

Lego-Political System in Islamic Law and its Ahkām in the Light of Maqāsid -e- Shari'ah (A Historical Jurisprudential Approach)

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Abstract

This study will investigate the term, political system in Islam and will examine and scrutinize the word 'Umma' as understood by the contemporary scholars, and the question as how the word 'Umma' differs from the western concept of the word 'state' in number of ways. This article will provide an evolving history of the Maqāsid Al-Shari'ah, its development and revoification by the Islamic scholars. The contribution of Imām Al-Ghazālī, Imām Al-Shatibi and Imām Ibn Ashur and the role of contemporary scholars especially, Mashood Baderin, Tariq Ramadan and Mohammad Hashim Kamali. It will analyze the values of the democratic government and compare and contrast them with the objectives of the Shari'ah in light of Maqāsid. Deliberation will be made, herein, on the essentials of democratic state as pointed out by Ahlmark, Ray and Murat Cizakca and whether any Muslim country fulfill these conditions and whether, Muslims need a state. Qardāwī view on democracy is important to discuss, and what is the significance of Maqāsid Al-Shari'ah in contemporary era will be discussed. It will further analyze to see what is the current situation in Muslim states and what does Human Development Index report say.

Keywords: Political system, Maqāsid Al-Shari'ah, democracy and Islam, Shari'ah, Islamic Law.

Introduction

Islam deals with all features of human lives, whether personal, economic, political or social. It offers, a comprehensive solution, to all day-to-day life issues and problems; no matter how insignificant it may seem. The creator, without a doubt has granted a highest status to human beings; making them vicegerents on earth. Human beings were conceded with exceptional faculties, coupled alongside the teaching of the *Qurān* and the *Sunnah* of the prophet (SAW), and has been directed to work for the welfare of themselves, their family, public interest and whole mankind. For the smooth running of the socio political and economic stability in the Islamic society. It is necessary to have an established sovereign authority to decide and implement justice and order according to Islamic Law, known as *Shari'ah*.¹

The above imprints are not theoretical in nature. The lifespan of the prophet Muhammad (SAW) and the rightly guided caliphs are practical and real-world examples of the achievements in social, economic and political sphere. It can be deduced from the above overwhelming evidence, that Islam is a complete code of life. Majority of the Muslim scholars provide for a political order, to implement *Shari'ah*. Islam, therefore, is not only considered as a faith but also encourage Muslims to establish a strong political system. The basic sources in Islam, however, does not elaborate or specify anything related to the structure and characteristics of an Islamic state.²

Structure of Islamic State: The perspective of Islamic Law

The Prophet (SAW) did not nominate anyone from his companions to be his successor, and no one was appointed even at the time of the death of the Prophet (SAW). He neither gave any instruction for such appointment; nor any specific structure of the state to be established was given. The Prophet (SAW) at his time was both a messenger and a political leader. The Islamic scholars deduced the theme of political system in Islam from the actions and instructions of the Prophet (SAW) and from the rule of rightly and truly guided caliphs (Khulafae Rashideen). Islam brought with itself a legal system called *Shari'ah*; and for the proper implementation of *Shari'ah* a governmental structure is needed. The constitutional edifice of Islam rotates around the ideas like *Shari'ah*, Shura, Khalifa, Umma and Bayyah.³

Since the demise of Ottoman Empire along with the Caliphate in 1924 AD, we saw emergence of Muslim states. Several Muslim scholars and thinkers across the world, struggled to devise a suitable political system best suited for the observance of *Shari'ah*. Egyptian and Indian sub-continent scholars and pro-Islamic thinkers strive to re-establish the Caliphate. Abul Kalam Azad 1958 AD, from Indian sub-continent was actively involved in the movement of re-establishing the Khilafat. This movement led to Khilafat movement in 1919 AD.⁴

The concept of Umma and state:

The proposition of the word 'Ummat' encompasses, the unity of

Muslims living in entire world, despite the geographical boundaries and locations. The life of the Prophet (SAW) in Madina, manifested as religious and Political leader under the proposition of umma. After the demise of the Prophet (SAW) the word 'Khalifah' became the course of political order. Thus, the infallible concept of 'Umma' is the creation of the equality, without any thought of race, language or ancestry. The concept of state is western in nature, that surfaced in sixteenth and seventeen centuries. There is a considerable difference in between the notion of 'Umma' and western notion of 'concept of the state'. Nationalism in state is embedded in the unity of race, language, culture and history. If nationalism is unthinkable without law, liberty and individualism. The idea of Islamic state cannot be kept apart from 'ummah' and 'Shari'ah'.⁵

'Khilafat' rejects the idea of pluralism and promote unity. Some of the Islamic scholars, however, presents the idea of appointing two Imāms in certain situations. Imām Al-Juwayni has allowed the plurality in case of vast expansion of the umma in terms of territories.⁶ Unity in umma is a necessity, however, Manzooruddin Ahmed endorsed that,

"it is not an essential condition for its continued existence".⁷

Both Ahmed and Ibn Taymiyyah agreed that umma is not bound to follow the old form of khilafat and is absolutely free to adopt any form as deem suitable. Many of the scholars like Abdur Razzaq Al-Sanhuri wrote that khilafat can be developed and organized in the form of League of Nations in which all the states with whatever form, will be equal.⁸

Abdur Razzaq Al-Sanhuri wrote that;

"We must not hesitate in making it. What is important is that unity must be preserved and it must not be. As to the form that unity might take, this is the matter which should be determined in light of the prevailing circumstances."⁹

Muhammad Iqbal wrote that;

"It seems to be that God is slowly bringing home to us the truth that Islam is neither nationalism nor imperialism but a league of nations which recognizes artificial boundaries and racial distinctions for facility of reference only, and not for restricting the social horizon of its members."¹⁰

The concept of 'umma' is therefore, a dynamic term opens to growth, change and adoptability. Political unity in modern era is unrealistic, however, the prescribe unity can be obtained through league of nation; loose term of unity or confederation. The new generation is free to choose whatever form for unity which is best suitable to them keeping in mind the Islamic values.¹¹

The law of the state will be *Shari'ah* consisting of *Qurān* and *Sunnah*. Muhammad Asad has reiterated that, *Shari'ah* embody commands and prohibitions and did not provide an elaborated law on every aspect of life.¹² Hashim Kamali has added to this that;

"We need to add to this that the Qurān and the Sunnah also provide a

*set of broad and general principles which constitute the substance of what is described as Maqāsid Al-Sharī'ah, that is, the philosophy and objectives of Sharī'ah which are timeless and comprehensive."*¹³

There is a misunderstanding among Muslims around the world that, the only time Islamic state existed was the time of rightly guided caliphs. However, the available evidence seems to suggest otherwise, it is clear that, Islam never suggested and provided any specific and particular form of state. On the logical ground there can be as many forms; as there can be. The new generation have to discover and determine their own form and course of state according to their circumstances and need.¹⁴

Let us now differentiate the word umma from the 'Dārul Islām'. The idea of umma is broad and non-territorial while the notion of Dārul Islām revolves around the political and legal propositions and contemplates on state having government, territorial boundaries and population. The attribute of residence required in Dārul Islām has no concerned with the notion of umma. The Qurān and Sunnah of the Prophet (SAW) does not contain the division between the ideas of Dārul Islām and Dārul Kufr and further sub-division into Dārul Harb (residents of war) and Dārul 'Ahd (residents of treaty). They were politically comprehended by the Islamic scholars. Thus, the idea of Dārul Islām is seemingly equal to 'Dawlat al-Islam' (the Islamic state); containing all the territories where Sharī'ah is implemented irrespective of the resident's religion.¹⁵

Revivification and History of Maqāsid Al-Sharī'ah:

Long lasting and brutal western colonial occupation on Muslims had left serious psychological, religious, socio-cultural, economic and political impact. They brought unprecedented destruction in terms of inter-ethnic and inter religious hatred and left improvised community. It was almost a half a century later after independence, that Muslim majority countries thought seriously about implementing Sharī'ah and the revival of Maqāsid Al-Sharī'ah. Umar Bin Al-Khitab (d. 644) the second caliph was the first to use Maqāsid, and then, by the Maliki school underline *Maslaha* (Public Interest).¹⁶

The words Maqāsid Al-Sharī'ah is actually a mixture and combination of two words (Mrurakkab Idafi) Maqāsid and Al-Sharī'ah. Maqāsid are the objectives, goal and purpose. Ibn Manzur explained that the word came from al-qasdu, al-adlu meaning thereby justice. It has also been mentioned with interchangeable words like, intent or meaning. The meaning of the word Sharī'ah is a way to a watering place or a path. Strictly speaking it pertains to, what has been ruled and prescribed by Allah, to his servants by covering worship, faith, a system of life, manners and interaction in order to establish a path between people and their God and their relations to one another.¹⁷

It was Imām Al-Ghazālī (d. 1111) and Imām Al-Shatabī (d. 1388), after a considerable time made an important contribution to develop the theory of Maqāsid Al-Sharī'ah. Rapidly growing literature was found on Maqāsid comprehensively, in the juristic writings of Al-Tarmazi Al-Hakim (d. 932) and

were constantly used by Imām Al -Juwayni (1085). Al- Juwayni develops three categories in order to classify *Maqāsid Al-Sharī'ah* i.e. necessities, needs and luxuries (daruriyat, hajiyat, tahsiniyat). His ideas were further advanced along similar lines; refined by Hamid Al-Ghazālī by establishing *Sharī'ah's* five objectives i.e faith, progeny, intellect, life and property. These objectives shall be preservable and guaranteed with foremost preference.¹⁸

After Al-Ghazālī the scope was extended by Izaz Din Abd al-Salam (d. 1261) to promoting benefit and preventing harm. The most philosophical addition was made by Imām Al-Shatibi by advancing the idea of the public interest (maslaha) in order to remedy the inflexibility brought by literalism and analogical reasoning (qiyas). Despite a great contribution from Imām Al-Shatibi in developing *Maqāsid Al-Sharī'ah*, there was no sufficient research and literature of the scholars available on *Maqāsid* for almost seven hundred years. They gave more value and credit to Qiyas (analogical deduction) and Ijtihad (Independent reasoning) and literalism, perhaps due to closeness to the Prophet Muhamad (SAW) era. Islam always had challenges to face due to rapid and sudden changes in the socio-economic, political systems and technological spheres. The only way out was *Maqāsid Al-Sharī'ah*.¹⁹

The first important contribution in twentieth century was done by Al-Tahir Ibn Ashur (d.1973). His book was first published in 1946 titled, '*Maqāsid Al-Sharī'ah al-Islamiyah*'. The book was translated in English and published in 2006. The book is considered to be the most important book on *Maqāsid* by identifying and extending the freedom of belief, human rights, freedom and equality, preservation of family system, civility and orderliness as an objective of Islamic law. The contribution of Jasser Auda is praise worthy. The book titled '*Maqāsid Al-Sharī'ah as Philosophy of Islamic law*' provided a new prospective in contemporary era. Auda argued that, the early ideas of honor, mind, preservation of offspring, wealth and religion has evolved into upholding human rights and dignity, pursuit of scientific knowledge, family care, freedom of economic development and freedom of belief. The new contemporary scholars like Mashood Baderin, Tariq Ramadan and Mohammad Hashim Kamali, had shared and devoted a lot in the theory of *Maqāsid Al-Sharī'ah*.²⁰

Imām Al-Shatibi, given the centrality of the issue, expounded on his theory of *Maqāsid Al-Sharī'ah* and stressed upon understanding its objectives; for those aspiring to become a Mujtahids. He claims that, neglecting mastery of *Maqāsid Al-Sharī'ah* poses a risk of grave error in Ijtihad. Imām Shatibi contrast this with those adhering to literal interpretations like Kharijities who focuses only on the apparent text of the *Qurān* without considering its objectives. Along similar lines, Tahir Ashur is in support of the Imām Shatibi view, stating that, knowledge of *Maqāsid Al-Sharī'ah* is crucial for Ijtihad. Those scholars who limited Ijtihad to literal interpretations may err by projecting personal opinions without aligning with general spirit of evidence. To demonstrate, there are difference of opinion on the form of *Zakāt* and has

caused much debate. Hanafis legalize payment of *Zakāt* in the form of money equivalent bringing in line with the purpose of satisfying the needs of the poor. Shafi view is different on this issue. In the same way the payment of *Zakāt* before its time period has not been legalize by Imām Malik and compared *Zakāt* with the prayers. As the prayers can only be prayed on its time and not before, the same is true to payment of *Zakāt*. However, later on *Malike* changed their position and allowed the payment of *Zakāt* before its time.²¹

Imām Abu Hanifah disproved by Ah al Hadith by not following the words of Hadith and followed substitute ruling. However, if we examine closely, we found that Imām Abu Hanifa read and understand the text with other relevant proofs and evidence in the *Qurān* and *Sunnah*. Unfortunately, there are many instances where Judges and Mujtahids have made erroneous decision which were not in line with the objectives of the *Shari'ah*. Cases of these kinds were found relevant to a signed contract between the parties binding both the parties and after that it was found that, the contract is one-sided favoring only one party. A judge or a Mujtahid in these circumstances will obviously stress on both the parties to their obligations in the contract, however, if the contract is proved to be unjust, that contract is no longer binding, and must be set aside to achieve the *Maqāsid*, that is justice. Another most important duty of a mujtahid is that, he must anticipate the result of his ruling otherwise it would be flawed. It is clear from the *Sunnah* of the prophet (SAW) that, he would give special consideration to the result of his ruling. One such example is that the prophet (SAW) although knew the hypocrites pretending to be companions did not hunt them down for a reason that,

“people might say that Muhammad kills his own companions”.

The prophet (SAW) desired to change the site of Kabah to real foundation, where our father prophet Ibrahim (Khalilullah) has laid the foundation. However, the Prophet (SAW) restrained to do so and told Amma Aisha (may Allah be pleased with her) that he would have changed the location if he did not fear of persuading people into disbelief. It is clear that the Prophet (SAW) did not take those decisions because of the fear of the results. The Mujtahid must concentrate on the decision where he pays special attention to its consequences and to give special attention to each case separately because each case is different from others.²²

Necessity of state: The Approach of Islamic law:

Muslim civilization and Islamic education cannot flourish without having a separate entity of state. The message of Islam cannot be spread far and wide without realization of a peaceful state. A Muslim state where individuals can lead their life peacefully; according to the teachings of Islamic law. It is the job of a Muslim state to enforce *Shari'ah* and give rights to individuals. It will be the responsibility of state to provide justice, education, health care services, business opportunities and advancement in technological sphere. Ibn Katir, Ibn Jarir, Qatadah and Hassan Al-Basri put forward this

explanation with the backing of many Hadith stating that,

“God, through the power of country remove something that is not eliminated by the Qurān”

. Thus, political power is the only way to bring improvement in Islam. Preaching Islam without a state will not bring a significant change.²³

Islamic Law and Democracy:

The adoption of western idea of democratic states by Muslim countries led many Islamic scholars, to contemplate and present their views. Some scholars outrightly rejected the idea of democratic government while others have accepted them with certain conditions. The founder of Islamic Hizb ut-Tahrir, Taqiyyundin Al-Nabhani has rejected democracy in Muslim countries on the pretext that democracy is an alien concept and is against the teaching of Islamic principles. Abdul Azim is of the view that, the authority of the three important pillars lies in the hands of the people which is against the principles of Islam, since the authority to make laws in Islam belongs to Almighty Allah. Same view was put forward by Muhammad Ahmad Ali Mufti stating that democratic government are based upon the secular principles for the reason that the system values individuals as the fountain to make policies and legal decisions, which indirectly undermines the authority and supremacy of the religion.²⁴

Even large majority of western scholars did not find a common ground between democracy and Islamic concept of state. Francis Fukuyama portray the issue that, Islam is a cultural impediment to achieve the goal and objective of democratization. He pointed out that Islam is a complete code of life which covers all aspects of life. This unique factor is an obstacle with the basic requirement of liberalism especially freedom of religion. Samuel P. Huntington argued that religious and cultural variations can cause serious blockade in universal values as liberalism in terms of economic interests with the military dominance have triggered denial of civilizations. There are however, Muslim scholars who do not cast-off democracy. Nurcholish Majid (Cak Nur) contended that, ideology-based election is in line with the Islamic teachings. The relation between democracy and Islam can be devised from the verses of Holy *Qurān*, reiterating, responsibility, freedom of religion, monotheism, individual freedom, justice, brother-hood and deliberation. Thus, on closer study of Islamic values and teaching one can find that they are full of Universal values. Due to this universality of Islamic values, many of the western scholars have been convinced, that Islam is not at all against the democratic values. Jhon I. Esposito is of the view that democracy is identical with Islamic values. The idea of Islam to achieve the ideal society are similar with the democratic aims and values.²⁵

Yousaf Al-Qardāwī view on Democracy:

Rejection of the relation between Islam and democracy came from two main fronts. One who rejects democratic values completely on the plea that, it

is government of the people and is an alien concept. The second view totally accept the philosophical approach with attributes of absolute freedom, economic capitalism and social liberalism. Both of these views were rejected by Yousaf al-Qardāwī. Qardāwī, taking the middle ground position, argued that, lack of knowledge and insight has led them to ignore certain similar ideals such as oath of allegiance to others and people, deliberation and political contracts. On the second view he argued that, middle view should be adopted and democracy should not be completely out cast. The core values democracy which are not against the Islamic basic ideas can be adopted such as choosing their representative through election which allow the people to criticize governmental policies. Without election the system will fall prey to authoritarian rule or despotic system infringing people's freedom.²⁶

This view of Qardāwī is similar to the notion of *Maqāsid Al-Sharia*; like freedom to understand the advantages of life in this world and the hereafter. In this context the governmental policy should be to achieve the five basic objectives as pointed out by Imām Al-Shatibi that is, guarding of religion (*hifz al-Din*), shielding soul (*hifz al-nafs*), defending the progeny (*hifz al-Nasal*), defending reason (*hifz al-'Aql*) and protecting property (*hifz al-Māl*). Compatibility of democratic system with Islam lies within the governmental polices to achieve these basic and fundamental objectives of Islamic law. There are certain things about Islam which is immutable and unchangeable, such as Islamic faith, worshiping and morality. Apart from these unchangeable things in Islam, other matters are open for *ijtihad* and for intellectuals to ponder upon them. This view of Qardāwī is within the parameters of *Maqāsid Al-Shari'ah*. Qardāwī conferred that brotherhood, justice and social solidarity are the main objectives of *Shari'ah* in social sphere. Qardāwī does not critique democracy on its historical footings as it is a western thought and non-Islamic, rather he sees a political system which can be modified to an extent that it comes under the wider umbrella of Islamic values and system. Principles like equality, freedom and justice and other rights in democracy are also the objectives of Islamic law (*Maqāsid Al-Shari'ah*).²⁷

Essentials of Democratic Government: A Realistic Approach of Islamic Law:

According to Ahlmark and Ray a country is a democratic country if, members of the legislative assembly and executive are elected through fair elections, secondly there must be two political parties whereby people can choose, thirdly at least fifty percent adult voters must cast their vote, lastly elected political party changes once via free election. Murat Cizakca was not satisfied with these conditions and added further parameters keeping his experience in Turkey, (a). Law shall be supreme, necessitating equality for all citizens and the state duty to bound itself to the prevailing law of the country, (b). Property rights must be respected, (c). All the branches of the state must be independent from each other, legislative and executive must be

independent and separate from Judiciary, (d). Legislative must be kept superior to executive, (e). The state is responsible to ensure freedom of thought, business and worship, (f). The elected democratic government shall be in control of military.²⁸

Keeping in mind these conditions, currently no Muslim country fulfill all these conditions which are necessary for establishing a democratic government. World top economically richest countries are the capitalist democratic entities. They also fulfill the above stated essential conditions. Despite the deplorable acts, the true democratic governments chosen by the people do not kill, oppress and torture their own citizens. The worst scenario is a Military dictatorship in a democratic government who usurps the powers, takes away the mandate from the people and impose their own will, is actually a death to a democratic government and is not in line with the values of Islamic Law. Although most of the nations adopted democracy, they did not live up to it and fall prey to dictatorship. The reason behind this may be Byzantine and Sassanid inspirations. Umayyads were mostly inclined towards Byzantine and Abbasids were inclined towards Sassanid civilizations. This innovation, by abandoning the origin of Islamic political system and traditions of the Khulafa Rashideen (the righteous caliphs) whereby their appointment was based on election are in harmony with the democratic values. Some democratic government gradually transform themselves from monarchy to democracy by relinquishing there power gradually in favor of the democratically elected representatives of the people in legislative and executive sphere, especially an independent judiciary.²⁹

Maqāsid Al-Sharī'ah in contemporary modern era:

The modern democratic era prized freedoms, that is freedom of expression, freedom of thought, freedom of opinion or right to have property; are these against the Islam and *Sharī'ah*. To answer this question, firstly how Imām Al-Ghazālī viewed and explain the objective of *Sharī'ah*;

*"The very objective of the Sharī'ah is to promote the welfare of the people, which lies in safeguarding their faith, their intellect, their posterity and their wealth. Whatever ensures the safeguarding of these five serves public interest and is desirable"*³⁰

Maqāsid serves as a guideline for the Islamic country to devise and scrutinize governmental policies. One of the responsibilities of the state, is to safeguard mind or reason (*Hifz ul 'aql*) of its citizens; take measures to prohibit drug and alcohol. *Hifz ul 'aql* can further be extended to freedom of thought and freedom of press. Freedom of thought and opinion is established from the period of prophet (SAW) and his companions. When he the Prophet (SAW) would give any statement, the companions would ask the prophet, whether it was a revelation or the prophet's own opinion on the matter. In case of his personal opinion a debate would ensue. One example is to dig out a trench around Mecca was a decision based on discussion. Umar (R.A) when informed that Damscus was plagued; discussed the matter with his

companions and army and decided not to enter the city. From the above scenario it is clear that the companions, and companions of the companions (*Tabi'en*) expressed their views and thoughts openly without any fear; off course keeping the honor and respect. Therefore, freedom of expression existed from the era of the Prophet (SAW). *Hifz al-Din* is usually understood as the obligation of the state to defend and protect the religion of Islam. It can easily be expanded to the state responsibility of safeguarding freedom of worship of minorities living the country and their religious institutions. This value is in line with the modern western concept of democracy.³¹

Next *Hifz al-māl* is usually construed to protect property by a Muslim. However, this right can be expanded to the state duty to protect property rights. This right is necessary and required for the growth of state; both in Islam and democracy Similarly, *Hifz al-nafs* is usually understood as profound duty of the Muslim to keep himself healthy and not to destroy his own life, that is to restrain himself from taking his own life. This can be expanded to state responsibility, to protect Human Rights. The state should be strong enough to protect its citizens from external aggression and internal disturbances and also restrain itself from infringing its citizen's fundamental rights. In Islam no one is above the law, not even the ruler of the state is above the law and can be sued in case of violation of any law. Another important protection is *Hifz al-nasal* which is usually understood as the protection of the progeny. It will be utmost responsibility of the state to protect the progeny by eradicating zina and adultery by giving severe punishment of Hudd as prescribed by the *Qurān* and *Sunnah* of the prophet (SAW).³²

Current Situation of Muslim Countries and Islamic law:

Muslim are almost about twenty five percent of the world population. Majority of the Muslims lives in between the geographical boundaries of South East Asia and North Africa. Muslims minorities lives in Europe and Americas; considered to be the second or third major religious society. The Arab Muslims are about, seventeen percent, Pakistanis and Indians are about, twenty four percent, and Africans, seventeen percent, South East Asian, fifteen percent and Turks are four percent. Muslims rose from a minor group at Mecca to well-known and well-established Islamic State that beaten and conquered Persian and Roman territories. Despite all this advancement, nineteenth and twentieth century saw a rapid decline due to multiple reasons. According to United Nation Development Program report of Human Development Index, Muslims are on the lesser side in Muslim Majority countries. The Human Development Index, is based on the aspects such as education, literacy, economic, political participation and women empowerment along with the most basic attribute of standard of living. Some Arabic countries are on the top of per capita, however, they are lower in women empowerment, justice, equal opportunity and political participation. Corruption, Human Rights violation are also on the rise in Muslim countries.

Muslim countries are facing serious development problems. Islamic law objective is in line with the democratic values which is to develop humane, productive, spiritual, clean, friendly, cohesive and highly productive societies.³³

Conclusion:

In order to implement *Shari'ah* and to achieve its objective, some form of a Muslim state in this modern era is necessary. The concept of Muslim unity, based on one political system is not a realistic approach nowadays. It does not mean that; a Muslim unity cannot be achieved. Islamic scholars and Jurists have pointed out that, Muslim unity can be achieved through other modern means, like League of Nations, or world organizational structure, where they should work for the betterment of Muslim umma. The current scenario of Palestine is one such example of the failure of Muslim states to come to common terms; to stop the atrocities and carnage. Islam does not provide a specific form of government or any special structure for a reason. The reason behind this wisdom is simple and logical and is not a mistake and is left to *ijtihad*. There is an erroneous misunderstanding among the Muslims that, the only pure Islamic government was at the time of the Khulafa Rashideen (the rightly guided califs) and it is not further possible. The form and structure of the government formed by the companion was chosen by them keeping in view the circumstances of the situation around them. It means that it is open for the new generation to choose the form and structure best suited at their needs, keeping in view the prime objective which is implementation of the *Shari'ah*. Therefore, whatever, is the form of government is irrelevant. The important matter is the implementation of the *Shari'ah* and the best way to achieve its goals and objectives to understand it through the Lense of *Maqāsid Al-Shari'ah*. Apart from the *Qurānic* text and *Sunnah* of the Prophet (SAW), most of the *Shari'ah* has been written by the Jurists and scholars. *Maqāsid* provides a ready understanding of *Shari'ah* in every day and age. Nowadays, the western concept of Democracy is adopted by majority of the Muslim nations and is considered to be the best form of the government for two centuries. Most of the basic values in Islam are in line with democracy. The concept of freedoms, liberty, protection of life, protection of family are deeply rooted in Islam. Unfortunately, Muslim countries still did not fully recover from the havoc brought upon them by colonialism. Islam rejects dictatorship, kingship and power usurper whose sole purpose is to benefit themselves and topple the wishes of the people. Islam is Universal and will exist till the end of time. There may be other forms of government as well as in distant future, which will also be compatible with Islamic law and *Shari'ah*.



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