### **CHAPTER III**

Relation between Religion and State in the Perspective of Classical-Conservative and Liberal-Secular

#### I. Classical-Conservative

This typology believed that Islam was religion and also state (din wa daulah). It was perfect religion; both of them were united of two entities. The relation between Islam and state were really organic, state was based on Islamic Syari'ah and scholar as the formal executive adviser or even as the holder of highest authority. As a perfect religion, the Islamic politic thinker was has had the typology, Islam not only as religion in the west-scullery understanding, but also as perfect life style with the arrangement to all aspect of live, include to politic. Rasyid Ridha, Sayyid Qutb, and Abu al-'Ala al-Madudi was belonging to this typology.

#### a. The meaning of Daulah

The phrase of daulah in encyclopedia came from Arabic language, base word of dala- yadulu-daulah, the meaning was alternate, revolve, and rotate. In the theoretic terminology daulah means a social group in the certain region and organized by government which managing their importance and their use. Daulah also means state, government, kingdom, or dynasty.

<sup>&</sup>lt;sup>1</sup> Abdul Aziz Dahlan. Ensiklopedi Islam. Jld I: 262

There were two verses in the Qur'an related with the term, both of two verses means alternate and revolve. In surah Al-Imran (3): 140, means that.... in the golden age and destruction age we have alternated among you....and surah al-Hasyer (59): 7 mean that....for that wealth did not alternated among ricers people only.... Jimly Asshiddiqie, an expert Indonesian law, has certain opinion that in the first surah contain politic current and the second one was contain the economic current.<sup>2</sup>

The phrase daulah in the dynastic meaning did not applied in the pre-Islam period yet, because the usage of phrase did not find yet. While the term of ethnocentricity "al-banti" used continuity in the Islam. In the *Abbasiyah* period daulah means the win, turn to going on the authority and dynasty.

The phrase daulah also could give to the society and the member of daulah. In the last year of 10<sup>th</sup> century, al-Husein, the son of *Wazir* al-Qasim (al-Qasim bin al-Dajl) gets the title *wali al-daulah* (the protector of state). In 330 M/42 H, the family of Hamdani (*bani hamdan* of *jazira*) Hasan bin Hamdan and Ali bin hamdan, both of them was the authority of Mosul and Suriah, given title by *saif al daulah* (the sword of state). The gift of title showing that caliph was given the noble award to their supporter. The title going on to the *Bani Buwaih* period 945H/1086 M in Spaniel, Gaznawi (the Turk Dynasty who held the middle Asian and some of south Asian with the

<sup>&</sup>lt;sup>2</sup> Artikel Anjar Nugroho "Teori Politik Islam; Analisis Historis Pembentukan Negara Islam" media.isnet.org

central government in Gazna 1008-1186 M), and also used by Malik and sometime given to their official palace.<sup>3</sup>

The Arabic Moslem philosophy of Al-Kind (185-256 H/810-869), Interprets daulah as al-mulk (kingdom), while Abu Bakar Muhammad bin zakariya ar-Razi, the doctor in classical Islamic period interprets daulah with succession.<sup>4</sup>

## b. The Qur'an as the basic law of daulah

An expert of classical Islamic politic make the basic law of daulah founding in the meaning of government, such God revelation: "God actually order you to receive the trusteeship to who have the right and order you to apply the law among human being to establishing the justices. God actually gives the teaching as well as to you. In surah al-Nisa' (4):58 explain God was gratefully listening and see, and the believer people should obey the God and His messenger and also Ulil Amri among them. Therefore if you god the differences of something, you have to return it to your God and his messenger, and if you really believe in God and day of hereafter, it was better for you and the best for you, see Qur'an surah al-nisa' (4): 59

The classical Islamic politic expert (classical-conservative) made both of surah *Al-Nisa'*(4): 58 and 59 as the basic of daulah built, because both of two verses contain the component which could realize the objectives of

<sup>3</sup> ibid

<sup>4</sup> ibid

daulah founding. Munawir Sjadzali, an Indonesian expert of Fiqh siyasi, has the opinion both of Qur'anic verses of al-Nisa' contain the guidance for human in social life and state life, he said both two verses explain the process of communicative interaction and harmony between leader and whom to be lead to realize the purpose, give the benefit one another. Rais (leader), as the holder of trusteeship and mar'us (load) should be exist in the component of daulah. The leader and his member in the daulah were the holder and mover the government. While mar'us should obey and do the system and arrangement that have been applied or programmed by rais. The first verse refers to the authority, to be just. And the second one refers to native society, to obey God, messenger, and ulil Amri.

# c. The concept of state in the classical-conservative perspective

#### 1. The problem of sovereignty

Islam teaches to Muslim and state to obey to the Islamic syariah law, and make asy-syari' (Allah) as the sovereign part, not human. God said in the Qur'an surah al-An'am: 57

"Decided law just God's right. He explains the truth and gives the best decision"

Rasulullah explain and clarified this problem when he interprets the logistic verses of law. In one of narrate, Abu Ubaid al-Qasimi, from Ali bi Abi Thalib, mentioned that Rasulullah have been said.<sup>5</sup>

The responsibility of leader (caliph) was held the business (the law within religious communities and state) based on revelation reveled by Allah and received the trusteeship. If they applied the law therefore society should obey the policy.

Hence, the responsibility of head state was God's law and being basic of government in this universe.

#### 2. The problem of authority

Islam was submitted right and authority to the religious member communities, hence the member communities submitted their arrangement and business to the chosen head of state (caliph) elected by them. See Qur'an surah an-Nur: 55

"God promise within believer people whom do the good activities among you (Muslim applied the Islamic syariah), he rally want make him hold the power in the world, such He made the human before them hold the power".

These Qur'anic verse of an-nur clarified that the authority was in the hand of Muslim.<sup>6</sup> There were many traditions actually explained the method

<sup>6</sup> Said Hawwa, Al-Asas fî at-Tafsîr, jld. VII, maktabah syamilah: 3572.

<sup>&</sup>lt;sup>5</sup> Abu Ubaid al-Qasimy dalam, *Kitâb al-Amwâl*, maktabah syamilah: 12 ,hadis no. 11.

appointment of caliph. The method was clarified by oath (bai'at), the system done by general election freely from the force and intimidation. Imam Muslim reported by 'ubadah ibn Shamit:

"we have oath Rasulullah, loyal to listen and obey, either in easy or bad condition, either in happiness or badness". (HR Muslim)

## 3. The responsibility of a caliph (head of state)

There were Qur'anic verses in the Qur'an related with the problem of government, and authority, and also obligated to *ulil Amri* and also it relation with *syari'ah* law and the rejection within law *thaghut* (unbeliever). From these Qur'anic verses, there were two important matters that should be discoursing. First, the responsibility of appointment the leader (head state); second one was all of matters related with *syari'ah* law.

On the first of discoursing, such explained in Qur'anic verses, surah al-Nisa,: 59

"oh believers people, you should obey Allah and Rasulullah and ulul amri among you."

Ulil amri was an authority that having the highest position in the Islamic leadership, he was caliph (imam al-A'zam) who arranging all of Muslims communities business (waliyul amri). Therefore, the obligation within caliph was responsibility for Muslims communities to create the caliph cause Allah order to obey all of non-existence.

In interpretation the Qur'anic verses surah al-Nisa':59, Ibnu Hazm<sup>7</sup>said the ayah showing responsibility the existence of a leader. This interpretation such in the other exegetical works, major exegetes agree the term ulil amri refers to caliph or umara (amir)

The second one, Allah was order to Rasulullah to arranged Muslim communities business and decided their entire shake based on His revelation, such Islamic syari'ah laws. The commanded of the ayah was obligatory commanded to Rasulullah, however refers to Rasulullah, according to ushul norm<sup>8</sup>, it also applied to all of Muslims communities, expect there is such argumentation of make an expectation.

In the reality, that argumentation has the expectation, means another to Rasulullah, the commanded also applied to all of Muslims communities (khiththab 'am). Hence, maintaining His law means maintain the system of caliph. Because, just by the system could maintained the Islamic law system. The existence of system make the prominent responsibility of Muslims communities to realizing it, by the institution of Islamic government with maintaining the system of Islamic law and expends the propagation of Islamic teaching in this universe.

Ibnu Hazm, Al-fishal, vol. IV, Maktabah Syamilah:87
Al-Amidi, Al-Ihkam Fi Ushul al Ahkam, Vol I. Maktabah Syamilah: 130-131

Moreover, the Muslims communities should understanding that the object of responsibility to realizing the caliph was limited just belong to a caliph who lead the Muslim communities in the world. Rasulullah saw said:9

"if there were two caliphs taken of oath (in the same time), kill the last person taken of oath".

It was explicit argumentation to show that a leadership in the Islamic World, maintained by oath. These argumentation completely hopes the united of Islamic world and prohibited the dissension of two or more government's system in the Islamic world. This responsibility has had agreed by closed friend (sahabat) or ijma' sahabat.

In this leadership problem, the closed friend (sahabat) should not vacuum the caliph more than three days. 10 This attention looks from the taken oath of Abu Bakar ash-Shidiqi as caliph. At that time, Sa'id bin Zaid said, 11 "They (Muslims) dislike even one day without the leader (caliph).

# 4. The head state should come from Muslim circle.

The Qur'an was forbid Muslims to maintaining the head of state from non-Muslim circle such Christian, Jewish, Buddha, Hindu, communist, and another. In other world the head state was forbidden mayor by unbeliever of Islamic norm. See the Quran surah al-Nisa': 144.

Shahîh Muslim bi Syarh an-Nawawî, vol. XII, maktabah syamilah: 241.
Ibn Quthaybah, Al-Imâmah wa as-Siyâsah, jld. I maktabah syamilah: 28-29.

<sup>11</sup> Târîkh at-Thabarî, ild. II, maktabah syamilah: 447.

يَاأَيُّهَا الَّذِينَ ءَامَنُوا لاَ تَتَخِدُوا الْكَافِرِينَ أُولِيَاءَ مِنْ دُونِ الْمُؤْمِنِينَ أَثْرِيدُونَ أَنْ تَجْعَلُوا شَهِ عَالَيْهُمْ سُلُطَانًا مُبِينًا

"oh believer people, do not take unbelievers to be your lead by leaving the believer. Do you want to make real reason within God (to torture you)?"

This verse prohibited Muslims to maintained unbeliever as an authority, either as head state or senior official in the territory level.

The Qur'an also mentioned that caliph (*ulil amri*) should maintain just from Muslim circle, such the revelation of God.

See the Qur'an surah al-Nisa': 59

يَاأَيُّهَا الَّذِينَ ءَامَنُوا أَطْبِيعُوا اللَّهَ وَأَطْبِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ

"oh believer people, you should obey your prophet and ulul amri among you"

The phrase of *ulil amri* always connected by Muslims communities, it was arranger for Muslims business. Hence, did not right maintained the head state from non-Muslim, because, it was impossible non-Muslim would like to do the law of Islamic system and impossible they want to attend the Muslims business in spite of their spitefulness in their heart.<sup>12</sup>

The head state absolutely required from Muslim circle not from non-Muslim circle, it was commanded by Allah and his messenger. Major

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<sup>&</sup>lt;sup>12</sup>lmam Nasafi, Syarh Aqâ'id an-Nasafiyah, maktabah syamilah: 185; Ibn Hazm, Al-Fishâl, jld. IV, maktabah syamilah: 110

exegetes did not argued in this theme. 13 Major closed friend, fikih and ushul scholar also have same opinion without any problem. 14

## II. Liberal- Secular (Ali Abdul Raziq)

## a. The biography of Ali Abdul Raziq

Ali Abdul Raziq was born in a small village of Minya province, middle Egypt in 1888. He was own younger brother of Mustafa Abdul Raziq, an Intellectual Egypt, who popular with his philosophic theory. Such as Mustafa, when he was child, al-Raziq troughs his years by studying theology. A group Egypt classical scholar similarities al-Raziq with Mustafa Kamal Ataturk, even believed more bad and dangerous than Turk Schuler's figure. Secondly, this figure lives in same time and has the politic ideology with no more differences. If in 1924 Ataturk declared the removal of caliph institution and separate between religions from state. In 1925, al-Raziq publish book supported the thinking of Ataturk, that Islam did not has certain politic system that should done by Muslims. The politics shake was the world matter without any relation within religion.<sup>15</sup>

Both of those figures get negative respond and gratefully condemn by Major Muslim. Fortunately, Ataturk was the head of state; he could freely apply his ideology in Turk. While al-Raziq condemned by Egypt society.

<sup>13</sup> ibid

<sup>&</sup>lt;sup>14</sup> ibid

Luthfi asy-Syaukanie, Ali Abd Al-Raziq (1888-1966) Peletak Dasar Teologi Negara Modern, http\\www\\islamlib.com\\tokoh

Since he publishes his controversial book, one by on of his important official removed, he was isolated from Al-Azhar community, and gets the course treatment from society.

In the 10<sup>th</sup> of his years, he joins with Al-Azhar and invited some formal class explained by Muhammad Abduh. His progressive thinking, absolutely, influence by the teacher. In 1910, he joins in Egypt universities and get the chance to listen the scientific propagation by some west oriental's invited by that university. He gets the certificate of al-Azhar in 1911 ant two years after gets the scholarship to study in Oxford, England. He studies in economic and politic scientific department.<sup>16</sup>

After his study in Oxford 1911, he maintained as the judge (qadhi syar'i) in Alexandria and another region. <sup>17</sup> In this city he prepared the data for his phenomenal book, al *Islamwa ushul al-Hukum fi al-Islam* (Islam and the basic of government: the discoursing of caliph and government in the Islam) published several years later. Beside of this book, al-Raziq creats some other book such al-*ijma' fi al-Syariah al- Islamiyyah* (The consensus in the Islamic law) published in 1947.

b. About the book Al-Islam Wa Ushul al-hukm; Bahsun fi al-Khilafah wa al-Hukumah fi al-Islam.

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<sup>16</sup> Ibid

 $<sup>^{17}</sup>$  Ali Abd. Al-Raziq, al-Islam wa Ushul al-Hukm: Ba'ts fi al-Khilafah wa al-Hukumah fi al-Islam. Beirut : Maktabah al-hayah,1966: 1-2

Leonard Binder (1988) in his book "Islamic Liberalism: Critical of development ideologies", clarified that grand point of intellectual character challenge sated by Ali Abdul Raziq within classical Moslem scholar of al-Azhar in al-Islam wa Ushul al-Hukm is the differences between politic community and government. In other world, does Moslem communities belong to the politic communities or religius communities and does the government being part of prophetic revelation. Thesis by Ali Abdul Raziq was sharply clarified that Moslem was religius communities and revelation did not have any relation with government, have been possessed as the best in Egypt liberal modern thought and as an interesting politic debating theme. There are many historian of Egypt thought discourse this book from the first published, particularly, Albert Hourani (1798-1939) in his work Arabic Thought in liberal age, and Muhammad Imarah in work al-Islam wa Ushul al-Hukm li Ali Abdul Raziq. In Islam wa Ushul al-Hukm li Ali Abdul Raziq.

Both author above argued about the historical contacts of Ali Abdul Raziq published book. According to Imarah, Ali Abdul Raziq's work was contend of politic and objectives to reject the argument of Rasyid Ridho on the caliph and also confused the designation of king Fuad from Egypt to be caliph.<sup>20</sup> How does the portrait historicist of al-Raziq's work?

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<sup>&</sup>lt;sup>18</sup> Leonard Binder, *Islam Liberal: Kritik Terhadap Ideologi-Ideologi Pembangunan.* Yogyakarta: Pustaka Pelajar, 2001: 120

<sup>19</sup> ibid

<sup>&</sup>lt;sup>20</sup> Muhammad Imarah, al-Islam wa Ushul al-Hukm li Ali Abd. al-Raziq. Beirut : ttp., 1972: 85

The new state of Turk, holded by Kemal Attaturk, legitimately broke up the caliph government 1924, hence, the restrained competition but also sized among Arabic authority to dominated the title of prohibited not dominated by other group. Caliphtic issue become an important politic problem approach the ending of Ottoman empire, because the simbol of Moslem spiritual leadership service of Ottoman empire, even when his authority on the domiciled region of Moslem communities in east of Euro have become weak. Those issue be more culminated by the movement of Moslems Hind to protect the caliphtic from the aggression of foreign powers in the battle word I. the leader of these movements support the Arabic vision to get the advantage from the strengthening of Arabic caliphtic. The king from Egypt was particulary get the title of caliph, and exploited the influence of al-Azhar kingdom to realize his desire. Rasyid Ridho, student of Muhammad Abduh one of publish the article of caliphtic in Al-Manar in the spring at 1925. 21 At situation become the background of publishing the work al-Islam wa Ushul al-Hukm by Ali Abdul Raziq as the antithesis toward the discoursing of caliph in the time.

c. Ali Abdul Raziq's view on the relation of religion and state according to the Qur'an

"Oh believer people, you should obey your God, your prophet, and *ulil amri* among you". See Qur'an surah *al-Nisa*': 59

<sup>21</sup> Leonard Binder, *Islam Liberal* ... op.cit., hlm. 192-193

Ali Abdul Raziq interprets the phrase "ulil amri" as "closed friend of prophet" or Moslem scholar<sup>22</sup>, based on Baidhawi and Zamakhsyari interpretation. Therefore he argued that prophet have found an Islamic state in Medina. Prophet is only messenger, not king or the leader of politic.

He clarified: Muhammad was the messenger in religious mission, free from the inclined of kingdom system and government and did not have government, nor govern. He did not build the kingdom in the political understanding either from the term or such of it meaning. He just messenger completing the revelation before. He does not king, or the founder of state, he never tray to has an authority.<sup>23</sup>

Al-Raziq makes hiss argumentation by referencing to the Qur'anic verses and also tradition. One of references verses was Qur'an surah *al-A'raf*: 188, "said, you did not hold the power to take the benefit in to my self and also did not reject the danger expect what God would like to be. And might you see the mysterious, I must be made the policies as much as and would not sorrow the danger. I just bring the warning and the joy to the believer."<sup>24</sup>

From the texts above, Ali Abdul Raziq makes his fundamentals thesis, that Muhammad did not have any right to his religious member communities expect the right of revelation. If Rasulullah was a king, al-Raziq said he must

<sup>23</sup> Charles Kurzman (ed), wacana Islam Liberal: pemikiran Islam Kontemporer tentang isu-isu Global. Jakarta: Paramadina,2003:4

<sup>&</sup>lt;sup>22</sup> Ali abdul Raziq, al islam wa ushul al-Hukm: 18-19

<sup>&</sup>lt;sup>24</sup> Ali Abdul Raziq's view that Rasulullah did not leader of politic, Rasulullah bring the joy. The other Qur'anic verses were: Hud:12, al-Kahfi: 110, al-Haj: 49, al-Ra'ad: 7, Shad: 70, Fushilat: 6. See Ali Abd al-Raziq in Al islam wa Ushul al-Hukm: 87-88

be has the right of his member communities. The phenomenon after the death of Rasulullah, explicitly he clarified "king did not have the right of revelation, his superiority did not superiority of revelation, and his greatest did not the greatest of revelation.<sup>25</sup>

The Qur'an according to Ali Abdul Raziq, clearly explain that Muhammad was the last prophet, there is no prophet after him, he also explain that Muhammad did not have any duty expect receives God revelation, he did not force human to accept whatever of his teaching.<sup>26</sup>

Absolutely, al-raziq said that Rasulullah was not the leader of politic nor caliph, he jus the last messenger of God, no messenger after him, al-Raziq deny the politic legitimate movement from Rasulullah to the caliph. He believed that religious communities have the similarity of believed, cause of Rasulullah's propagation mission without politic dimension. His effort to defend his argument was difficult to accept either from the historic point of view or traditional.

25 ibid

<sup>&</sup>lt;sup>26</sup> Al-Raziq also cites other Qur'anic verses such al-Maidah: 92, 99, al-A'raf: 84, Yunus: 2, al-Nahl: 35,64,82, al-Isra': 105, Maryam: 97, Thaha: 1-3, al-Nur: 54, al-Furqan: 56, an-naml: 91-92, al-Ankabut: 18, al-Ahzab; 45-46, saba': 28,46, Fathir: 23-24, Shad: 65, al-Ahqaf: 9, al-Fath: 8, al-Mulk: 26: al- jin: 20-23, see al-islam wa Ushul al hukm: 87-89