Civil Society in Modern Islamic Political Thought: Apprehensions and Aspirations

Mohd Yaseen Gada*

Abstract

The theme of civil society as a reflection of state-society relationship has remained contentious since its beginning; some scholars argue that Islam and civil society remain fundamentally incompatible as the concept of civil society originated and developed in the western world. On the other hand, many scholars argue that the political contexts of discussions of civil society in contemporary Western and Muslim societies are distinct. For them, civil society meant certain balance and check of power between the ruler and the ruled. And, the forms of civil society have historically and culturally been a well established feature of Muslim life.

The present paper aims at: First, to analyze the Islamic concept of civil society; Second, it explores a number of institutions that serve to operationalize the concept of civil society in a modern Islamic/Muslim State. Third, it emphasizes that Islamic social institutions provide a stronger foundation for building a civil society than their secular counterparts. Finally, the paper concludes that in the contemporary Islamic political thought civil society has emerged a key legal force regulating smoothly both society and state.

Keywords: Civil Society, State, Relationship, Social Institutions, *Waqf*, *Ulamā*'.

Introduction

Civil society, a new political concept in Islamic thinking, has become an important issue and a central topic of academic discourse for many scholars, social scientists, political analysts and other observers in recent years. Some scholars, both Western and Muslim argue that Islam and civil society remain fundamentally incompatible. For them, Islamic law is inherently 'totalitarian' and, thus, prevents the emergence of strong independent societal institutions able to check the tyranny of rulers. And also, in reality, the concept of civil society originated and developed in the western world, thus, does not translate into Islamic terms, and particularly its applicability to the Modern Islamic/Muslim State. Vehemently opposing the above views, many scholars claim that the political contexts of discussions of civil society in contemporary Western and Muslim societies are distinct. For them, the Western concept of civil society is based on liberty and freedom, and that of the Islamic/Muslim, based on social justice, equality between people of different religious and ethnic backgrounds, and responsibility for righting wrongs. That is to say, toward the end of the twentieth and the beginning of twentieth-first century witnessed the awakening of socio-political consciousness in the Muslim populace has turned their focus more on civil society for several reasons. Before we directly embark on the Islamic concept of civil society, it seems appropriate to comprehend what apprehensions are there about the concept between the Muslims and non-Muslim western scholars, following briefly the meaning and definition of civil society as illustrated by modern scholarship.

---

* Doctoral Candidate, Deptt of Islamic Studies, Aligarh Muslim University, Aligarh. This paper was presented in the 2nd International Summer School, August 23-29, Istanbul Turkey.

Meaning of Civil Society

Civil society, indeed, is a western concept, coined in the seventeenth century by the English political philosopher Thomas Hobbes as an alternative to kingdom and church. And this original concept characterizes more political than economic connotations: equal citizenship, social contract, equality in front of the law, a constitution, and freedom and democracy.[1] According to Michael Walzer, "the words 'civil society' name the space of uncoerced human association and also the set of relations networks—formed for the sake of family, faith, interest, and ideology—that fill this space".[2] However, one must not be misled that civil society is exclusively a separate entity from the state. Edward Shils underline that the idea of civil society is "a part of society which has a life of its own, which is distinctly different from the state, and which is largely in autonomy from it....It lies short of the state".[3] Therefore, this separation of the state from civil society does not eliminate the state's critical role. The state has its own role "lays down laws" that provide the framework for and limits of action; nevertheless, "the actions of individuals and collectivities are freely chosen.[4] In the broadest sense, civil society may be defined as the sphere of human interaction between the state and the society, in which individual citizens act on behalf of public issues, through which they constitute and shape the ever-changing borders of, and discourses within, the public sphere. In other words, private persons commit themselves to public issues and policies (voluntarily), issues by which they had only been indirectly affected. It is a sphere of what many scholars have named 'uncoerced human association', which is taken to mean the absence of direct vertical power relations, such as political (political parties and the state), or economic power.[5]

Since there has been vigorous academic debate on the concept of civil society: can civil society be constructed in Islam? Is there any relationship between religion/Islam and civil society, between civil society (religious, professional, and tribal units) and political authority or the state? Contemporary academic discourses articulate a number of alternative conceptions of civil society. First, there are some scholars who argue that Islam and civil society remain fundamentally incompatible. For them, the idea of civil society is alien to Islam, a concept coming from the West: secular, antireligious, and aiming at Westernizing Muslim societies.[6] Second, there are scholars under the impression that the concept of civil society is a universal concept, a global ideal irrespective of its Western origins, a model, a norm of practice, and an ideal in lifestyle for individuals and societies.[7] Third, there are scholars, in between the two poles, who acknowledge the possibility as well as actual existence of 'Islamic civil societies,' but claim no single and unequivocal relationship between Islam and civil society.[8] According to this group of scholars, the ingredients of medieval Islam can be developed to reflect the modern social needs. They further argue that "similarities can be maintained and differences can be bridged through creative reinterpretation—or *ijtihad*—of the basic ethical sources of Islam".[9] This is what, Ahmad Moussalli, a professor of political studies at the American University of Beirut and a leading scholar on political Islam, argues that "[a]lthough it might seem that the concept of civil society is Western and imposed on the non-Westerners in order to keep local systems in subjection to the West, this is not entirely true, at least in terms of the functions of civil society".[10]

In this paper I argue that Islamic concept of civil society is quite different from that of western concept. Islam, from its very beginning, was a civil society. On the other hand, western concept of civil society got developed as a result of the idea of the separation of Church and State. Muhammad Iqbal, a poet, thinker and a philosopher, referred to the idea of civil society in Islam, he explains, "the primitive Christianity was founded, not as a political or a civil unit, but as a monastic order in a profane world having nothing to do with civil affairs, and obeying the Roman authority practically in all matters. The result of this was that when the State became Christian, State and Church confronted each other as distinct powers with interminable boundary disputes between them. Such a thing could never happen to Islam; for Islam was from the very beginning a civil society".[11] Therefore, the key Islamic ingredients for civil society characterize less oppositional tension between institutions because in Islam there are no kings or popes, no kingdoms and no churches.[12]

Moreover, Islam—as we believe—as a religion, an expression of cultural identity, and an integral and inseparable part of daily life and livelihood, should not be relegated exclusively to the private affairs but should also be situated squarely to the public sphere, given its emphasis on justice, equality, and morality; therefore, Islam is not an obstacle to the development of a vibrant civil society[13] but rather a core feature of it. Although traditional Islamic societies did not experience the kind of civil society that later emerged in Europe, they did possess those conditions necessary (albeit insufficient) for the development of a viable civil society and associational life.[14] There are numerous instances, both theoretical as well as practical, in the Islamic history, which suggest that civil society was a common feature of the Muslim society. Therefore, when looking at the Islamic history, one clearly finds that Islam began in Mecca as a civil society of protest against the prevailing state of affairs. Earlier, Prophet Muhammad (peace be on him) had joined an association known as *Ḥilf al-Fuḍūl* that stood for the promotion of justice and morality. The Prophet did not regard state as the ultimate goal, or he would have accepted the offer of the Quraysh to assume chieftainship.[15]

Key Operational Actors of Civil Society in Islam

Islamic history, did indeed, provides examples of many non-state actors, institutions, and organizations that serve to operationalize the concept of civil society as intermediaries between the ruler/government and the people, between the state and society.[16] Moreover, Islamic culture historically has shared this concern for limiting the power of political authorities by diffusing it among a number of formal and informal institutions. Therefore, if civil society means a system of checks and balances that prevent a preponderance of power residing in either the state or societal institutions, then Islamic theory from the earliest period demonstrates similar concerns.[17] The importance of the intermediary role lies in the fact that historically different civil society actors were able to exercise legitimate social authority outside state control in roles that were vital to community well-being and to safeguard that authority against state interference or trespass. For example, the 'ulama, judges (*Qadhi*), Islamic charitable trusts (*awqaf*), sufi circles, notables (*al-ashraf*), guilds (*asnaf*), which all enjoyed marked autonomy from the central government.[18]

The *'Ulama'* Circle

As we mentioned above, the role of social intermediary was embraced by more than one segment of civil society; and although Muslim societies accepted State as a necessity for the realization of Islamic teachings, however very early in Islamic history the 'ulama, the merchants and the professionals found that their interests could be better protected if they formed their society independent of state/political authority, thus maintaining the system of checks and balances in society—similar to the role of the mass media in modern societies.[19] The *ulama* have been the guarantors of the shari'a's proper interpretation, there rulings were binding on the rulers/government. Therefore, they enjoyed a substantial autonomous character from the state/authority. Furthermore, the social intermediary role of civil society in Islamic theory is linked to the Qur'anic concept of *hisba*. The Quran describes it as a characteristic role of the Muslim society that it enjoins good and forbids evil— *al-amr bi'l-ma' ruf wa'l-nahy 'an al-munkar,*[20] which morally and politically demanded the active involvement of civil society in social and political affairs. The principle of *amr bi'l ma`ruf* is central to the conception of society in Islamic thought.[21] Thus, among others, *ulama*, the custodians of the *shari 'ah*, practiced and implemented this principle with tooth and nail. Therefore, "the legitimacy and centrality of civil society in Islamic history is further evidenced by the role of legal-religious scholars who played the powerful intermediary role of representing popular grievances before the state".[22]

Awqaf

The institution of *waqf*, (pl. *awqaf*) or religious endowment similar to scientific, literary, and academic foundations for the development of art and science, are another key independent institution in Islamic societies. Individuals could endow *awqaf* so that scholarships, schools, universities, and publications were all supported by the institution without government interference[23]. The institution of *waqf* maintained an "ethos of religio-political unity [that] became the ideological raison d'etre of the twentieth-century Islamic movements, which transformed faith into an assertive force aimed at bringing about sociopolitical change by evolution, or if necessary, by revolution".[24]

Sufi Brotherhood

Similarly, sufi orders were also organized like civil societies. They were able to recruit members and form religious autonomous societies that functioned largely independently from state control and played extremely important mediating roles between families or tribes and the state in which they lived.[25]

Besides these, there were other similar social groups existed in the Islamic history as mention earlier. Essentially all of these institutions played roles analogous to those of institutions we today identify with civil society. However, the relative weight and independence of all these institutions varied according to time and location. What is important to emphasize here is that "Islamic theory contains within it the idea of an integrated politico-religious community, but with power dispersed among its constituent elements".[26] According to Rashid al-Ghannouchi (b. 1941)[27], Munir Shafiq (A Palestinian writer):

> the period of ideal Islamic rule (when scripture and the will of the
> community were superior to the ruler's will; the state was
> accountable to society; legislation remained the responsibility of the
> scholars; and the ruler's power was limited by the shari'a, the ulama,

and popular consensus) was also a time when a variety of other institutions (e.g., public, judicial, educational, and cultural), funded by the *awqaf*, were able to maintain a high degree of independence from the state. It was a period in the Islamic experience when the relationship between the state and society "afforded society a wide scope for initiative, organization, and self-sufficiency".[28]

Thus, with the emergence of modern Muslim states in the early twentieth century, "it is no surprise that one of the first targets of their secular, nationalist state-building enterprise was traditional Islamic institutions".[29]

Elaborating on the compatibility between Islam and civil society, al- Ghannouchi passionately upholds the affinity between Islam and civil society. And "argues that it was Islam alone that elevated people from a state of involuntary and instinctive belonging to tribes to a state of voluntary allegiance to an Islamic society".[30]

Furthermore, while comparing the civil society concept between Islamic and secular, al-Ghaunnouchi underlines important findings:

> Islam endows the believers with a conscience and a sense of responsibility to enjoin good and forbid evil.... religious values – and, in particular, those relating to the concept of taqwah (fear and deference of God) – form the best guarantor of a civil and compassionate spirit in society. In contrast, secularized Western societies have, to a great extent, lost this spirit. This has led to the prevalence of undesirable phenomena like materialism, selfishness, racism and senseless violence that invariably threaten the functioning of civil society. Only religion and piety…may bring the necessary balance, justice and peace to society.[31]

Civil Society and Modern Muslim States

With the abolition of the Ottoman caliphate and the subsequent political, military and socio-economic failures of modern secular states in the Muslim world have generated, amid crisis for Muslim political thought, the resurgence of Islam as a significant socio-political alternative. Islamic groups, movements, institutions are convinced "that a modern Western bias or orientation, secularism and dependence on Western models of development have proven politically inadequate and socially corrosive, undermining the identity and moral fabric of Muslim societies".[32] These civil society groups often feel deprived of their social, economic and political rights by the state. Being Islamically oriented members of a modernizing society and committed to social and political activism, they are committed to peaceful activity within civil society. This peace-keeping majority has pursued its strategy by establishing their own civil institutions and associations, such as charitable associations as well as whole networks of hospitals, clinics, mosques, day-care centers, youth clubs, legal aid societies, foreign language schools, banks, drug rehabilitation programs and publishing houses. These peaceful initiatives have become part and parcel of the mainstream of civil society in Muslim countries.[33]

Conclusions

To conclude the above discussion, we say that the idea of civil society is not new to Muslim societies. Civil society concept has always existed in Islam. A number of

social institutions—'*ulama, waqf, sufi* orders, etc.— existed in Islam serve to operationalize the concept of civil society in Modern Muslim societies though with varying forms and degrees. Also, Islamic concept of civil society is based on justice and universal common good for all as compared to the western concept based on materialism, racism, and selfishness. Civil society plays an important role in the prevailing secular Muslim states, to check and balance against the perpetuation of a culture of authoritarianism.

Notes and References

[1] Hanafi, 2002: 57-58

[2] quoted in Kazemi, 2002: 39

[3] ibid

[4] ibid

[5] Sater, James N. (2007). *Civil Society and Political Change in Morocco*. London and New York: Routledge, 2007: 10

[6] Harmsen, Egbert. (2008). *Islam, civil society and social work: Muslim Voluntary Welfare Associations in Jordan between Patronage and empowerment.* Amsterdam University Press, 2008: 45; Hanafi, 2002: 56

[7] Hanafi, ibid

[8] Harmsen, 2008: 45

[9] Hanafi, ibid

[10] Roy, Sara. (2011). *Hamas and Civil Society in Gaza: Engaging the Islamist Social Sector*. Princeton, NJ and London: Princeton University Press, 2011: 53

[11] Iqbal, Muhammad. (2013). *The Reconstruction of Religious Thought in Islam.* California: Standford University Press, 2012: 123

[12] Hashmi, Sohail H. (2002). *Islamic Political Ethics: Civil Society, Pluralism, and Conflict*. Princeton, NJ and London: Princeton University Press, 2002: 58

[13] Cf., Established orientalist scholars like Bernard Lewis and Eli Kedouri 1926-1992 suggest, for instance, that Islamic law is inherently totalitarian and, thus, prevents the emergence of strong societal institutions able to check the tyranny of rulers. Following Lewis and Kedouri are Al-Tahir Labib and Aziz al-Azmeh b. 1947.

[14] Roy, 2011: 51-53

[15] Masud, Muhammad Khalid. (1993). "Civil Society in Islam". Retrieved on 08/06/2014. From http://www.maruf.org/?p=57

[16] Esposito, L. John. (2003). "Islam and Civil Society". In J.L. Esposito & F. Burgat (eds.). *Modernizing Islam: Religion in the Public Sphere in the Middle East and Europe.* New Jersey, Rutgers University Press, 2003: 70

[17] Hashmi, 2002: 58

[18] Roy. 2011: 54

[19] Masud, 1993; Hashmi, 2002: 60

[20] Qur'an, 3: 104

[21] ibid

[22] Roy, 2011: 55

[23] Hashmi, 2002: 60

[24] Roy, 2011: 57

[25] Hashmi, 2002: 60; Masud, 1993

[26] Hashmi, 2002: 61

[27] The founder of Tunisian Al-Nahda Renaissance, a socio-religious and political party

[28] Roy, 2011: 57

[29] Hashmi, 2002: 61

[30] Harmsen, 2008, 48

[31] Harmsen, 2008: 49

[32] Harmsen, ibid

[33] Harmsen, 2008: 53