as thought by selected scholars) in a nation-state the source comes from the core of their territory and it is based on the recognition internally by its population and externally by other sovereign states. Secondly, in Islam there is only one sovereign and that is God, but for nation-state there is the multiplicity of sovereigns depending if they are legitimized constitutively or declaratory.

Thirdly, there are various understandings of social scientists and how they conceptualized sovereignty, while in Islam there is confronting understanding of sovereignty between Islamists (e.g. Maududi, al-Banna, Qutb et al) and Islamic Modernists (e.g. Rahman, Ramadan, Tibi et al). Fourthly, multiple sovereigns create anarchy in the international system where each sovereign is not internationally accountable for their behaviors and actions, but in Islam there is political and ethical order within the Muslim domain as embodied in the Shari'ah that expresses God's sovereignty. And lastly, nation-states have constitutional independence that extends external recognition, while Muslim polities' constitutions are guided and supervised by Shari'ah with the insistence of the Qur'an and Sunnah.

On the other hand, two similarities are highlighted: 1) 'government' is the important element for the operationalization of sovereignty in both nation-state (i.e. presently most are democratic authority) and Muslim governance (formerly caliphates and sultanates, and presently theocratic, monarchical and militaristic authorities); and 2) old (pre-Westphalian) Western conception of sovereignty is understood as responsibility for the common good of everyone which is similar to

the goal of Shari'ah namely, *maslaha*, or public interest and public welfare of all Muslims.

Constitutional Cases

It may have come as a surprise that based on my analysis there are more similarities than differences with regards to the construction and formation of constitution under the systems of nation-states and Muslim governance. All selected constitutions were a response to resolve political anomies, upheavals, conflicts and insurgencies. For example, the 622 Medina Charter was a response to the 100-year long tribal conflicts; the 1215 Magna Carta was a response to King John's political upheavals with his barons and the Church; the 1648 Peace of Westphalia was a result to resolve the Thirty Years War; the 1945 UN Charter was a result of victors defining the terms of the World War II; and the 1979 (2008 revised) OIC Charter was a response to the criminal arson of al-Aqsa Mosque in Jerusalem. All of which was a response to the power structures and realpolitik of their times with various configurations but commonly manifested by human conflicts.

All constitutions uphold peacemaking, promote collective security, and safeguard individual rights, equality under the rule of law, justice, religious freedom, and liberties. Both the Medina Charter and Magna Carta advocated consensual governance and cooperation, while the Treaty of Westphalia paved the way for the ideological and practical notion of territorial sovereignty, which greatly influenced both charters of the UN and the OIC including the clause on non-interference to the jurisdiction and domestic affairs of state members. These two world bodies have very common principles and objectives, and that is the promotion of peace and security, solidarity among all nations, diplomatic settlement of disputes, and expression of amicable relations in the international society. The only difference is their conceptualization of sovereignty. In the Medina Charter, sovereignty is conceptualized as justice in protecting the dignity of all individuals against oppression. In the Magna Carta, the king is sovereign

but his powers are limited and checked by a commission of barons. While the last three constitutions shared the same idea that territory or definite borders is the core element that defined sovereignty.

In **STEP THREE**, the selection of a philosopher (al-Farabi), a poet (Ferdowsi), a jurist (al-Mawardi), and a bureaucrat (Nizam al-Mulk) served as practical sources of conceptualizing ‘ruling’ in Muslim thought. Whereby, it is manifested as an extension of ‘authority’ in Muslim governance for discovering a probable Islamic theorizing about IR. The selected contributions (1. The Perfect State; 2. The Epic of Kings; 3. The Ordinances of Government; and 4. The Book of Government or Rules for Kings) of these scholars provided guidelines for all Muslim nations for several centuries in the selection of temporal authority in Islamic thought. This temporal authority became the prescriptions and recommendations for the operations of *siyar* and how Muslim regimes deal with non-Muslim authorities and other dissimilar societies.

Al-Farabi is one of the scholars who revitalized Greek philosophy in late antiquity, and influenced great thinkers of Islamic civilization. The importance of ‘The Perfect State’ is the combination of divine and political science that justifies sound beliefs on ‘philosopher cum prophet’ as the most virtuous ruler in the world. *Ferdowsi*’s magnum opus, the *Shahname*, marked as one of the tools of axial moment of several Muslim nations for over centuries which until now is being recited and commemorated. It provided foundational history, cultural heritage, and national identity all throughout the Persian world, i.e., from Iran, Central Asia, to Pakistan and India. *Al-Mawardi* is the epitome of providing the sunni theory of caliphate. He had served the multi-rivaling caliphates as the one who lead major diplomatic negotiations between Abbasids and Buyids. His ‘Ordinances of Government’ became an influential theoretical blueprint in inspiring treatise, charters and constitutions in most sunni-Arab countries for several centuries. *Nizam al-Mulk*’s *Siyasatnama* served as the guiding structure and manual of the Seljuk Empire. It included ways of how the authority deals

with other polities – be they Muslims or not. Some parts of the treatise also became a blueprint for contemporary bureaucratic system in the modern times.

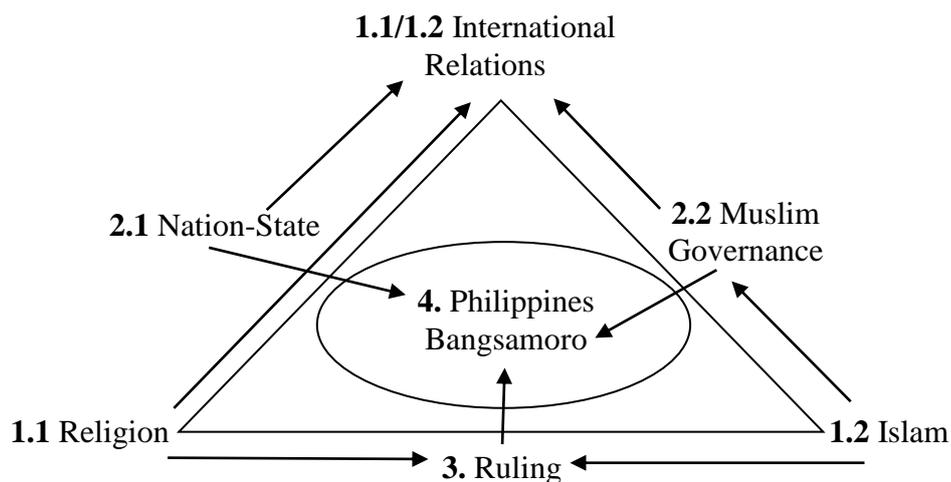
The practical case in basing the comparative arguments from step two and linked to the step three of conceptions on ruling is **STEP FOUR**, the Bangsamoro case which represents the last step. The reconfiguration of the political arrangement or system within the Muslim society called ‘Bangsamoro’ under the Philippines’ state system (a predominant Christian country) entails:

- 1) The establishment of a new Bangsamoro political entity with its own structure of government (i.e., parliamentary form) supervised by the Philippines’ presidential form of government.
- 2) The relationship between the National and Bangsamoro governments shall be asymmetric.
- 3) All issues that may result in a dispute between the National and Bangsamoro governments shall be resolved by an intergovernmental relations mechanism. The nature of powers between these two governments will have reserved, concurrent, and exclusive powers.
 - *Reserved powers* are matters over which authority and jurisdiction are exercised by the National Government.
 - *Concurrent powers* refer to the powers shared between the National Government and the Bangsamoro Government.
 - *Exclusive powers* are matters over which authority and jurisdiction pertain to the Bangsamoro Government only.
- 4) Whatever power the Bangsamoro may exercise over its territory, it must be consistent with and not contravening to the country’s international obligations and commitments.

5) The Bangsamoro Government's treasury power is exercised through the development of Islamic Banking.

6) Under the explicit language of the Bangsamoro Basic Law, the Shari'ah law shall have application over Muslims only. The national justice system will remain intact for all matters outside the jurisdiction of the Shari'ah Courts, and the inherent power of judicial review by the Supreme Court (to review any grave abuse of discretion amounting to lack or excess of jurisdiction by the Shari'ah Court) under the 1987 Philippine Constitution.

The overall explanation for the steps for a probable Islamic theorizing about IR is represented by the figure below.



By setting up the background for 1.1, 1.2, and 1.1/1.2 that generally surveyed their relations with one another. The elements of 2.1 is afterwards presented. Nation-state is selected in this thesis because of its ubiquitous and prominent role in IR theory, and that although its significance is being challenged it is still by far the omnipresent polity worldwide. Its role in shaping the international system is undeniable magnanimous. With this premise, the elements are addressed by 2.2 while conceptions on ruling which is seen as an extension of authority of 2.2 is subsequently presented. The no. 3 is then analyzed by selecting four Muslim

scholars. One of these scholars' work became a theoretical blueprint for no. 4's polity, particularly with the reconfiguration of its political arrangement in relation with the nation-state system. Thus, no. 4 was able to sign their basic law or constitution where shari'ah plays an important role but it is supervised by the national government's judiciary.

Therefore, it is concluded that there is a potentiality for the prospect of doing an Islamic theory of International Relations. This thesis provided the probabilities of identifying the prospects of Islamic theory of IR that certainly described the 'pre-theory' condition imposed by Amitav Acharya and Barry Buzan. A pre-theory connotes an unconscious theorization and research efforts that were developed through contemplation of relevant thoughts but are not constructed systematically. It usually refers to convergence of several disciplines with no distinct identity.

Limitations and Recommendations

While the notion of 'international' and 'Islam' were operationalized in the beginning of this thesis, the *raison d'être* must be clearly answered. How does the theorizing of the international based on Islam enhances our understanding of the social world and its consequent realities? The thesis was written as a contribution to the 'Global International Relations' movement that draws from the broader perspective of the international (i.e. human interactions beyond their localities). It critically engages and challenges Euro-American (usually referred as 'Western') IR's traditions of thoughts and boundaries. It thus far encourages scholarships that adds to new understandings and approaches to the study of the 'international'.

However, the domains of where Islam is specifically characterized as the prime mover of state interactions and relations must be further studied. Particularly that European modernity had greatly impacted the nature and trajectories of state actors in the international system. Modernity explicitly advanced the domain of

the secular and contained the religious. In another aspect, there is a comprehensive corpus of Ottoman diplomacy, political thoughts in Islam, and pre-Islamic historicity that need greater attention for utilizing the differences of international relations or affairs between pre-modern and modern Muslim societies.

Consequently, the study provided preliminaries of contemplating an Islamic theory of IR. The thesis recommends empirical cases of contemporary Muslim states' interactions where Islam influenced their foreign policies and state affairs.

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Appendix A

Article 10 (The Justice System) of the Bangsamoro Basic Law⁶⁴⁴

Section 1. Justice System in the Bangsamoro

The justice system in the Bangsamoro shall consist of Shari'ah law which shall have supremacy and application over Muslims only; the traditional or tribal justice system, for the indigenous peoples in the Bangsamoro; the local courts; and alternative dispute resolution systems. For Muslims, the justice system in the Bangsamoro shall give primary consideration to Shari'ah, and customary rights and traditions of the indigenous peoples in the Bangsamoro. Nothing herein shall be construed to operate to the prejudice of non-Muslims and non-indigenous peoples.

Shari'ah Justice System

Section 2. Shari'ah Justice System

The Shari'ah Courts in the Bangsamoro shall have jurisdiction over Shari'ah law enacted by the Bangsamoro Parliament pertaining to persons and family relations, and other civil law matters, commercial law, and criminal law. There shall be cooperation and coordination with Central Government regarding the Shari'ah justice system, through the different mechanisms as herein provided.

Section 3. Laws on Shari'ah

The Bangsamoro Parliament shall enact laws pertaining to persons and family relations, and other civil law matters, commercial law, criminal law, including the definition of crimes and prescription of penalties thereof. These laws on Shari'ah shall only be applicable to Muslims. Criminal laws enacted by the Bangsamoro Parliament shall be effective within the territory of the Bangsamoro and shall be in accordance with the universally accepted principles and standards of human rights.

Section 4. Sources of Shari'ah Law

The following are the sources of Shari'ah law, among others:

- a. Al-Qur'an (The Koran);
- b. Al- 'Sunnah (Prophetic traditions);
- c. Al-Qiyās (Analogy); and
- d. Al-Ijmā (Consensus).

Section 5. Shari'ah Circuit Courts

The Shari'ah Circuit Court in the Bangsamoro shall exercise exclusive original jurisdiction over the following matters:

- a. All cases involving offenses defined and punished under Presidential Decree No. 1083, where the act or omission has been committed in the Bangsamoro;
- b. All civil actions and proceedings between parties residing in the Bangsamoro, and who are Muslims or have been married in accordance with Article 13 of Presidential Decree No. 1083 involving disputes relating to:
 - i. Marriage;
 - ii. Divorce recognized under Presidential Decree No. 1083;
 - iii. Betrothal or breach of contract to marry;
 - iv. Customary dower (mahr, also transliterated into mehr, meher, or mahrieh);

⁶⁴⁴ The draft Bangsamoro Basic Law, now House Bill No. 4994, was submitted to Congress during ceremonies held in Malacañang Palace on September 10, 2014.

- v. Disposition and distribution of property upon divorce;
 - vi. Maintenance and support, and consolatory gifts, (mut'ah);
 - vii. Restitution of marital rights.
- c. All cases involving disputes relative to communal properties;
- d. All cases involving offenses defined and punishable under Shari'ah law enacted by the Bangsamoro Parliament with imprisonment not exceeding six (6) years irrespective of the amount of fine, and regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value, or amount thereof;
- e. All civil actions, under Shari'ah law enacted by the Bangsamoro Government, involving real property in the Bangsamoro, where the assessed value of the property does not exceed Four Hundred Thousand Pesos (P400,000.00); and
- f. All civil actions in which the parties are Muslims, or where all litigants have voluntarily submitted themselves to the jurisdiction of the Shari'ah Circuit Courts, if they have not specified in an agreement which law shall govern their relations where the demand or claim does not exceed Two Hundred Thousand Pesos (P200,000.00).

Section 6. Shari'ah District Courts

The Shari'ah District Court in the Bangsamoro shall exercise exclusive original jurisdiction over the following matters:

- a. All cases involving custody, guardianship, legitimacy, paternity and filiation arising under Presidential Decree No. 1083;
- b. All cases involving disposition, distribution and settlement of the estate of deceased Muslims that are residents of the Bangsamoro, probate of wills, issuance of letters of administration or appointment of administrators or executors regardless of the nature or the aggregate value of the property;
- c. Petitions for the declaration of absence and death for the cancellation or correction of entries in the Muslim Registries mentioned in Title VI of Book Two of Presidential Decree No. 1083;
- d. All actions arising from customary and Shari'ah compliant contracts in which the parties are Muslims, if they have not specified which law shall govern their relations;
- e. All petitions for mandamus, prohibition, injunction, certiorari, habeas corpus, and all other auxiliary writs and processes in aid of its appellate jurisdiction;
- f. Petitions by Muslims for the constitution of a family home, change of name and commitment of an insane person to an asylum;
- g. All other personal and real actions not falling under the jurisdiction of the Shari'ah Circuit Courts wherein the parties involved are Muslims, except those for forcible entry and unlawful detainer, which shall fall under the exclusive original jurisdiction of the Municipal Circuit Court;
- h. All special civil actions for interpleader or declaratory relief wherein the parties are Muslims residing in the Bangsamoro or the property involved belongs exclusively to Muslims and is located in the Bangsamoro;

- i. All cases involving offenses defined and punishable under Shari'ah law enacted by the Bangsamoro Parliament not falling within the exclusive jurisdiction of Shari'ah Circuit Courts or any other court, tribunal, or body;
- j. All civil actions, under Shari'ah law enacted by the Bangsamoro Parliament, involving real property in the Bangsamoro, where the assessed value of the property exceeds Four Hundred Thousand Pesos (P400,000.00); and
- k. All civil actions in which the parties are Muslims, or where all litigants have voluntarily submitted themselves to the jurisdiction of the Shari'ah Circuit Court, if they have not specified in an agreement which law shall govern their relations where the demand or claim exceeds Two Hundred Thousand Pesos (P200,000.00)

The Shari'ah District Court in the Bangsamoro shall exercise appellate jurisdiction over all cases decided upon by the Shari'ah Circuit Courts in the Bangsamoro within its territorial jurisdiction, as provided under Article 144 of Presidential Decree No. 1083.

Section 7. Bangsamoro Shari'ah High Court

There is hereby created a Bangsamoro Shari'ah High Court. The Bangsamoro Shari'ah High Court shall exercise exclusive original jurisdiction, whether or not in aid of its appellate jurisdiction, over:

- a. All petitions for mandamus, prohibition, injunction, certiorari, habeas corpus, and all other auxiliary writs and processes, in aid of its appellate jurisdiction; and
- b. All actions for annulment of judgments of Shari'ah District Courts.

The Bangsamoro Shari'ah High Court shall exercise exclusive appellate jurisdiction over cases under the jurisdiction of the Shari'ah District Courts in the Bangsamoro. The decisions of the Shari'ah High Court shall be final and executory.

Section 8. Additional Shari'ah Courts

Upon the recommendation of the Bangsamoro Government, Congress may create additional Shari'ah Courts in the Bangsamoro and apportion the jurisdiction of each of the Shari'ah Circuit and District Courts.

Section 9. Qualifications of Shari'ah Judges

- a. Shari'ah Circuit Court. – No person shall be appointed judge of the Shari'ah Circuit Court unless he is a Muslim, citizen of the Philippines, at least twenty-five (25) years of age, a graduate of a four-year course on Shari'ah or Islamic jurisprudence, and has passed an examination in the Shari'ah to be given by the Supreme Court for admission to special membership in the Philippine Bar to practice in the Shari'ah Courts. Provided that, for a period of seven (7) years following the ratification of this Law, the requirement on the completion of a four-year Shari'ah or Islamic Jurisprudence course shall not apply.
- b. Shari'ah District Court. – No person shall be appointed judge of the Shari'ah District Court unless he is a Muslim, citizen of the Philippines at least thirty-five (35) years of age, a graduate of a four-year course on Shari'ah or Islamic jurisprudence, and has passed an examination in the Shari'ah to be given by the Supreme Court for admission to special membership in the Philippine Bar to practice in the Shari'ah Courts. Furthermore, such person should have been engaged in the practice of Shari'ah law in the Philippines for at least five (5) years prior to his appointment; Provided that, for a period of seven (7) years following the ratification of this Law, the requirement on the completion of a four-year Shari'ah or Islamic Jurisprudence course shall not apply.

c. Bangsamoro Shari'ah High Court. – No person shall be appointed Justice of the Shari'ah High Court unless he is a Muslim, natural-born citizen of the Philippines, at least forty (40) years of age, a graduate of a four-year course on Shari'ah or Islamic jurisprudence, and has passed an examination in the Shari'ah to be given by the Supreme Court for admission to special membership in the Philippine Bar to practice in the Shari'ah Courts. Furthermore, such person should have been engaged in the practice of Shari'ah law in the Philippines for at least ten (10) years prior to his appointment. Provided that, for a period of seven (7) years following the ratification of this Law, the requirement on the practice of Shari'ah law in the Philippines shall only be for six (6) years.

The Shari'ah High Court shall be composed of nine (9) justices, including the Presiding Justice. It may exercise its powers, functions, and duties through three (3) divisions, each composed of three (3) members. It may sit en banc only for the purpose of exercising administrative or ceremonial functions. The stations of the three divisions shall be Cotabato City, Marawi City and Jolo, Sulu.

Section 10. Shari'ah Judicial and Bar Council

The Shari'ah Judicial and Bar Council shall recommend to the Judicial and Bar Council applicants for the position of judges of Shari'ah District and Circuit Courts in the Bangsamoro and the justices of the Shari'ah High Court. The Judicial and Bar Council shall give utmost consideration to the Shari'ah Judicial and Bar Council nominees in recommending appointees to the President. The President shall issue the appointments within ninety (90) days from the submission by the Judicial and Bar Council of the list.

Section 11. Consultant to the Judicial and Bar Council

The President shall appoint a consultant to the Judicial and Bar Council, recommended by the Chief Minister from among the members of the Shari'ah Judicial and Bar Council, who shall advise and be consulted by the Judicial and Bar Council on appointments to Shari'ah judicial positions in the Bangsamoro.

Section 12. Composition of the Shari'ah Judicial and Bar Council

There is hereby created a Shari'ah Judicial and Bar Council to be composed of five (5) members: a senior member of the Shari'ah High Court, as ex-officio Chairman, the Head of the Shari'ah Academy, and one (1) representative from the Bangsamoro Parliament, as ex-officio members. Other regular members of the Council shall be one (1) representative each from the accredited organization of Shari'ah lawyers and other appropriate accredited organizations in the Bangsamoro. The regular members of the Council shall be appointed by the Chief Minister with a term of five (5) years without reappointment.

Section 13. Functions of the Shari'ah Judicial and Bar Council

The Shari'ah Judicial and Bar Council shall have the following functions:

- a. Recommend nominees to the Shari'ah Courts in the Bangsamoro which shall be submitted to the Judicial and Bar Council; and
- b. Conduct investigations over erring members of the Shari'ah Bar in the Bangsamoro and over judges and personnel of the Shari'ah Courts in the Bangsamoro, and submit the results of such investigation to the Supreme Court for the latter's action.

Section 14. Shari'ah Rules of Court

The rules of court for the Shari'ah courts in the Bangsamoro shall be promulgated by the Supreme Court, giving utmost consideration to the recommendations of the Bangsamoro Shari'ah High Court. In the meantime, the special rules of court for Shari'ah courts, as promulgated by the Supreme Court, shall continue to be in force.

Section 15. Special Bar Examinations for Shari'ah

The Supreme Court shall continue to administer Shari'ah Bar examinations for admission of applicants to the Philippine Bar as special members thereof, with due consideration for the special nature of the Shari'ah system and utmost regard to the proposals of the Bangsamoro Shari'ah High Court on this matter.

Section 16. Compensation

Judges of the Shari'ah Circuit Court in the Bangsamoro shall receive the same compensation and enjoy the same privileges as judges of Municipal Circuit Trial Courts. Judges of the Shari'ah District Court in the Bangsamoro shall receive the same compensation and enjoy the same privileges as the judges of Regional Trial Courts. Justices of the Bangsamoro Shari'ah High Court shall receive the same compensation and enjoy the same privileges as the justices of the Court of Appeals.

Section 17. Appointment and Discipline of Shari'ah Court Personnel

The Supreme Court shall appoint the Shari'ah court personnel, and shall have the power of discipline over them. The Shari'ah Judicial and Bar Council shall conduct investigations over erring personnel in Shari'ah courts in the Bangsamoro, and submit the results of such investigation to the Supreme Court for the latter's action.

Section 18. Shari'ah Public Assistance Office

To provide free legal assistance to indigent party litigants, the Bangsamoro Parliament shall create a Shari'ah Public Assistance Office for the different Shari'ah courts in the Bangsamoro.

Section 19. Shari'ah Special Prosecution Service

There shall be created a Shari'ah Special Prosecution Service for Shari'ah administration of justice in the Bangsamoro. The Shari'ah Special Prosecution Service shall be attached to the National Prosecutorial Service of the Central Government. The Bangsamoro Government shall recommend the qualified applicants for the position of the Shari'ah prosecutors and personnel of the Shari'ah Special Prosecution Service to the Secretary of Justice.

Section 20. Shari'ah Academy

There is hereby created a Shari'ah Academy, the primary function of which is to conduct courses and trainings on the practice of Shari'ah law in the Bangsamoro, accredit Shari'ah courses and degrees obtained by Bangsamoro from schools and universities abroad, and develop the curriculum of schools and universities in the Bangsamoro. The Bangsamoro Parliament shall define its powers and additional functions and appropriate funds therefore. The Shari'ah Academy may coordinate with the National Commission on Muslim Filipinos (NCMF) whenever necessary.

Section 21. Bangsamoro Jurisconsult in Islamic Law

There is hereby created an office of Jurisconsult of Islamic law in the Bangsamoro. The Parliament shall define the powers and functions of this office. The Office of Jurisconsult shall be a collegial body composed of the Jurisconsult and three (3) Deputies who shall be appointed by the Chief Minister upon recommendation of the Parliament, taking into consideration the various ethnic groups in the Bangsamoro. The Jurisconsult and his deputies shall be members of the Philippine Shari'ah Bar or the Integrated Bar of the Philippines, Muslim Bangsamoro, holders of Bachelor Degree in Islamic Law and Jurisprudence, must not be commonly known as one who violates Islamic injunctions, with proven competence and probity, mentally fit, and known for integrity and high moral standards.

Section 22. Jurisconsult Under Existing Law

Notwithstanding the preceding section, the Office of the Jurisconsult under PD 1083 shall be strengthened by providing for salary, rank and privileges of a Justice of the Court of Appeals.

Traditional/Tribal Justice Systems

Section 23. Traditional/Tribal Justice Systems

The Bangsamoro Parliament shall enact laws to promote and support the traditional/tribal justice systems that are appropriate for the indigenous peoples, as defined by them. The traditional justice systems are the mechanisms to determine, settle, and decide controversies and enforce decisions involving disputes between members of the indigenous peoples concerned in accordance with the tribal codes of these communities.

Section 24. Office for Traditional/Tribal Justice System

There is hereby created an Office for Tribal Justice System responsible in overseeing the study, preservation and development of the tribal justice system within the Bangsamoro. The powers and functions of the Office shall be defined by the Bangsamoro Parliament. The Office shall ensure the full participation of indigenous peoples in the formulation, implementation and evaluation of policies related to the strengthening of tribal justice system; ensuring further that such systems maintain their indigenous character in accordance with the respective practices of each tribe.

Local Courts

Section 25. Local Courts

Local courts in the Bangsamoro shall continue to exercise their judicial functions, as provided by law. The Bangsamoro Government may undertake measures to improve their workings, consistent with the powers of the Supreme Court. Alternative Dispute Resolution System

Section 26. Alternative Dispute Resolution (ADR)

The Bangsamoro Government shall provide for the institution of alternative dispute resolution system in the Bangsamoro. The Parliament shall enact the necessary legislation for the operationalization of ADR. The Bangsamoro Government shall adopt the principles of conciliation and mediation in settling disputes. The Bangsamoro Parliament may provide for prior recourse to alternative dispute resolution before the filing of cases in Shari'ah courts in the Bangsamoro or any Bangsamoro government offices.

Justices from the Bangsamoro

Section 27. Justices from Bangsamoro

It shall be the policy of the Central Government that at least one (1) justice in the Supreme Court and two (2) justices in the Court of Appeals at any one time who shall be qualified individuals of the Bangsamoro territory. For this purpose, the Chief Minister may, after consultations with the Bangsamoro Parliament and the Shari'ah Judicial and Bar Council, submit the names of qualified persons to the Judicial and Bar Council for its consideration. The appointments of those recommended by the Chief Minister to the judicial positions mentioned above are without prejudice to appointments that may be extended to other qualified inhabitants of the Bangsamoro to other positions in the Judiciary.

Section 28. Deputy Court Administrator for the Bangsamoro

The Office of the Deputy Court Administrator for the Bangsamoro is hereby created. The Deputy Court Administrator for the Bangsamoro shall be appointed by the Chief Justice of the Supreme Court from among three (3) recommenders submitted by the Chief Minister upon previous consultation with the Bangsamoro Parliament and with the concerned sectors of the Bangsamoro.

Appendix B

Curriculum Vitae

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PUBLICATIONS

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- (2011) "Finding Basic Comparison(s) between Islamism and Zionism." *Social Science Research Network* (October 01)
- (2011) "The Great Debate of the Two Intellectual Giants in Middle Eastern Studies of Postcolonial Era: A Comparative Study on the Schemata of Edward Said and Bernard Lewis." *Social Science Research Network* (October 01)
- (2009) "Securitization: Understanding its Process in the field of International Relations." *GRIN Publishing GmbH*, München, Germany (March).
- (2008) "The Historical Emergence of the Main Forms of Actors in the Middle East and North Africa Regions." *GRIN Publishing GmbH*, München, Germany (December).
- (2008) "Document Analysis of "A History of Medieval Islam" by J.J. Saunders." *GRIN Publishing GmbH*, München, Germany (November).
- (2008) "The Foreign Policy of the Islamic Republic of Iran towards the Organization of Petroleum Exporting Countries." *GRIN Publishing GmbH*, München, Germany (October).
- (2008) "United States of America's Foreign Policy in the Security of Asia-Pacific Region." *GRIN Publishing GmbH*, München, Germany (September).
- (2008) "United Kingdom's Challenges in the European Monetary and Economic Union." *GRIN Publishing GmbH*, München, Germany (March).
- (2007) "Relationship between Balik-Islam (Muslim Reverts) and full-fledged Muslims under the Auspices of Islamic Teachings in Philippine Setting." *GRIN Publishing GmbH*, München, Germany (April).
- (2007) "After 9/11: A Troika of Perceptions of George Walker Bush, Colin Luther Powell and Donald Henry Rumsfeld on the Creation of the USA Patriot Act of 2001." *GRIN Publishing GmbH*, München, Germany (March).

EDUCATION

Ph.D. in International Relations, Middle East Technical University (Turkey), 2016

Master in International Studies, University of the Philippines-Diliman, 2009

BA in International Studies, University of the East (Manila, Philippines), 2006

High School and Elementary, Trinity University of Asia or formerly Trinity College of Quezon City (Philippines), 2003

Additional Educational Trainings

(2016) World International Studies Committee's (WISC) Exploratory Workshop on 'Alternative Cosmologies and Knowledge Systems in IR' (Institute for Research and International Studies, New Delhi, India, January 11-14). Recipient of travel and accommodation grants.

(2015) Global Minority Rights Summer School of the Tom Lantos Institute (National University of Public Service, Budapest, Hungary, July 19-25). Recipient of partial scholarship.

(2015) Summer School on 'Borders, Borderthinking, Borderlands' (Universität Bremen, Germany, May 15-26). Recipient of travel, accommodation, and registration grants.

(2015) Foreign Policy Analysis working group on "Foreign Policy Analysis and the Diplomacy of Sub-State Actors" for the International Studies Association's Annual Convention (New Orleans, Louisiana, USA, February 17-20).

(2014) UNILU Network of Transnational Doctoral Research for the "Law and Culture Training Programme" (University of Lucerne, Switzerland, November 14-15). Recipient of travel and accommodation grants.

(2014) 3rd Turk-Arab Youth Congress (Istanbul Convention Center and Point Hotel Barbaros, October 24-27). Recipient of travel and accommodation grants.

(2014) 1st International Institute of Islamic Thought summer school on "Muslim Societies: Contemporary and Future Challenges" (Bahçeşehir University, Istanbul, September 06-20).

(2014) 2nd International ILEM Summer School on "The State and Society in Muslim World" (İstanbul 29 Mayıs University, August 23-29). Recipient of travel and accommodation grants.

(2014) 7th Istanbul Seminar on "The Sources of Pluralism: Metaphysics, Epistemology, Law, and Politics" (Istanbul Bilgi University, May 15-20).

(2013) 1st International ILEM Summer School on the "Transformation of Muslim World in the 21st Century" (İstanbul 29 Mayıs University, August 24-30). Recipient of travel and accommodation grants.

(2013) 2nd International Summer School on the "History of Science in Islam as Universal Heritage" (Prof. Dr. Fuat Sezgin Foundation, Istanbul, Turkey, August 22-25).

(2012) Five ECTS of PhD course on "Politics, State, and Society: Theoretical Reflections in a Historical Context" (University of Copenhagen, Roskilde, Denmark, December 10-14).

(2012) 1st Turk-Arab Youth Congress (Istanbul Şehir University, Turkey, September 14-16). Recipient of travel and accommodation grants.

(2012) 11th International Summer School on "Muslims in the West" (University of Erfurt, Germany, August 1-15). Recipient of travel and accommodation grants.

(2012) 2nd International Model of Organization of the Islamic Cooperation (Kazan in Tatarstan, Russia, July 4-10). Recipient of travel and accommodation grants.

(2011) Five ECTS of PhD course entitled “Is Public Sphere Exclusively a Nation-State Phenomenon?” (Sabancı University, Istanbul, July 18-22). Recipient of accommodation grant.

(2011) 20th Institute of International Relations seminar on "History and Philosophy of International Relations" (Panteion University of Athens, Greece, June 29-July 4).

(2011) Online short course certificate on “Muslims and Jews: The Historical and Contemporary Encounter” (WOOLF Institute, January 10-June 29). Recipient of full bursary.

(2010) 20th International Youth Leadership Conference (Prague City, Czech Republic, July 11-16). Recipient of the Newly Industrialised States scholarship.

AWARDS AND HONORS

(2015) Special Award for the essay “Gallipoli, humanity... quo vadis?” given by the Islamic Conference Youth Forum for Dialogue and Cooperation, Istanbul (April 27)

(2014) Nominated and endorsed by the Embassy of the Philippines in Turkey for the Republic of the Philippines’ Presidential Award for Filipino Individual Overseas (July 4)

(2014) Republic of Turkey’s Outstanding PhD Graduate Award, Ankara (June 18)

(2011) Graduate Courses Performance Award (Most Successful PhD student in International Relations), Middle East Technical University (June 02)

(2011) Certificate of Merit as University Scholar, 2nd semester 2007-08, University of the Philippines-Diliman (January 11)

(2009) Certificate of Merit as College Scholar, 2nd semester 2008-09, University of the Philippines-Diliman (December 3)

(2009) Certificate of Merit as College Scholar, 1st semester 2008-09, University of the Philippines-Diliman (December 3)

(2007) Academic Excellence Award, from 1st to 2nd semesters 2005-06, University of the East, Manila (March 16)

(2007) Professional Eligibility conferred by virtue of Presidential Decree 907 (graduating as Magna cum Laude recipient) issued by the Philippine’s Civil Service Commission (January 5).

(2006) Academic Excellence Award, from 1st to 2nd semesters 2004-05, University of the East (UE), Manila (March 08)

(2006) Magna cum Laude (with great distinction), UE, Manila (Nov. 29)

GRANTS AND FELLOWSHIPS

(2014-2015) Republic of Turkey’s Presidency for Turks Abroad and Related Communities (Success and Support scholarship program) provided monthly stipends sans Summer Term

(2012-2013) Middle East Technical University’s (METU) Ph.D. tuition waiver

(2010-2014) The Scientific and Technological Research Council of Turkey or TÜBİTAK's Ph.D. fellowship provided monthly stipends

(2009-2012) The European Union's Erasmus Mundus Mobility with Asia's Ph.D. scholarship provided free full tuition, health insurance, travel tickets, and monthly stipends at METU

(2009) Graduate student aid given by the De La Salle University (Manila, Philippines) from January to April only. The program is MA in International Studies major in European Studies.

(2008-2009) University of the Philippines' Presidential scholarship provided book allowance per semester and one-time thesis allowance

(2008-2009) Willy Keng scholarship provided book allowance and support for school fees per semester at the University of the Philippines-Diliman.

(2005-2006) University of the East's University President scholarship provided free full tuition and other school fees, book allowance, and stipend for the 2nd semester 2005-06 only

(2004-2006) UE University scholarship of full tuition waiver received

(2004-2005) University of the East's College scholarship of half tuition waiver received for the 1st semester 2004-2005 only

(2003-2006) Quezon City local government scholarship provided stipends per semester

INVITED TALKS/LECTURES

(2015) "Comparative Conundrum between Nation-State and Muslim Governance." Department of International Studies of the Far Eastern University, Manila, Philippines, September 01.

(2015) "Worlding beyond the Clash of Civilizations: An Agenda for an International Relations-Islam Discourse." Helena Z. Benitez School of International Relations and Diplomacy of the Philippine Women's University, Manila, August 29.

(2015) "Worlding beyond the Clash of Civilizations: An Agenda for an International Relations-Islam Discourse." Center for Social History and Institute for Cultural Studies of the Polytechnic University of the Philippines, Manila, August 25.

(2015) "Comparative Conundrum between Nation-State and Muslim Governance." Institute of Islamic Studies of the University of the Philippines, Diliman, August 13.

(2015) "Comparative Conundrum between Nation-State and Muslim Governance." Office of Extension and Community Outreach, College of Arts and Sciences, Department of History and International Studies, and International Studies Students Organization of the University of the East, Manila, Philippines, August 12.

(2015) "Entering the Academic World: Networking, Publishing, and Attending Conferences." Alliance of Civilizations Institute, Fatih Sultan Mehmet Vakif University, Istanbul, May 07.

(2013) "Nation-State in International Relations and Islam." Department of International Relations (Faculty of Humanities and Social Sciences) of the Süleyman Şah University, Istanbul, Turkey, July 02.

(2013) "Relations between International Relations and Islam." University of the East's Kaisa Ka Party Coalition, Manila, Philippines, May 24.

(2013) "Nation-State in Islam and International Relations." King Faisal Center for Islamic, Arabic and Asian Studies of the Mindanao State University, Marawi City, Philippines, May 22.

(2013) "International Relations and Islam, and Turkish Accession Process to the European Union." European Studies Program of the Ateneo de Manila University, Philippines, May 21.

(2013) "Nation-State in International Relations and Islam." Center for Political & Democratic Reform, Inc., Philippine Institute for Peace, Violence and Terrorism Research, and the Institute of Islamic Studies of the University of the Philippines, Diliman, May 20.

CONFERENCE ACTIVITY/PARTICIPATION

Panels Organized or Convened

(2016) Section co-chair of "Islam in International Affairs: Politics and Paradigms," which consists of five panels. European International Studies Association's 10th Pan-European Conference on International Relations (Yaşar University, Izmir, Turkey, September 07-10).

(2016) Section co-chair of the "International Relations and the Post-Colonial World: Exploring the Philippines, Asia, and Beyond," which consists of four panels. European International Studies Association's 10th Pan-European Conference on International Relations (Yaşar University, Izmir, Turkey, September 07-10).

- (1) Postcolonial Views on Regionalism: APEC and ASEAN
- (2) Philippines in a Postcolonial World
- (3) The International, Identity, Religion and Language in Postcolonialism
- (4) Postcolonial Cases on the Philippines and the World at-large

(2016) Convening and chairing the panel on "Khaldunian Civilizational Analysis in International Relations" at the 24th World Congress of Political Science (Istanbul, Turkey, July 23-28).

(2016) Co-convening the Co-IRIS workshop entitled "Worlding beyond the Clash of Civilizations: An Agenda for an International Relations-Islam Discourse" at the European International Studies Association's 3rd European Workshops in International Studies (University of Tübingen, Germany, April 06-08). It has 21 papers presented in this workshop.

(2015) Three panels co-organized with Co-IRIS at the International Studies Association's Annual Convention (New Orleans, USA, February 18-21).

- (1) International Relations and Islamic Studies: A New Agenda
- (2) Islam and Democracy: The Case of the Arab Spring
- (3) International Relations and Islam: The Peculiar Case of Nation-State

(2015) "Co-IRIS: Islamic Perspectives on Theory and Praxis in International Relations." Co-organized with Co-IRIS at the Italian Society for Middle Eastern Studies Conference (Venice, Italy, January 16-17).

(2014) "Islamic Perspectives on Theory and Praxis in International Relations." Middle Eastern Congress on Politics and Society (Sakarya University, Turkey, October 14-17).

(2014) "Co-IRIS: Islamic Perspectives on Theory and Praxis in International Relations." Co-organized with Co-IRIS at the World Congress for Middle Eastern Studies (Middle East Technical University, Ankara, Turkey, August 18-22). Recipient of financial assistance program.

(2014) "Turkey: Politics, State, and Governance." World Congress of Political Science (Montréal, Canada, July 19-24). Received travel grant.

(2014) Two panels at the annual conference of the Department of International Relations (Middle East Technical University, Turkey, June 25-27).

- (1) Islamic Perspectives on Theory in International Relations
- (2) Islamic Perspectives on Praxis in International Relations

(2014) “The Bangsamoro (Sub)State: Its Identity, Nature, Struggles, and Movements.” Southeast Asian Studies Symposium (University of Oxford, UK, March 22-23). Received student grant from the University of Oxford’s Project Southeast Asia and recipient of travel grant given by the Philippines’ National Commission for Culture and the Arts.

(2013) “The Bangsamoro Question: Its Identity, Nature, Struggles, and Movements.” Asian Political and International Studies Association conference (Middle East Technical University, Ankara, Turkey, October 25-26). Received accommodation grant.

(2013) Section Chair of the “Critical Relations between Islam and International Relations,” which is composed of seven panels. European International Studies Association’s 8th Pan-European Conference on International Relations (University of Warsaw, Poland, September 18-21). Received registration fee waiver.

- (1) Geopolitics of Iran and Iraq, Israeli-Iranian Nuclear Problem, and Velayate-e Faqih
- (2) Theoretical Notions, Conceptual Approaches, and Paradigms
- (3) Depiction of Prophet Muhammad, Problem of Cultural Incommensurability, and Muslim Countries Relations with France and UK
- (4) Muslim Political Thought, International Society, and GCC
- (5) Arab Spring, Democracy, and Islamist Conceptions of Political Life
- (6) Turkey’s Political Islam and Foreign Policy
- (7) Politics of Gender, Collective Identity, Neo-Patrimonialism, and Desecuritization

Served as Panel Discussant

(2015) “International Relations and Islamic Studies: A New Agenda.” International Studies Association’s Annual Convention (New Orleans, USA, February 18-21).

(2015) “Co-IRIS: Islamic Perspectives on Theory and Praxis in International Relations.” Italian Society for Middle Eastern Studies conference (Venice, Italy, January 16-17).

Papers Presented

(2016) “The Bangsamoro Question in the Philippines.” European International Studies Association’s 10th Pan-European Conference on International Relations (Yaşar University, Izmir, Turkey, September 07-10).

(2016) “Comparative Conundrum between Nation-State and Muslim Governance.” European International Studies Association’s 10th Pan-European Conference on International Relations (Yaşar University, Izmir, Turkey, September 07-10).

(2016) “The Bangsamoro Question in the Philippines.” World Congress of Political Science (Istanbul, Turkey, July 23-28).

(2016) “Comparative Conundrum between Nation-State and Muslim Governance.” World Congress of Political Science (Istanbul, Turkey, July 23-28).

(2016) “Comparative Conundrum between Nation-State and Muslim Governance.” European International Studies Association’s 3rd European Workshops in International Studies (University of Tübingen, Germany, April 06-08).

- (2016) “Comparative Conundrum between Nation-State and Muslim Governance.” Third Bremen Conference on Language and Literature in Colonial and Postcolonial Contexts (University of Bremen, Germany, March 15-18). Recipient of travel grant.
- (2015) “Comparative Conundrum between Nation-State and Muslim Governance.” Istanbul Security Conference with a theme entitled “UN at 70 and Global Governance” (Turkish Asian Center for Strategic Studies or TASAM, Istanbul, Turkey, December 03-05).
- (2015) “Comparative Conundrum between Nation-State and Muslim Governance.” Annual Conference of the Department of International Relations at Kadir Has University (Istanbul, Turkey, October 22-24).
- (2015) “Comparative Conundrum on Territoriality between Nation-State and Muslim Governance.” Ethnology and Cultural Anthropology Students’ Club’s International Conference on “Borders and Margins” (University of Zagreb, October 13-16).
- (2015) “Comparative Conundrum between Nation-State and Muslim Governance.” International Higher Education Research Forum (Century Park Hotel, Manila, August 19-20).
- (2015) “Comparative Conundrum between Nation-State and Muslim Governance.” Bilkent IR Graduate Student Conference (Bilkent University, Ankara, June 1-2).
- (2015) “Nation-State in IR and Islam.” International Students Social Sciences Congress (Ankara, May 16-17). Paper was read by Mr. Muhammad Ashraf Sarip, while the author was in Germany.
- (2015) “Is There an Islamic Nation-State?” International Studies Association's Annual Convention (New Orleans, USA, February 18-21).
- (2014) “Islamism and the Secularization Thesis.” Istanbul Think-House’s International Conference on Islamism (Istanbul, Turkey, October 24-26).
- (2014) “Islamic Approaches to International Relations.” Middle Eastern Congress on Politics and Society (Sakarya University, Turkey, October 14-17).
- (2014) “Nation-State in International Relations and Islam.” International Conference on World War I, the Ottoman Empire, and the Balkans (International University of Sarajevo, Bosnia and Herzegovina, September 17-18).
- (2014) “Nation-State in IR and Islam.” World Congress for Middle Eastern Studies (Middle East Technical University, Ankara, Turkey, August 18-22).
- (2014) “The Islamic Experience and the Secularization Thesis.” International Middle East Symposium (Kırıkkale University, Turkey, May 7-10).
- (2014) “Question of Bangsamoro: Its Geopolitical Issue Areas and the BATNA Approach on GRP-MILF Peace Process.” Southeast Asian Studies Symposium (University of Oxford, UK, March 22-23).
- (2014) “Islamicate Understanding of Civilization.” International Congress on Civilizations (Wyndham Istanbul Kalamis Marina Hotel, January 17-19). Received registration waiver.
- (2013) “A Case of Conflict Resolution on the Bangsamoro and the BATNA Approach.” International ISAR Symposium (Istanbul, Turkey, December 20-21).

- (2013) "CAM Analysis of Nation-State in IR and Islam." The Association for Middle Eastern Public Policy and Administration conference (Atılım University, Ankara, Turkey, Nov. 14-15).
- (2013) "CAM Analysis of Nation-State in IR and Islam." International Turgut Özal Congress on Business, Economics and Political Science (Turgut Özal University, Ankara, Turkey, Nov. 1-3).
- (2013) "Question of Bangsamoro: Its Geopolitical Issue Areas and the BATNA Approach on GRP-MILF Peace Process." Asian Political and International Studies Association conference (Middle East Technical University, Turkey, October 25-26).
- (2013) "A Comparative Study on the Concept of Nation-State in International Relations and Islamic Studies." European International Studies Association's Pan-European Conference on International Relations (Warsaw, Poland, September 18-21).
- (2013) "CAM Analysis of Nation-State in International Relations and Islamic Studies." Ankara International Relations Graduate Symposium (Yıldırım Beyazıt University, Turkey, April 27).
- (2013) "CAM Analysis of Nation-State in International Relations and Islamic Studies." International Student Conference (İzmir University of Economics, Izmir, Turkey, April 14-15). Recipient of travel and accommodation grants.
- (2013) "A Comparative Study on the Concept of Nation-State in International Relations and Islamic Studies." Annual Conference of Midwest Political Science Association (Chicago, Illinois, USA, April 11-14). Received conference fee scholarship.
- (2013) "A Comparative Study on the Concept of Nation-State in International Relations and Islamic Studies." International Studies Association's Annual Convention (San Francisco, California, USA, April 3-6).
- (2012) "A Comparative Study on the Concept of Nation-State in International Relations and Islamic Studies." Academic Conference on the Middle East (Mardin Artuklu University, Turkey, November 16-18). Recipient of travel and accommodation grants.
- (2012) "A Comparative Study on the Concept of Nation-State in International Relations and Islamic Studies." International ISAR Istanbul Symposium (Istanbul, Turkey, November 3-4).
- (2012) "A Comparative Study on the Concept of Nation-State in International Relations and Islamic Studies." Spectrum Conference on Global Studies (Middle East Technical University, Ankara, Turkey, November 2-3).
- (2012) "A Comparative Study on the Concept of Nation-State in International Relations and Islamic Studies." Middle Eastern Congress on Politics and Society (Sakarya University, Turkey, October 9-11).
- (2011) "The U.S. and Israel Securitization of Iran's Nuclear Energy." International Conference on Iran and World Contemporary Developments (Imam Khomeini International University, Qazvin City, Iran, October 5-7).
- (2010) "Eclecticism in the Study of International Relations of the Middle East." World Congress for Middle Eastern Studies (Universitat Autònoma de Barcelona, Spain, July 19-24).
- (2010) "Philippine Madrassas." World Congress of Comparative Education Societies (Boğaziçi University, Istanbul, Turkey, June 14-18).

(2009) “The Geopolitics of the Bangsamoro Question and the Suggested BATNAs for both GRP and MILF.” DLSU Graduate Students’ Conference (De La Salle University, June 26-27).

(2009) “The U.S. and Israel Securitization of Iran’s Nuclear Energy.” UP Asian Center Graduate Students’ Conference (University of the Philippines-Diliman, February 27-28).

SERVICE TO PROFESSION

(2015-Present) Editorial Consultancy Board Member, ‘The Mabini Review’ of the Polytechnic University of the Philippines. See www.pup.edu.ph/research/publications/

(2015-Present) Founder of PhISO (Philippine International Studies Organization). More details at www.PhISO.org.

(2014-Present) Editor of H-Nationalism, (www.networks.h-net.org/h-nationalism)

(2013-2015) Country Expert on clusters on sovereignty and political equality, V-Dem: Varieties of Democracy project, (www.v-dem.net)

(2012-Present) Co-founder of Co-IRIS (International Relations and Islamic Studies Research Cohort). Further details at www.coiris.org.

- Convened an exploratory symposium sponsored by the European International Studies Association (Rapallo, Italy, October 30-November 02, 2013).

(2012-Present) Reviewer of the International Researchers Journal (Lahore, Pakistan)

(2012-Present) Associate Editor of Volumes 4, 5 and 6 of the Global Studies Journal (Common Ground Publishing, Illinois, USA)

PROFESSIONAL MEMBERSHIPS/AFFILIATIONS

(2015-Present) Philippine International Studies Organization (PhISO)

(2014-Present) Società per gli Studi sul Medio Oriente (Milano, Italy)

(2013-2018) European International Studies Association (Brussels, Belgium)

(2012-Present) International Relations and Islamic Studies Research Cohort (Co-IRIS)

(2012-Present) Association for Middle Eastern Public Policy & Administration (USA)

(2012-2013) Association for the Study of Middle East and Africa (Washington, USA)

(2012-2015) British Association for Islamic Studies (Edinburgh, UK)

(2012-2013) Institute for Cultural Diplomacy (Berlin, Germany)

(2012-2013) Middle East Economic Association (Ankara, Ohio, and Mississippi)

(2011-2012) British International Studies Association (Aberystwyth, UK)

(2011-2016) International Political Science Association (Montreal, Canada)

(2011-2014) International Society for Islamic Legal Studies (Massachusetts, USA)

(2011-2015) International Studies Association (Arizona, USA)

(2011-2012) Middle East Studies Association (Arizona, USA)

Appendix C

Turkish Summary

TEZİN ÖZETİ

Uluslararası İlişkiler tahsil ederken özellikle son birkaç yılda bir entelektüel huzursuzluk hissetmeye başladım. Öğrendiğim mevcut bilgi kümesini irdelemeye başladım. Uluslararası İlişkilerin fikri yapısının dayandığı yerlerde Batılı tarzda Uluslararası İlişkiler tahsil etmiş beyaz adamların ve kadınların söyleye geldiği söylem kümesi (Westphalia anlayışı, Uluslararası İlişkiler’deki büyük ekoller, medeniyetler çatışması ideolojisi ve buna benzer anlatılar)’nin ötesine geçmek ve Avrupa-Amerika âleminin gerçekliğinin, hikâyelerinin, tecrübelerinin, dünya hakkındaki kanılarının bilgisine erişme istemi duydum. Batı tipi Uluslararası İlişkiler disiplininin her şeyi kapsama iddiasındaki ruhsuzluğuna rağmen ve bunun yanında amansız engellere ve engellemelere ve ara sıra umudu gözden kaybeder gibi olsam da aslında inancımı yitirmedim.

Bazı bilginler “Neden Batı sistematığı dışında türetilmiş bir Uluslararası İlişkiler Teorisi yok?” sorusunu gündeme getirmiş ve buna dayanıp Batılı olmayan bilginlerin özgün bilgi-bilim üretme kabiliyetini irdelemiştir. Song Xinning’in yazdığı ve 2001 yılında ‘Building International Relations Theory with Chinese Characteristics’ adıyla ‘Journal of Contemporary China’ dergisinde yayınlanmış makale ya da Abdulhamid Abusulayman’ın ‘Towards an Islamic Theory of International Relations: New Directions for Methodology and Thought’ isimli, 1993 yılında ‘International Institute of Islamic Thought’ kurumu tarafından yayınlanmış makale UI’nin Çin veya İslâmi yorumlarını inşa etme yolunda dikkate değer örneklerdi.

Uluslararası ilişkilerin batılı-olmayan yorumları hakkında kaleme alınan bu tarz literatürün gölgede kalışının ve genel bilgi akışına dâhil olmayışının iki muhtemel sebebi vardır. Birinci muhtemel sebep; bu yayınların yaygın

dağıtılmayışı ve ikinci muhtemel sebep de Batı âlemindeki nüfuzlu akademisyenlerin, siyasetçilerin ve öğrenciler tarafından kasıtlı ve hararetle bir şekilde görmezden gelinmesidir. Bu konu hakkındaki daha ince detaylar Amitav Acharya ve Barry Buzan tarafından editörlüğü yapılan “Non-Western International Relations Theory: Perspectives On and Beyond Asia” kitapta tartışılmıştır.

Araştırma Soruları

Bu tezin araştırma sorusu; Uluslararası İlişkiler hakkında islâmi anlayışta bir kuramsallaştırma imkânının olup olmadığını irdelemektir. Eğer varsa; buna erişmek için hangi yolları izlemeliyiz ya da hangi süreçte adım adım yürümeliyiz?

Uİ disiplini Stanley Hoffman’ın icat ettiği kavram ile söylersek bir Amerikan tarzı sosyal bilim gibi de düşünülebilir. Tarihle, Felsefe ile karşılaştırıldığında çok yeni yetme bir bilgi dalı olduğu söylenebilirse de dünyanın her yerinde rağbet kazanmaktadır. Özellikle, az gelişmiş ülkelerde Uİ ile ilgili çeşitli mesleki dernekler, programlar, akademik bölümler, akademik dergiler vs. hızla yayılmaktadır. Ancak, bunların müfredatı; Batı’nın Uİ yatırımlarını esas alan kuramlar, yöntemler, icraatlar ve anlatılar tarafından belirlenmiştir. Az gelişmiş ülkelerde Uİ konusunda ders verenler çoğunlukla Batı’da tahsil yapmış bilginlerdir ve onların çömezleri olarak da görülebilir. AB’deki ve ABD’deki Uluslararası İlişkiler disiplinin öğretildiği merkezlerde de zaten en nüfuzlu ve önemli addedilen akademisyenler istihdam edilmektedir.

Ne var ki; burada sorulması gerekli soru şudur: Batı’nın kurulu düzenin dışında kalan ve kendine özgü tecrübeleri, hikâyeleri, mevcudiyeti ve Evren’i tasavvur etme üslûbu olan diğer sesleri nasıl işiteceğiz? Batı’nın dışında kalıp da kendilerine özgü bilgi-bilim geleneği olan ve bunun içinde üretilmiş bilgiyi nasıl ortak bilgi havuzuna dâhil edeceğiz. Ve Uİ disiplininde ortak bir anlaşma zemini kuracağız? Hakiki anlamıyla küreselleşmiş bir Uİ sistemini nasıl

kavramsallaştıracamız? Batı'nın UI geleneğindeki düşünce ekollerinden; diğer geleneklerle ve tecrübelerle uyum sağlama potansiyeli olanlarını yeniden gözden geçirmek ve değerlendirmek gerekebilir. Dünya mütemadiyen dönüşürken UI disiplini de yeni meselelerle, sorunsallarla, eğilimlerle ve aktörlerle karşılaşmış ve meydan okumayla karşılaşmıştır. UI'de, kuramlarını, yöntemlerini, emprisizmlerini yeniden gözden geçirmeyi mümkün kılacak kapsayıcı bir UI için çeşitli çağrılarda bulunulmuştur.

2013 yılında, Hamid Dabahi şu soruyu sormuştur: Avrupalı olmayanlar düşünebilir mi? Dabashi, 'Kıta Avrupası'nın felsefesinin' evrensellik iddiası ve küreye seslenme iddiası ile dünyanın Asya, Afrika veya Latin Amerika kaynaklı diğer felsefelerin "halk-felsefe'leri" şeklinde etiketlenilmesi çelişkisi karşısında afallamıştır. Dabashi şöyle hicvetmektedir:

"The question is rather the manner in which non-European thinking can reach self-consciousness and evident universality, not at the cost of whatever European philosophers may think of themselves for the world at large, but for the purpose of offering alternative (complementary or contradictory) visions of reality more rooted in the lived experiences of people in Africa, in Asia, in Latin America...."⁶⁴⁵

Geriye doğru bir bakış atarsak; sorabileceğimiz meşru bir soru da 'uluslar arası' kavramını nasıl kuramsallaştırabileceğimizdir. Bir kişinin kuramsallaştırabilme yetisini ve özellikle de dünyayı gördüğü gözlüğü şekillendirmiş bir kalkulus var mıdır? Bir teori, daima bir kişi için/kişiye bağlı veya belli bir amaca yönelik midir? Biz daima dünya hakkında düşünürüz ve fenomenleri gözlemleriz. Merak ettiğimiz bir şey hakkında, onu açıklamak amacıyla fikir ileri süreriz. Ya da izah etmek istediğimiz durumları değerlendirmek için düşünürüz. Teorinin sırayla art

⁶⁴⁵ Dabashi, Hamid. "Can Non-Europeans Think?" Al-Jazeera English. January 25, 2013. Accessed February 24, 2016. <http://www.aljazeera.com/indepth/opinion/2013/01/2013114142638797542.html>.

arda gelen dört özelliği vardır: Fenomenleri, betimler, açıklar, yorumlar ve tahmin eder.

Amerika'nın ve Avrupa'nın uluslar arası ilişkiler alanındaki akademik gelenekleri arasında belli ayrımlar vardır. Amerikalılar teori kurarken çabalarını pozitivist bir tarzda yönlendirir: Yani, konunun çalışılacağı terimleri tanımlar, nedenselliği o teori için gösterir ve sınanabilir hipotezleri oluşturur. Öte yandan, Avrupalı'lar için bir teori anlaşılır: Reflektivist bir biçimde idrak edilir: Bu anlayışta; genel ve özel sorular yapılandırılarak organize edilir ve birbirleriyle ilgili bir dizi kavram ve kategori sistematik olarak üretilir.

Acharya'nın ve Buzan'ın anlayışına bir kuram, gerçekliği sadeleştirmek çabasıdır. Bu anlayışın temel varsayımı şudur: Olup biten bütün olaylar münferit vakalar değil birbirleriyle anlamlı benzerlikleri olan vaka kümeleridir. Batı dünyasının, Uİ disiplinindeki hegemonyası Batı'nın dünya üzerindeki meseleleri ve ilişkileri sistematik tarzda anlayabilmesi şu olgularla pekiştirilmektedir:

Tarihsel mirası ile günümüzdeki mevcut sürekliliğini bir görmesi, az gelişmiş ülkeler denilen bölgeleri askeri kuvvetlerin asimetrisini kullanarak sömürgeleştirme tecrübesi yoluyla, para kaynaklarının bolluğu yoluyla, araştırma enstitüleri yoluyla, üniversiteler yoluyla, düşünürler, edebiyat vs. üzerinde kurduğu hegemonya yoluyla ve bunların yanında Batılı olmayan akademik toplulukların zorlu çalışma koşullarını da belirtebiliriz. (ki bunlar arasında kültürel ve dilsel engeller de vardır.)

Acharya ve Buzan, Batılı-olmayan öznelerce yapılan teorileştirme çalışmalarının Uİ teorisi sayılması için gerekli koşulları değerlendirmiştir: Bunlar ise: 1) Uİ akademisyenleri tarafından yaygın kabulü. 2)Teoriyi oluşturan bilgince bunun Uİ teorisi olarak kabul edilmesi şartı; velev ki kurduğu teori Uİ topluluğunun çokluğunca kabul görmemiş olsun. 3) Uİ'in kuramlaştırılması sistemli bir girişim

olması şartı (bununla kastedilen bir takım başlangıç noktalarını veren teori embriyosu anlamına gelir.)

Bu tez; Uİ hakkında İslâmi bir perspektiften kuramlaşmayı tahayyül eden 3. şarta denk düşmektedir.

Tezin Sınırları:

Yazar, Uİ hakkında kuramlaşma potansiyelini araştırırken Amerikan tarzı katı pozitivist yaklaşımdan uzak durmuştur: Zirâ; çünkü, tezin yazarı; dini, özellikle de İslâm dinini ampirik gözlemlere tâbi bir bilimsel değişken olarak tasavvur etmeyi ve sınanabilir hipotezlerin nesnesi yapmayı müşkül bulmaktadır. Bu tezin yönelimi daha ziyâde, Avrupa tarzına uygundur. Yani; kuramlaşma çabalarını reflektivist bir yöntemle yapmaktır. Ki burada araştırma soruları kurulur ve yapılandırılır ve birbiriyle ilintilendirilmiş kavramlar ve kategoriler içinde bunlara cevap aranır.

Arapça kelimelerin transliterasyonları verilmemiştir. Bunlar, kelimeler translitere edilmeden İngilizce olarak verilmiştir. Yazar, Arapça, Farsça, eski Türkçe metinleri okuyamamaktadır. Kaynakların hepsi İngilizce'ye çevirilmiş ikincil kaynaklardır. Olabilecek herhangi bir dilsel kusur, tez yazarının kusurudur.

Tezin Yapısı:

“Uİ disiplininde İslâmi perspektiften bir kuramlaşma çabası mümkün müdür?” şeklinde formüle edilmiş araştırma sorusunu yanıtlayabilmek için yazar 4 adımlık bir düşünme sistemi kurgulamıştır:

BİRİNCİ ADIM: Uİ'nin ve dinin, tezin amaçlarına yönelik kurgulanmış tanımlarını araştırır. Din hakkındaki eleştirel akademik bilgiyi inceler. Uİ'nin dini köklerini araştırır ve Uİ ve din hakkındaki genel ilişkileri irdeler, özellikle de Uİ topluluğunca din sorunsalının kavramsallaştırılmasını irdeler, bunun Uİ'deki belli başlı kuramlara entegre edilmesini irdeler, ve son olarak da din ve uluslar arası

ilişkileri bir bütün olarak inceleyen çalışmaların noksanlarına işaret eder. Sonra da; Batılı olmayan Uİ teorik hareketlerinde gözlemlenen Uİ ve İslâm ilişkisini irdeler.

İKİNCİ ADIM: İki kısımdan müteşekkildir. Birinci kısım ulusal devletin unsurlarını ve ulusal devletin anayasal vakalarını irdeler. İkinci kısım ise, Müslüman yönetişiminin bu unsurlar ile ilgili anlayışını çözümler ve bunu yaparken bir takım anayasal vakaları bunun tamamlayıcı parçası olarak irdeler. Bu tez çalışmasında, Uİ'nin bir birimi veya bir analiz düzeyi olarak seçilmiştir. Çünkü Uİ teorisindeki olmazsa olmaz rolü, her ne kadar bu rolün önemine, küreselleşme ve bölgeselleşme gibi hareketler tarafından meydan okunmuşsa da, sürüp gitmektedir. Ulusal devlet, dünyada neredeyse her yerde mevcut bir siyasi yapı olarak Müslüman toplumların neredeyse hepsince benimsenmiştir. Ulusal devletin uluslararası sistemi oluşturma-biçimlendirme işindeki rolü yadsınamaz bir olgudur?

ÜÇÜNCÜ ADIM: İslâmiyet'in Altın Çağı'nda yaşamış 4 seçkin İslâm âliminin oluşturduğu fikirler külliyatını toplar ve bu âlimlerin, Müslüman düşüncesindeki yönetim kavramı hakkındaki fikirlerini çözümlenmeye çalışır. Buysa, bir önceki adımla bir yolla ilintilidir. Ve bu adımda; İslâmi yönetişimdeki en ihtilâflı unsur olan 'otorite' kavramı daha derinlemesine incelenmiştir.

DÖRDÜNCÜ ADIM: Uİ'i İslâmi perspektiften kuramlaştırmanın son yoludur. Bu son adım, muasır bir Müslüman toplumunun (Bangsamoro'ların) vaka incelemesidir. Ulusal devlet unsurları ve Müslüman yönetim unsurları arasındaki ilişkileri mukayeseli bir çözümleme bağlamında ele alıp siyasi düzenlemelerin değiştirilmesi ile ilintilendirmektedir. Üçüncü adım bu adıma bağlıdır çünkü tezde seçilen akademisyenlerden birinin eseri bunun esas kanunlarını veya anayasasını şekillendirmede kuramsal bir çerçeve oluşturmuştur. Arap ülkelerinin neredeyse tümü hakkında çalışıldığı halde ve İran, Türkiye, Pakistan, Malezya ve Endonezya gibi ülkeler derinlemesine

alıřıldıđı halde; daha evvel hi kimse, Bangsamoro siyasi toplumu hakkında byle bir alıřmayı yapmamıř ve literatre bu řekilde bir katkıda bulunmamıřtır.

Appendix D

TEZ FOTOKOPİSİ İZİN FORMU

ENSTİTÜ

Fen Bilimleri Enstitüsü	<input type="checkbox"/>
Sosyal Bilimler Enstitüsü	<input checked="" type="checkbox"/>
Uygulamalı Matematik Enstitüsü	<input type="checkbox"/>
Enformatik Enstitüsü	<input type="checkbox"/>
Deniz Bilimleri Enstitüsü	<input type="checkbox"/>

YAZARIN

Soyadı: ADIONG
Adı: Nassef
Bölümü: Uluslararası İlişkiler

TEZİN ADI (İngilizce): “Possibility of an Islamic Theory of International Relations”

TEZİN TÜRÜ : Yüksek Lisans Doktora

1. Tezimin tamamı dünya çapında erişime açılsın ve kaynak gösterilmek şartıyla tezimin bir kısmı veya tamamının fotokopisi alınsın.
2. Tezimin tamamı yalnızca Orta Doğu Teknik Üniversitesi kullanıcılarının erişimine açılsın. (Bu seçenkle tezinizin fotokopisi ya da elektronik kopyası Kütüphane aracılığı ile ODTÜ dışına dağıtılmayacaktır.)
3. Tezim bir (1) yıl süreyle erişime kapalı olsun. (Bu seçenkle tezinizin fotokopisi ya da elektronik kopyası Kütüphane aracılığı ile ODTÜ dışına dağıtılmayacaktır.)

Yazarın imzası _____

Tarih _____