CHAPTER I

POLITICAL MODERNIZATION: A CONCEPTUAL FRAMEWORK
The analysis of political change in the transitional societies is a difficult and complex task. The task becomes more difficult in the absence of a general theory to guide research. What do we get is broadly a frame of reference built upon micro-analysis. But even here divergence of views prevails due to complex phenomenon of political life in the changing societies. However, a diffusion of world culture is more or less accepted. Posing the problem in true perspective, S.N. Eisenstadt writes:

The contemporary world is a world in which modernity and modernization, modern technology, different patterns of economic development and institutions, modern political ideologies, and modes of political protest and participation constitute central characteristics. But the more these and other aspects of modernization, which originated in the West, have spread throughout the world, the more difficult and problematic it has become to define exactly what is meant by modernization, and especially to define how and to what degree different contemporary modern societies move in the same direction or directions, or become more and more similar.

The efforts to understand and analyse the political phenomenon in the Afro-Asian and Latin American states since their rise after the Second World War has generated a stream of literature. Viewed in the perspective of political development in

such states, modernization literature based mostly on empirical studies, passed through a number of stages and for clear understanding it needs a critical review. Modernization theory since the last four decades has passed through at least three important phases.

**The First Phase: 1954-64**

During this period, the study of political development was dominated by the United States Social Science Research Council's Committee on Comparative Politics under the chairmanship of Gabriel Almond between 1945 and 1963. The works of this committee made a great impact (Holt and Turner, 1975; Milne, 1972), and few formalised academic groups have so thoroughly set the course of a segment of social science scholarship as did this committee.  

During this period, under the auspices of the Committee on Comparative Politics, there developed a substantial body of literature of Political Development. There were three basic kinds of literature.  

This literature marked a break with legal-formalism. The literature of behaviouralism represented a shift in methodology from legal and institutional to economic and

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socio-psychological variables. In essence, modernization was equated with the establishing of liberal democracy in new states.

This prescription was made against the background of failure of Fascism in the World War II and the disrepute into which Marxism had fallen as a result of the excesses of Stalinism. Against such a background modernization was seen as "(the) process of change towards those types of social, economic and political systems that have developed in Western Europe and North America from the seventeenth century to the nineteenth and then have spread to other European countries and in the nineteenth and twentieth centuries to the South American, Asian and African continents."\(^5\)

Lucian Pye was among the earlier batch of writers to analyse the concept of political development in depth. The first step towards political development was the evolution of the nation-state system, which he treated "as a basic concept supporting the gradual diffusion throughout all societies" of what he might call a world culture.\(^6\) In Political Culture and Political Development, Pye evolved "the key elements of political development." According to him, the

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signs of political development could be traced at three different levels - (1) with respect to the population as a whole, (2) with respect to the level of the governmental and general systemic performance, and (3) with respect to the organisation of the polity. The basic change with respect to the population is greater sensitivity on the part of the people to the principle of equality, and a wider acceptance by them of universalistic laws. Secondly, with political development there develops a greater capacity in the political system to manage public affairs, control controversy or cope with popular demands. Finally, with regard to organisation of the political system, a developing system implies greater structural differentiation, functional specificity and integration of the participating institutions. Lucian Pye's advice was to search for the characteristics of equality, capacity, and differentiation in a developing system and determine the degree of their advancement.  

Some writers examined the forces which induced and accelerated the process of development. Ward and Rustow have promised to look into (a) the processes through which the "advanced" societies of today achieved their economic, social

and political development, (b) whether any "regularities" could be seen in their developmental experiences, and (c) whether they had faced in their process of development similar "crises" - but did not attempt anything of the type. It was Pye who identified these crises as crises of identity, legitimacy, penetration, participation, integration and distribution, on the basis of his study of England, where these crises seemed to have developed in exactly this order, but conceded that they could develop in different countries in different sequences. Organski identified four stages of development - (1) political unification, (2) industrialization, (3) national welfare, (4) abundance. However, the possibility of developing states adopting different patterns of political systems was thought of by other writers on the subject. Shils talked of five categories - Political democracy, tutelary democracy, modernizing oligarchy, totalitarian oligarchy, and traditional oligarchy.

Guided by the example of a number of countries in Asia, Africa and Latin America giving up democratic forms of government and taking to totalitarianism, David Apter thought of two different developmental sequences for traditional societies, namely, a "secular-libertarian model approaching democracy thought reconciliation systems", and a "sacred collectivity model, approaching totalitarianism through mobilisation systems." Apter also thinks of the possibilities of developing societies setting up modernising autocracies, military oligarchies, or any other complex patterns of political modernization. Following Apter's volume on "The Politics of Modernization", there was a spate of writing on modernization which yielded highly rewarding results.

The 'dichotomous' approach was central to the work of all modernization theorists. Borrowing from the work of nineteenth century evolutionary theorists, they built up a scheme based on comparisons of ideal-typical variables of tradition and modernity. That this was the case in political science is testified by Gabriel Almond:

Our theory building and modelling first took on simple dichotomous form. Working from the classic formulations of Max Weber, Ferdinand Tonnies and Talcott Parson ... several innovative social scientists ... constructed models of traditional and modern forms of society and polity. 14

While evaluating the work of political scientists till mid-sixties, one can notice a continuous progress in the sophistication of the approach which was brought to bear upon these studies. 15 Starting with an institutional approach, in which the legal formal apparatus of government was examined, several writers emphasised that political development was mainly a function of the level of economic development, and pointed out that if the political institutions of a developed country did not satisfy the economic aspirations of the people there would not be a reasonable harmony between the various classes of society, which was so necessary to give the new system its legitimacy and penetrative capacity. 16

Administrative Capacity of political system, not only for maintaining law and order, but for implementing governmental


decisions was also emphasized by several writer. A number of writers also drew attention to the fact that in order to make the political system work, it was necessary that the entire social system was to be mobilised. The change was also to be reflected in the attitudes and personality characteristics of the citizens, which implied the transformation, may be in slow stages, of the political culture. A clear picture of political modernization had, thus, emerged.

The Second Phase: 1965-71

Writing in the second half of the sixties, the thinkers clearly shifted from the infrastructural studies to an analysis of the will and capacity of political actors and institutions. Political modernization was not an end-product but a continuing process - "a persistent capacity," in the words of Halpern, "for coping with a permanent revolution". A whole group of writers - Eisenstadt, Halpern, Huntington, Diamont, Holl and Turner, Nye and others - developed this new approach to the study of political modernization variously known as


"will and capacity" approach, "problem-solving capacity", "institutionalisation", "ability to sustain new goals", etc.19

Halpern talked of "the structural changes and demands set loose by the uncontrolled forces of transformation", "will and capacity of political authority" to cope with these changes and demands. Eisenstadt defined it as "an institutional framework capable of continuous absorption of changes."

Samuel Huntington, of these writers, seems to have played the most important role in liberating political modernization from socio-economic modernization. Writing in the second half of the 1960s, Huntington's importance lay in his challenge to the prevailing idea of the unilinearity of modernization theory in his stress on those issues that had been played down by earlier writers, especially the 'dislocations' that arise in the modernization process. Defining political stability in the normative sense, as the absence of open conflict, Huntington saw political modernization as the

growth of institutions competent to deal with the strains of social mobilisation and political participation. Huntington was the earliest to reflect the changes of emphasis from 'democracy' to 'order' during the mid-1960s - a shift of emphasis outlined by O'Brien in his now classic discussion of political modernization in the 1960s. In this work O'Brien provides a detailed discussion of the shift of emphasis from 'democracy' to 'order' as the primary normative concept of the literature of political modernization. He argues that this shift is portrayed in the changing complexion of the membership of the SSRC Committee on Comparative Politics, particularly the appointment of Lucian Pye to the chairmanship in 1963 and Huntington and Aristide Zolberg to the board in 1967. Pye, and to a lesser extent Huntington, were among the most important theoreticians of counter-insurgency techniques, and Huntington (1968) and Zolberg (1966) both wrote important works on political order in new states.


Despite the confused views of political modernization that predominated in the second half of the 1960s, the concept of order emerges as central to most of the literature. Ithiel de Sola Pool tops the core of this order-based literature:

it is clear that order depends on somehow compelling newly mobilized strata to return to a measure of passivity and defeatism from which they have been aroused by the process of modernization. At least temporarily, the maintenance of order requires a lowering of newly acquired expectations and levels of political activity.23

Similar discussions of the relationship between order and political modernization are to be found in Apter,24 Halpern,25 Weiner,26 and Huntington.27 The order-based literature reflected the changing political reality of the two phases of the first UN Development Decade, and it contrasted the earlier options of scholars such as Almond with the 'pessimistic prescription' of his successors.28

27. S.P. Huntington, n.21, pp.5-55.
The work of the second phase achieved its apotheosis in the last theoretical volume to be published in the SSRC Committee on Comparative Politics series, *Crisis and Sequences in Political Development* (Binder et al., 1971). The importance of this work is that it effectively represented the cumulative wisdom of the committee, and it provided one of the major links between the second (behavioural) and third (post-behavioural) phases. The link with the third phase, was its emphasis on governmental capacity, to respond to, or to suppress, certain demands. Political modernization was seen as a political systems ability to cope with five crises: legitimacy, identity, participation, penetration and distribution. Governmental capacity referred specifically to governing elites, and crises were therefore seen from the perspective of threats to the position of those elites and the necessity of elites for the maintenance of order. This position was especially evident in the chapters of legitimacy by Pye, political participation by Weiner and penetration and governmental capacity by La Palombara.


Crises and Sequences in Political Development articulate many of the themes expressed by Huntington (1968) regarding the capacity of governing elites to preserve order, especially when Huntington's views on order are compared with Binder's views on crisis management. Both authors demonstrate a divergence from a more traditional American Social Science which sees political order in terms of a Parsonian value consensus. In a review of Binder et al., Kesselman31 argued that, in its desire to safeguard the position of ruling elites, the literature of political development had supported a view of order as the end, not the means, to good society. In so doing, modernization theory made no attempt to measure the costs involved in the preservation of order.

Fred W. Riggs, in an essay contributed to James, C. Charlesworth, edited, Contemporary Political Analysis, has tried to incorporate the entire thinking on political modernization from Almond through Lucian Pye to Eisenstadt, Pennock and Huntington in the building up of his own dialectical scheme. He drew a sharp distinction between technological change and cultural change. Political institutions, according

to him, were matters of 'technology' rather than of 'culture.'
The setting up of political parties, for example, was a matter of technology and had been as acceptable to the Communist countries as to the Western World. Drawing a distinction between structural analysis and functional analysis, he made it clear that technological change finding expression in structural differentiation could be quick, but the functional changes would have to be slow.

In the sixties, modernization theory in general and political development theory in particular were criticized for their ideological and ethnocentric character (Bernstein 1971), the inadequacies of the 'functional category' approach, and their focus on Parsonian concept of order as dependent on value consensus.

The systems approach, within the framework of which the methodology of structural-functional analysis was confined, did not generate any testable hypotheses, much less middle level generalisations, and hardly provided any incentive to scholars for the collection, processing or analysis of empirical data. It did not pay much attention to the problem of change. Wilbert Moore, a distinguished sociologist, summed up the weakness of this conceptual framework when he wrote that the theory:
does not attend to intrinsic sources of change, does not predict changes that have persistent directionability (but only those that restore balance if that is disturbed), and thus does not readily handle past changes that clearly affect the current study of the system.  

In fact, change is viewed by the system theorist, as an extraneous abnormality, as something which is unnatural, whereas stability is regarded as natural.

No less significant is the criticism that the modernization theory of the 1960s paid only lip-service to the multi-disciplinary nature of the problems of development, especially the tendency of the sociologist and the political scientist towards a historicism coupled with the tendency to ignore economics as a major variable in any equation:

In no other field of sociological investigation have the disastrous consequences of the economic illiteracy of professional sociologists been so starkly revealed as in the sociology of development. Those who suffered less from intellectual parochialism where economics was concerned made up for this, moreover, with a hearty disdain for history.


Moreover, modernization theory failed to understand the extremely uneven distribution of wealth between the 'have' and the 'have nots' of world society. That is, modernization theory could not account for the growing gap between countries of the advanced industrial West and the large majority of new states in the Third World. With the total pessimism that engulfed the latter years of the first Development Decade, modernization theory came to be characterised as ideologically tainted, methodologically inadequate and, perhaps most importantly, policy ineffective.

The late 1960s saw also the growing radical critique of development studies which argued that the worst of those, such as McClelland (1961) and Hagen (1962) stressing achievement motivation, Huntington stressing levels of institutionalisation and Binder et. al. stressing the role of bureaucracy and government capabilities was only marginally relevant to the study of underdevelopment when compared to the nature of international dependency relationships and the world capitalist system. Modernization theory in this period assumed a subordinate position in relation to the growth and acceptance

of a more radical/neo-Marxist literature flowing from such authors as Baran, Frank, Amin, Wallerstein, Kay and Leys.

The Third Phase

A number of social scientists, starting with Daniel Lerner, and Karl Deutsch, developed the theory of social process. They tried to understand political development from the point of view of the study of social processes (like industrialisation, urbanisation, commercialisation, literacy expansion, etc.). A number of writers can be included in this category, namely, Raymond Tunker, Martin Needler, Philips Cutright, Hayward Alker, Jr., and Michael Hudson and a number of other writers. The emphasis of this group of writers being more on relating political behaviour and processes to social processes than on the system, they have been able to adopt methodologically a more behaviourally and empirically-oriented approach than the systems approach, with


the result that they have succeeded in the accumulation, through surveys etc. of substantial amounts of data, quantitative in nature, about the social processes.

History was relegated to background by the behaviourists and too much emphasis was placed on the new methodology of research they had developed. However, history was not completely ruled out. A seventh volume, particularly emphasising the historical aspect, was added to the series of six volumes by the Social Science Research Council Committee for the study of political behaviour in 1971 and an eighth one in 1975.38 As distinct from the systems model and the social process approach, the comparative history approach, as it was described, tried to compare the nature of the evolution of two or more societies with each other.

A number of scholars—Seymour Martin, Lipset, Richard Bendix, Barrington Moore, Cyril Black, Eisenstadt, Dankwart Rustow and Samuel P. Huntington39 in particular—did remarkable


work in this field. Their work was highly empirical in nature and was able to emphasize the role of political institution, culture and leadership in greater depth than the work done under the social process approach. Societies could be compared with each other both space and through time. Phases of development could be marked out.

However, like the social process approach, it lacked the conceptual refinement and the methodological sophistication of the systems approach. Precisely, none of these three approaches, however, was able to provide a suitable framework, much less a theory, for the study of political modernization. To use Huntington's words, "the structural-functional approach was weak in change, the social process approach was weak in politics, and the comparative history approach was weak in theory."

A number of theories of political change were evolved by the late sixties. They can be broadly divided into three: (1) theory of Componentational Change, (2) theory of Crisis Change and (3) theory of Complex Change. Huntington's name is associated with the theory of componentational change. According to him the relationship between political participation and political institutionalisation should be taken as the central focus of political change. A political system, according to Huntington, consisted of five components: culture, structure, groups, leadership and policies. To
understand political change, one had to analyse changes deeply in each one of the five components and the relation between changes in one component and changes in another. What was important for the political scientist was to find out what types of changes were significant to the study of political change. There could be change in power of a component as well as change in the content of components and in the relationships between changes in component and change in power. Political change, thus, implied an analysis of changes at three levels: (1) a comparison of the rate, scope and direction of change in one component with the rate, scope and direction of change in other components, (2) comparison of changes in the power and content of one element of one component with changes in the power and content of other elements of the same component, and (3) a specific study of the relation between changes in power and changes in content for one element.  

The crisis change theory is represented by Gabriel Almond and Dankwart Rustow. Almost extended his conceptual framework of comparative approach of study of political societies in 1969 by his study of equilibrium vs. development,  

which according to him could be predicted either by determinacy or by choice. Starting with the set state of affairs, which could be described as antecedental equilibrium, one could study the impact on the equilibrium of exogenous variables from the non-political domestic environment on one side and the external environment on the other. This was likely to bring about changes both in the structure of political demands and in the distribution of political resources which could be treated as independent variables and could be manipulated by political leadership so as to produce new political coalitions and political outcomes. This, in its turn, produced far-reaching cultural and structural changes and finally led to the emergence of a new kind of equilibrium, the consequent equilibrium. 41

Another model of the crisis-change approach was presented by Rustow. Rustow, too, places emphasis on the choices to be made by the political leadership. The change starts due to dissatisfaction with the existing situation, which produces political action. If the political action succeeds, it is able to develop new goals. Rustow believed

that different choices were available to the leaders for the creation of a government or the acquisition of power by a group or individual from those which were needed to sustain the government or keep the individual or the group in power.⁴²

Another theory of political change described as the Complex Change approach, was added by Ronald D. Brunner and Garry D. Brewer in 1971. According to this model, political change was a complex affair. They spelt out some 22 variables and 20 parameters involving the study of rural and urban sectors, and tried to trace the relationship among these variables and parameters in 12 equations which had been derived from general theories of modernization and from the analysis of certain developing countries during roughly 20 years (1940s and 1960s). This model is a highly precise model of a political system encompassing a significant number of demographic, economic and political variables, and could open up before the policy-makers a vast field of choices which they could make for achieving objectives which they regarded as desirable. With this model, political science

came in a position to make a complex analysis of relation among variables, something which had so far been the characteristic of economics only. It was, however, difficult to predict as to how far these models could be applied to the actual changes of various kinds which were taking place in the developing societies almost in a chaotic manner.\(^4\)

At this stage, it is necessary to discuss the relation between modernization and political development. Most of the political scientists have identified, political development with political modernization, and modernization with westernization. A society was regarded as "more or less modernized" by Levy "to the extent that its members use inanimate sources of power and/or use tools to multiply the effects of their efforts."\(^4\) According to Ward, a modern society is characterised:

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\text{by its far-reaching ability to control or influence the physical and social circumstances of its environments and by a value system which is fundamentally optimistic about the desirability and consequences of this ability.}\]


To Cyril Black, a society is modern when it is capable of adopting its:

historically evolved institution to the rapidly changing functions that reflect the unprecedented increase in man's knowledge, permitting control over his environment that accompanied the scientific revolution.

Rustow too would identify a modern society with a "a rapidly widening control over nature through closer cooperation among men."

While political modernization, as indicated by the capability of the political system, was treated as the basic ingredient of political development, several writers talked of political institutionalisation. The latter involves (a) political mobilisation, (b) political integration, and (c) political representation. Deutsch regarded the dynamic processes of social mobilisation and cultured assimilation as the general condition of political mobilisation and thought that the latter resulted from the exposure in the process of social mobilisation to political structures, values and issues. 48 Lucian Pye also uses terms like mass mobilisation


and participation while talking of political development. Pye treats it as essentially a political phenomenon, involving the converting of parochial people into active participants, mobilised by an ideological motivation, a mass party and charismatic leaders. Huntington, however, has attached the greatest importance to political institutionalisation. While Deutsch and Pye understand institutionalisation to mean the social and political movements striving to build new institutions, or acquiring new institutional participation, Huntington's emphasis is on the socio-political institutions as such taking the shape of a complex of structures and norms regulating the polity and the whole of society. Political development, for Huntington, is "the institutionalisation of political organisations and procedures" and is characterised by direction and the level of its (a) adaptability, indicated by a long and regular chain of leadership adapting themselves successfully to new challenges to the system, (b) complexity, indicated by the existence of a large number of institutions, each carrying its responsibilities without hindrance from others, (c) autonomy, indicated by its independence of other political systems and full control over a clearly defined jurisdiction of its own, and (d) coherence, indicated by a certain degree

of consensus and internal unity prevailing in the system. To Huntington, as long as the political system is moving in the direction of greater adaptability, complexity, autonomy and coherence, institutionalisation and political development are taking place. But if, on the other hand, there is expression of (a) rigidity, (b) simplicity, (c) subordination, and disunity - the opposite poles of adaptability, complexity, autonomy and coherence - the political system is definitely heading towards political decay.

A Third World View of Political Modernization

Helio Jaguaribe, a Latin American writer, has tried to develop a comprehensive theory of political modernization. He regards political development as political modernization plus political institutionalisation. As a process political modernization involves increase in the operational variables

of a polity—namely, (a) rational orientation, (b) structural differentiation, and (c) capability, and political institutionalisation is the increase in the participational variables of a polity—namely, (a) political mobilisation, (b) political integration, and (c) political representation. Precisely, political development means: (i) development of the capability of the political system, which corresponds to the development of the effectiveness of the polity as a subsystem of the social system, (ii) development of the contribution of the political system to the overall development of the concerned society, which corresponds to the development of the whole society by political means; and (iii) development of the responsiveness of the political system, increasing its representativeness, legitimacy, and serviceability, which corresponds to the development of political consensus and of social consensus by political ways.51

According to Jaguaribe, political development involves three things: (1) development of the capability of the political system, (2) development of the contribution of the political system to the overall development of concerned

society, and (3) development of the responsiveness of the political system. If any one of these is taken alone, to the exclusion of the others, it implies not a general development of the political system but only a specific kind of development. While specific political development may be oriented towards increasing social politicisation, general political development would be oriented towards increasing social consensus. Precisely, political development would mean the development, through the instrumentality of the state, of the whole society, including its cultural-participational and economic systems. Political development is the development of the whole society in relation both to (a) the development of the capability of the political system, and (b) the development of responsiveness of the political system.

Jaguaribe has identified eight macro-variables of political development. These are divided into three sets - (a) operational variables, (b) participational variables (c) directional variables. Operational variables include (i) rational orientation, (ii) structural differentiation, and (iii) capability. Participational variables include (iv) political mobilisation, (v) political integration, (vi) political representation; and directional variables include (vii) political subordination, and (d) development orientation. Taking the operational variables first, rational orientation includes both the rationality of the way in which decisions
are implemented. Rational orientation would lead to more secularisation and controllability. Structural differentiation could be viewed at three levels: the inter-societal, intra-societal, and intra-systemic. The society and its political system have to be differentiated from other societies and their political systems, thus involving greater autonomy for the society. The political system as a sub-system of society has also to be differentiated from the other sub-systems - the cultural, participational and economic - thus ensuring greater autonomy for the political system. Finally, within the political system itself there has to be a certain degree of structural differentiation as well as functional autonomy of the sub-systems.

We cannot ignore the truth of the general principle that structural changes introduced in any one of the sub-systems of the social system-political, economic or cultural - are bound to lead to congruent changes in other sub-systems. The political system is bound to bring about changes in the sub-systems of a similar kind. In other words, if the political system takes resort to more of coercion and depends less on consensus it is quite likely that the other systems would also develop tensions within them and if the political system is based completely on coercion, it might lead to the
dissolution of the entire society. It is true that a political system has to be capable before it will be in a position to work for the general development of the society or strengthen the roots of participation, but what we have to understand clearly is that development of the system's capability is only one step, howsoever major, in the direction of political development as a whole, and if this does not lead to the overall development of the society, which includes the development of the participational regime, which alone is the adequate basis for social consensus, including political consensus, it will end up in political decay.

In other words, development of the system's capability has to be supplemented by the societal development and the development of the participational regime.

**Conditions of Political Modernization**

The conditions which facilitate political modernization in the new states could be treated as both (a) general, which are applicable to all political modernization, and (b) concrete, which are necessary in specific cases. Writers like Almond and Eisenstadt have given us some idea of some of the requirements which help in the process.

Almond's five conditions for political modernization are - (1) successiveness in the stages of development, (2) availability of resources, (3) congruent development of the other social systems, (4) intrinsic sufficient capability of the political system, and (5) adequate response to challenges by the elite. Almond believes that the various stages in political modernization should succeed one another and not overlap with each other. It is also necessary, according to Almond, that the society should have adequate resources for development. To him political system is a sub-system of society and believes that one of the necessary conditions of successful political modernization is the simultaneous development of the cultural, economic and participational sub-systems. The political system should have sufficient intrinsic capability to meet the challenges as they come up from time to time. Finally, the elite should be able to react positively and constructively to the challenges which come from society. 53

Eisenstadt believes that the fulfilment of the basic conditions would contribute to the success of the political elites responsible for the development of their respective societies. These conditions could be paraphrased as follows:

53. Ibid, p.357.
(1) an adequate **restructuring of communications**, in order to enable the elites to mobilise the masses for developmental effort;

(2) an adequate **development of education** in the country - primary education, to begin with so as to provide sufficient enlightenment to the masses - to be followed by the development of intermediate education, in order to bring the rest of the society on a good level of education;

(3) the **mobilisation** of a sufficiently large number of people from lower and peripheral sectors and their incorporation into the new developmental activities;

(4) **continued functionality of the elites** in the sense that they are able to give the appropriate direction to the society; and finally

(5) a **firmness of design on the part of the elites**, meaning that they should not only be able to formulate their plans in clear terms but also implement them effectively. 54

Eisenstadt also mentions certain dysfunctional features which might come in the way of political development:(a) there should not be too much of alternation of power as this would disturb the stability of the system, (b) there should not be too much selfishness and corruption on the part of the 

54. Ibid, p.358.
ruling elite or deviation from the principles they hold and the practice they perform, and (c) there should be an element of justice in the distribution of higher functions, opportunities and rewards. The necessary conditions are all internal conditions and political system depends mainly on the successive operation of these conditions.

One of the basic requirements of modernization is National Viability. However, in the Western literature there is lack of discussion on the subject. However strongly the idea of nation might be repudiated by the Western writers, political modernization in both the developing and developed societies continues to remain based on the nation as the basic unit of society. A good working definition of nation has been given by Carl Friedrich. "A nation", says Friedrich, is a cohesive group, possessing 'independence' within the confines of the international order as provided by the United Nations, which provides a constituency for a government effectively ruling such a group and receiving from that group the acclamation which legitimises the government as part of the world order.55

In a viable national system the various groups are, more or less, congruent, in the sense that there is a harmonious elite - sub-elite - mass relationship and the political elites drawing their moral and material sustenance from the society are able to use the human and natural resources available to

them in an effective manner. In a political system where there is greater national integration is expected to throw up a political elite which is capable of fixing up desirable national goals, evolving institutions through which these national goals can most successfully be obtained, and remaining committed to their realisation.  

In the developing states where national integration is sometimes in the most elementary stages, state-building becomes absolutely necessary. National viability leads to, and is sustained by, the political capability of the concerned society - in the external field, for defending it from extra-societal pressures and in the internal sphere for

56. In this connection, there is a long-standing controversy between the Objectivists who emphasize certain specific common traits shared by the members of a nation such as territory, language etc. and the Subjectivists who point out that what actually shapes a nation is the common will of its members to hold themselves together under a national form of government. Among the Objectivists are included Rudolf Rocker, *Nationalism and Culture* (Los Angeles, 1939); Carlton J. H. Hayes, *Nationalism: A Religion* (New York, 1960), and Morris Ginsberg, *Nationalism: A Reappraisal* (Leeds, 1961); and among the Subjectivists, John Stuart Mill, *Representative Government* (London, 1861); Earnest Renan, *Qu'estce qu une Nation* (Paris, 1887); G.P. Gooch, *Nationalism* (London, 1920); and E.H. Carr, *Nationalism and After* (New York, 1945). Another view, known as Objective-Subjectivism is propagated, Frederick Hertz, *Nationality in History and Politics* (New York, 1944); and Hans Kohn, *The Idea of Nationalism* (New York, 1944), and *Nationalism: Its Meaning and History* (New York, 1955). It believes in the nation being the result of both kinds of factors - the one creates the conditions that make a "national togetherness" possible and desirable and the other which arise from these conditions and render that togetherness consciously and positively valued.
strengthening its dependability, effectiveness, adaptability and flexibility. As the resources available to the state are developed and utilised, there is a possibility for the political capability also to grow simultaneously. National integration would mean active elite exchanges between the various kinds of elites—cultural, participational, political and economic. In fact, it is this interaction between elites which builds up the national unity and viability.

A General Assessment

The theories of political modernization originated in the United States during the cold war period. It was linked up with the normative view then prevalent in the country that communism would lose its appeal in the third world once the people there were able to achieve the minimum of economic development. Political modernization implied, naturally, as Robert Packenham has put it, an "anti-communist, pro-American political stability."  

It was expected that with economic development and the setting up of representative institutions, political stability would automatically develop in these countries. It was further expected that with better communications, a transformation of values and political culture,

and development of specific institutional sectors, like political parties and bureaucracy, the third world countries could be prevented from falling into the trap of communist insurrections. However, in practice, with democratic institutions functioning in the midst of insurgent movements, urban disorders, economic disintegration and political corruption, the ruling elite got the pretext of strangulating them. In the western literature on political modernization, there has been a growing emphasis on the capability of the political system and effectiveness of the ruling elite. Huntington, in his earlier writings, suggested a distinction between political development and modernization but placed greater emphasis on modernization which, for him, meant the increased capability of the state. Institutionalisation, for Huntington, means the building up of such political institutions and processes as are needed to maintain the primacy of the political sphere. The emphasis has been more on state-building than on the building up of the nation. 58 For Leonard Binder and the editors of the Princeton volume on Crises and Sequences in Political Development, political development is a multi-dimensional syndrome of governmental capacity, differentiation and equality. 59 Emphasis is shifted to the role that

58. Huntington, n.21.
59. Binder, et.al. n.38.
political power must play in maintaining political order. Disorder that results from the coercion exercised by the rulers and ruling institutions falls outside the definition of political decay. To consider disorder a function of mobilisation clearly overlooks the disorder inspired by those seeking to safeguard privilege. The concern of western political scientists, by and large, has been more with order than with liberty. For Huntington:

> the primary problem is not liberty but the creation of a legitimate political order. Men may, of course, have order without liberty, but they cannot have liberty without order. Authority has to exist before it can be limited.

While Huntington may be right in stating that order logically preceded liberty, it does not necessarily mean that order should also chronologically precede liberty. Pye deplores the fact the national leaders in many of the developing countries do not have "an easy command of power and there is not (in these countries) an automatic and complete acceptance of the authority of governmental institutions." La Palombara has also deplored the fact that the most striking aspect of political power in developing nations is how little of it most elites have at their disposal." And due to this,

60. Varma, n.52, p.351.
61. Cited in ibid.
62. Ibid.
the developing countries are not able to bring about the necessary social and economic change. However, one might very well ask the question: Why should both order and liberty not be strengthened simultaneously? In fact, there are serious dangers in a strong political order developing faster than a sense of liberty among the people.

It is also necessary to look at the relation between the strengthening of the army, as a part of the efforts at state-building, and the growth of authoritarianism. In many of the developing countries - and this is more true of South and West Asia and Latin America than of the other parts of the world - the army constitutes a disproportionately powerful force, thanks partly to the military supplies from the west. While the strengthening of the army enables the country to face external aggression with greater success, it also gives an opportunity to the ruling party to suppress all internal opposition with its help, or with the threat of using it. 63

Values which Huntington associates with institutionalisation - coherence, autonomy, capacity, adaptability - are highly useful values. But it is also necessary to find out what a ruling group would generally do in cases of conflict between autonomy and adaptability. There can be no

denying the fact that stronger governments are more capable of serving public interests. But they are also more capable in thwarting public interests. What is public interest? Huntington would define the public interests in terms of the concrete interests of the governing institutions, irrespective of the fact what happens to the public interests the ruling group is supposed to uphold. Binder attaches a great deal of value to the resolution of crises by the government — crises of identity, legitimacy, participation, penetration, distribution, etc. — but would leave it to the judgement of the rulers to decide that the crises have been resolved — without caring to consider at what cost to the people. Even integration may be misleading, unless the people have the freedom of expression and a free press. Hugh Stretton has pointed out very succinctly, "there can be integrated, perfectly functional systems of tyranny or inequality or exploitation."64

The Western political scientists seem to believe that the political values, institutions and processes which are good for the United States or West are good for the rest of the world, and that if the United States has a strong government today after having successfully gone through certain processes of history, it is in the primary interest

of the developing countries too, irrespective of lack of political participation, to have strong governments. However, the point not to be missed is that the United States has built up its present super-structure of power on the basis of liberty, whereas in many of the developing countries where political order is sometimes fragile, values of liberty and freedom just do not exist.

Islam as Religion and Ideology: The Islamic Concept of Modernization

The real challenge before the Arabs today is how to revive the consciousness of the Arabs of their self-identity and find out indigenous model of development. To that end, Islam, which is inherent in Arab culture, occupies an important position.

However, the trend of religious assertion fell short of conceiving Islam as an ideology. In other words, while the adherents of this trend are aware of the ideas and principles of Islam which could guide the change in the area, they failed to organize those ideas and principles into one set of thought that could meet coherently the requirements of the various demands of progress.

Modernization in Islam, as can be deduced from the Quran, has its specific meaning. Modernization is the mandate of God to man. It is the process of societal progress where the economic and technological advancement of man is accompanied simultaneously by his endeavours to identify himself with society and nature in terms of God's commands.

In other words, different dimensions of modernization, technological, economic, social and political are inseparable. Broadly speaking, any dimension of modernization cannot be thought of independently of others.

While the secular concept of modernization rests on the faith and effort of man's increasing control over his natural and social environment, it excludes God from that process. However, for Islam there is no conflict between its thought and modernization since the case of thought is man's progress. To that effect, it would be suggested that modernization in terms of the Quran could be identified as follows: modernization is the mandate of God to man. It is the process of human progress wherein the technological advancement of man is accompanied simultaneously by his endeavours to identify himself with society and nature in terms of God's commands.

67. Ibid, p.28.
Islam and Human Consciousness

Specifying man's purpose, the Quran says:

To the people of Thamud, we sent their brother Saleh. He said: O! my people, worship God: you have no God but Him. He raised you up from the earth and settled you therein to develop it. 68

"Verily, we sent down our apostles with manifest signs and sent down with them the Book and the Balance that people may act with justice; and we sent down Iron wherein is mighty power and many benefits for mankind and that God may test who will stand for Him." 69

"As for those who take a paltry price in exchange for their covenant with God and their oaths, they shall have no portion in the life to come, and God will neither speak to them nor look upon them on the day of resurrection." 70

It is evident that according to the Quran, man is the viceregent of God on earth.

The Identity of Man

(a) Man is the viceregent of God on earth. "Behold, your Lord said to the angels: I will create a viceregent on earth." 71

69. Ibid, S.LVII-25M.
70. Ibid, S.III-77.
"And behold, we said to the angels: Bow down to Adam and they bowed." 72

"Do you not see that God has subjected to you all things in heaven and on earth?" 73

"Indeed, we have honoured the sons of Adam and provided them with transport on land and sea and given them of good things and exalted them far above many of those whom we have created." 74

In brief, man is superior among all the creatures.

(b) "God has promised those among you who believe and do good works that 'he will surely make them successors on the earth." 75

It signifies that man as believer is an executant of God's mandate on earth and in the process he will control all affairs of life.

(c) "Every soul (man) is pledged for what it has earned." 76

74. Ibid, S.XVII-70
75. Ibid, S.XXIV-55.
76. Ibid, S.LXXIV-38.
"And if any one earns sin, he earns it against his own self." 77

In other words, man is responsible for himself, that is, individual as an entity has much significance.

The Scope of Man's Consciousness

According to Islam, the scope of man's consciousness incorporates his interrelationship with the total existence which is basically mankind and nature. Since the whole existence was created by God to enhance the universal purpose of man, it would imply that all his objects are commonly involved with him in his fulfilment of this purpose. 78

A. Man's identification with mankind is attributed to organic reasons. To that effect, the Quran says:

O people! Fear your Lord, who created you from a single being and created therefrom its mate and from them twain spread many men and women. 79

O mankind, We have created you from a male and a female; and we have made you nations and tribes that you may recognize one another. Verily, the most honourable among you, in the sight of God, is the best in conduct. God is all knowing, all-aware. 80

77. Ibid, S.IV-111.
78. Farghal, n.65, p.39.
79. Pickthai, n.68, S.IV-1
80. Ibid, S. XLIX-13
In biological terms, humanity is one organism and any racial, cultural or national claim has superficial meaning as against the universality of humanity.

B. Implications of identification

Man is supposed to be in full control of himself and his environment. To that end, he should maintain the free option to develop his powers at best within the process of modernization.

The Quran clearly confirms such identity of man. "I will create a viceregent on earth." 81

Islam insists that man's relation should emanate from ideology rather than tradition. In various verses, the Quran condemned those who intend to confine man within the shell of tradition.

"And when it said to them: "Follow what God has revealed." They say: "No, we shall follow the ways of our Fathers." What even if their fathers had no wisdom to guidance?" 82

C. The Dimensions of Man's Identification

(a) Solidarity among the followers is the dimension of man's identification with his fellowman or society. To that end, the Quran says:

82. Ibid, S.II-170.
And hold fast, all together, by the covenant of God and do not separate; and remember the favour of God which He bestowed on you when you were enemies and He united your hearts in love so that by His grace you became brothers... And let there by out of you a nation who invites to goodness and enjoin equity and forbid evil."

And help one another in righteousness and piety, but do not help one another in sin and transgression.

(b) The maintenance of justice, social, economic and political, is another facet of Muslim co-operation, through the adherence to *sharia* (the law of God). The Quran stipulates:

O you who believe. Be steadfast in the cause of God, bear witness in equity and do not let the hatred of others incite you to act otherwise than in justice. Be always just. That is nearer to piety. And fear God. Surely, God is aware of what you do.

O you who believe, Be strict in observing justice, as witness to God, even though it be against yourselves or against parents and kindred. Whether (the case be of) rich or poor. God is more regardful of them both than you are. Therefore, don't be passion lest you serve. And if you conceal the truth or evade it, then remember that God is well aware of what you do.

83. Ibid, S.III-103:104
84. Ibid, S.V-3
85. Ibid, S.V-8
86. Ibid, S.IV-135
(c) Because the laws of nature are adaptable to man's existence in terms of his purpose, man should identify himself with nature. The Quran stipulates "Do you not see that God has subjected to you whatever is in the earth and the ships that sail through the sea by his command?" 87

"It is the Lord who gave everything its proper form and then guided it to its proper function." 88 We did not create the heavens, the earth and all between them but for just ends." 89

(d) Man's identification with the will of God coincides with God's mandate with man's interest. The Quran makes God's attribute clear so that the believers can recognize Him properly:

Say: He is God the one, the Eternal, the Absolute. He does not beget nor is Begotten. And there is none comparable to Him.

Man is His best creation. The Quran stipulates: "We have indeed created man in the best stature." 91

87. Ibid, S.XXII-65
88. Ibid, S.XX-50
89. Ibid, S.XV-85
90. Ibid, S. CXII-1:4
91. Ibid, S. XCV-4
God's Omnipotence

And God is not such that anything in the heaven or the earth should frustrate His plan. Verily, He is all-knowing, all powerful.  

"He is the originator of the heavens and the earth. When he decrees a thing, he does only to say, Be and it is." However, though God is all powerful, His will is rational. The Quran stipulates:

And we did not create the heavens and the earth and that is between the two in play. We did not create them but with the requirements of truth and justice but most of them donot know.

Man's Identification with the Will of God

Man's identification with the will of Allah is demonstrated in his/her adherence to moral and socio-economic order as has been provided in the Quran. On the economic aspect, among other things, the Quran stipulates, "And there is no creature that move in the earth but it is for God to provide it with sustenance."

On the social aspect, the Quran, interalia states:

And among His signs is this: That He created for you mates from among yourselves that you may dwell in tranquility with them and He has put love and mercy between your (hearts). Verily in that are signs for those who reflect.

92. Ibid, S.XXXV-44.
93. Ibid, S.II-117.
94. Ibid, S.XLIV-38:39
Similarly, on political aspect, the Quran stipulates:

"O You who believe, Obey God and obey the apostle and those charged with authority among you. If you differ in anything among yourselves, refer it to God and His apostle.

Those who do not judge by what God has revealed, those indeed are the evildoers." 98 On the question of relationship with particular group of non-believers, the Quran stipulates "O you who believe, do not take my enemies on you as friends." 99

The Islamic View of Society

Social Contract

According to the Sharia, society comes into existence as a result of the agreement between man and God, the aim of which is to fulfill the mandate of God on earth. The Quran upholds man-God contract and to that effect it says:

And fulfill the covenant of God when you have entered into it; and do not break your oaths after making them firm, while you have made God your surety. Certainly God knows what you do. 100 Certainly, He who fulfills his contract and observes God's commands, truly God loves those who do so. 101

100. Ibid, S.XVI-91.
101. Ibid, S.III-76.
However, the individual has freedom to either follow it or disregard it, thus bringing in the element of individualism. "Whosoever breaks his oath breaks it at his own loss; and whoever fulfils the covenant of God, He will surely give him great reward."  

The benefits of contract are for believers and non-believers have not any share of the lasting benefits. The Quran stipulates:

Do not sell the covenant of God for paltry price. Surely, that which is with God is better for you if you only knew whoever acts righteously, whether male or female and is a believer, we will surely grant him a good-life; and we will surely bestow on such, his or her reward according to the best of his her work.

The social essence of contract is upheld by the Quran:

God commands justice, the doing of good and liberality to kith and kin and He forbids indecency and manifest evil and wrongful transgression. He instructs you that you may take lead. And fulfil the covenant of God when you have made and do not break the oath after making it firm while you have made God your surety. Certainly, God knows what you do.

In brief, the Quran commands: "O you who believe, fulfil (all) covenants".

102. Ibid, S.XLVIII-11
103. Ibid, S.XVI-95:97
104. Ibid, S.XVI-90:91
Sovereignty

God alone is sovereign. Both the de jure and de facto sovereignty is possessed by Him alone. The Quran clearly states: "He can do whatever He likes."106 Say: "To whom belongs the earth and whatsoever therein. If you know." 'To God', they will say."107

"He is God, and there is no God besides Him, the Sovereign, the Holy one."108

"The command rests with God alone. He has commanded that you shall not worship anything but Him."109 In another context, the Quran enjoins: "Follow what has been sent down to you from the Lord and do not follow the (so called) guardians other than Him".110

Since the society is formed contractually in order to implement the mandate of God on earth, political sovereignty lies in the people at large. But as God is the true sovereign society might delegate its political sovereignty to an agency to implement the contract. Through the enforcement of sharia, the Islamic society is established.

107. Ibid, S.XXIII-84:85  
Sharia

Sharia embodies the laws revealed to man by God as the source of all legislation. The primary sources of sharia are two: The Quran and the Sunna.

(a) The Quran.

In the Sharia are found directives relating to individual conduct as well as aspects of social, economic, political and cultural life. Of the 6,236 verses of the Quran, only 500 verses are of judicial interest and form the most categorical source of Islamic legislation.\textsuperscript{111}

The Quran can be divided into two parts. In the first thirteen years of the Prophet's life, the Quranic ayats deal primarily with the essence of the oneness of God. However, after migration of the Prophet to Medina, the Sharia proved to be more important in the areas of human relations.

To cite two examples from ayats:

They ask you concerning wine and gambling. Say: in both there is a great sin and also some advantages for man; but their sin is greater than their advantage. And they ask you what they should spend. Say, 'what you can spare'. Thus does God make his commandments clear to you that you may reflect.


\textsuperscript{112} Pickthtal, n.68, S.II-219.
"And they ask you concerning the orphans. Say: Promotion of their welfare is an act of goodness. And if you intermingle with them, they are your burden. And God knows the mischief makers from the reformer." ¹¹³

(b) The Sunnah

The Sunnah (the prophetic traditions) is the second source of sharia. These are basically interpretation of the Quran by the Prophet. These interpretations are applied in two ways: to explain the principles and directives of the Quran, particularly those which were not detailed, not self-evident; to practice the Quran's principles and directives in life. ¹¹⁴

Even the Quran upholds the validity of Sunnah: Say: "obey God and his Apostle." ¹¹⁵

The texts concerning sharia can be divided into two parts: (a) the first part of the sharia concerns itself with unambiguous commands like: "do this" or "do not do that". (b) the second part deals with general principles which can be interpreted according to the need of the changing time.

¹¹³. Ibid, S.II-220.


The effectiveness of sharia depends on man's conscious identification with the will of God. Hence the primary sanction for the implementations of the Sharia is man's voluntary identification with sharia.

Political Dimensions

The basis of relationship between the ruler and the ruled is contract (baya). The substance of the political contract is mutual contractual obligations between the ruler and the ruled. The ruler's essential obligations is to promote such consensus of obligation vis-a-vis God. The Quran says "We sent out apostles with clear signs and sent down with them the book and the balance (of right and wrong) that men may stand for justice".116

The ruler should receive allegiance (baya) from the whole community - that is, not only from the majority that have voted for him, but also from the minority whose votes had been cast against him, for in all communal (involving community) not involving a break of Sharia, the will of the majority is binding on every member of the community.117

On one occasion, the Prophet said: He who withdraws his hand from obedience (to the Amir - the ruler) will have

nothing in his favour when he meets God on the day of Resurrection; and he who dies without having considered himself bound by a pledge of allegiance has died the death of the Time of Ignorance (as an unbeliever).\textsuperscript{118}

Since allegiance has a purpose - the well-being of society within the context of the Sharia - the Quran says: "O you who believe, obey God and obey the apostle and those in authority amongst you".\textsuperscript{119}

The sphere of Government action, among the other things involves:

1. To impose, over and above, Zakah tax, as immutably laid down in the Quran and the Sunnah, any additional taxes and levies that may be deemed necessary for the welfare of the community;

2. to impose, whenever necessary, restriction on private possession to prevent its abuse. The Government also might rationalize the basic means of production if it is necessary to be administered by it as public utilities;

3. to subject all able-bodied citizens to compulsory military service in defence of the state.\textsuperscript{120}

\textsuperscript{118} Ibid, p.75.

\textsuperscript{119} Pickthall, n.68, S.VI-59.

\textsuperscript{120} Assad, n.117, p.70.
Individual Freedom

Obedience to the ruler is not unconditional and total.

(i) Islam does not impose any duty on the believers beyond their capabilities. The Prophet reportedly had said: "Whenever we gave our pledge to the apostle of God to hear and obey, he used to say to us: 'In so far as you are able to do so". 121

(ii) Obedience must be in the right cause. As the Prophet said, "No obedience is due in sinful matters. Behold, obedience is due only in the way of righteousness (fi Al Maruf)." 122

The authority of ruler is not unchecked. Freedom of speech is guaranteed within the above framework. Criticism of the wrong policies or even corrupt and unjust rulers is guaranteed. "The highest kind of Jihad (utmost struggle in the way of God) is to speak up for truth in the face of a ruler that deviates from the right path." 123

Organs of Government

The Sharia has not chalked out various organs in detail. However, as the institutions grew in practice and

121. Ibid, p.76.
122. Ibid.
123. Ibid.
keeping in view modern governmental practice, one can suggest the three principal organs of government, namely, the legislature, the executive and the judiciary.

(a) The Legislature

Sharia is the basic source of legislation in an Islamic state. The primary source of legislation is the Quran and Sunnah. However, as developed by the Prophet and the Caliphs, to ensure progressive legislation, two other legislative principles, namely, Ijtihad (the right of the learned individual to interpret and elaborate the law) and the Ijma (the consensus of the community), had been established. While the former principle ensures initiative and progress, the latter constitutes the element of stability and the test of the Islamic nature of a decision taken after due deliberation.124

Legislation during the period of the very early Caliphate was undertaken by the Caliphs with the collaboration of a legislative association, consisting of the prominent companions of the Prophet who were well-known for their wide knowledge of Sharia and legislation. The members of the legislative association were duly respected by all the members of the society. However, later on when Islamic empire

124. Farghal, n.65, p.159.
replaced the Caliphate, legislation was left to individual attempts of jurists and scholars in the various parts of the empire. And the Caliph was not bound even by such individual legislation. 125

Legislation is primarily a function of society. According to the Quran and hadith (Sunnah), there has not been provided any clear-cut criteria of the voters or the candidates. 126 However, legislative assembly or such form is a necessity.

The functions of such an assembly could be deduced from the Quran, the Sunnah, the usages of the very early Caliphs and the opinion and the rulings of the eminent jurists of Islam. 127 They are namely:

1. Where the explicit directive is available, the legislature will legislate accordingly. It alone can shape the sections, devise relevant definitions and details, and make rules and regulations for the purpose of enforcing them.

2. Where the directive of the Quran and the Sunnah are capable of more than one interpretation, the legislature would decide which of these interpretation should be placed in the

126. Assad, n.117, p.45.
statute book. To this end, the legislature should consist of such learned men who can interpret the Quranic injunctions.

3. Whenever there is no explicit provision in the Quran or the Sunnah, the function of the legislature would be to enact laws relating to the same, of course, always keeping in view the general spirit of Islam and where previously enacted laws are present in the books of Fiqh, to adopt anyone of them.

4. Wherever and in whatever matters even basic guidance is not available from the Quran and the Sunnah or the conventions of the early Caliphs it would imply that such matters are subject to change in the light of the requirements of every stage of social development. Accordingly, it would be due to legislation or formulation of laws without contravention to the spirit of sharia. The principle of Sharia here is being that whatever has not been disallowed is allowed. 128

The Executive

The head of the State should rule with consent. The ruler is known as Caliph or Imam. The ruler should elicit support of the masses, the ceremony is known as bay'a (pledge of allegiance).

Early examples of baya are found in the time of the Pious Caliphs. They were elected in two stages. In the first phase, the representatives of the society chose a preliminary candidate among themselves. When the candidate accepted the offer, the particular baya was over. Then the masses confirmed it in a general baya (oath of allegiance). Thus, after election of Abu Bakr, the mass of people swore allegiance to him at the congregation the next day. 129

The example of these Caliphs makes room for a presidential system of government or at least semi-presidential government. Since the chief executive is directly elected by the people and is the head of the state at the same time he is not above the law and his powers are limited by the injunctions of the Sharia.

In brief, the function of the executive is to enforce laws passed by the legislature.

The Judiciary

The primary function of the judiciary is to ensure the rule of Sharia. The jurists enjoy special status in the Islamic society. According to Ibn Khaldun, the executive and judiciary are totally separate.

129. Elwan, n.111, p.113.
During the time of Caliph Omar, the judiciary was established as separate institution and executive and judiciary were kept separate. Judges, like governors, were appointed after consultation with other leaders of the community, and were paid adequate salaries but were not permitted to engage in trade or business.130

The judiciary was independent during the time of the Caliphas. The general principles of law were applied even when the Caliph was a party. Omar wrote in his celebrated instructions to the judge of Al Basra, Abu Musa al Ashari, "let them all be equal before you in respect to the justice and your tribunal lest the powerful put their hope in your particularity and the weak despair of your justice".131

Viewed in the historical perspective, the judiciary rendered two functions in an Islamic state, namely, to settle the disputes among the people in accordance with the laws of sharia, and to give the advice to those who had certain personal inquiries about the application of Sharia regarding any relevant issues.132

131. Ibid, p.119.
132. Farghal, n.65, p.166.
Relation Between the Legislature and the Executive

There is no strict separation between the legislature and the executive. In terms of contract, the ruler and the ruled are bound together which gives place to a sort of collectivism.

Consultation is basic to political life. The word "amr" in these injunctions refers to all the affairs of a societal nature and, therefore, also to the conduct of the government, that is, beyond that, the phrase "amr-uhum shura baynahum" (as stipulated in the first verse) literally "their communal business is consultation among themselves" makes the transaction of all political business not only consequent upon but synonymous to consultation. 133

Consultation which had been made compulsory in the Quranic verses, was practised to the fullest extent during the time of the Prophet and the early Caliphs. 134

Shura (consultation) was not "merely a suggestion that two heads are better than one" but a genuine expression of idea of a government limited by the consent of the people and the rule of law. 135

133. Assad, n.117, pp.44-45.
134. Elwan, n.111, p.15.
In the context of present modern democracies, the principle can operate in a new manner. The executive should participate in preparing the legislative bills and in promulgating them and would explain that there is no radical separation between the legislature and the executive.\textsuperscript{136}

The head of the executive is bound by the legislation enacted by the legislature and also on the major questions of policy. However, the day-to-day administration is left to the discretion of the executive over which he presides.\textsuperscript{137} Similarly, though legislature is empowered to promulgate laws, in day-to-day administration of the executive, it has no jurisdiction to interfere with.

\textbf{Arbitration Between the Legislature and the Executive}

In case of difference in opinion between the executive and the legislature, the matter can be referred to a body of arbitrators – a kind of supreme tribunal.

This tribunal can (a) arbitrate in matters of disagreement between the legislature and executive, referred to by either of these two and (b) veto, on its own accord, any legislative act passed by the \textit{majlis} or any administrative

\begin{footnotesize}
\begin{enumerate}
\item[136.] Farghal, n.65, p.171.
\item[137.] Ibid, p.172.
\end{enumerate}
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measure on the part of the head of the executive, which in the tribunal's considered opinion, goes against the practices of the Quran and the Sunnah. In effect this tribunal should be the guardian of the constitution. 138

Such a tribunal is supposed to be composed of the best jurists - men having command over the Quran and Sunnah as well as fully informed on worldly affairs. These jurists might be selected by the assembly and their appointment should be for life time in order to guarantee that they would remain far from any further ambition or pressure. 139

Briefly, in an Islamic state, political power is not monopolized by any specific group; rather it is practised collectively according to the mandate of the electorate. 140

**Constitutionalism in Islam**

Western constitutionalism which is based on the division of powers into separate functional institutions would be a relevant example to be followed in the Islamic state. 141 However, the constitutional institutions, whether

139. Ibid.
140. Farghal, n.65, p.174.
141. Ibid, p.175.
of western type or any other form are not the cornerstone for establishing a political solidarity. It is rather the ideology and sharia that holds people societally together. To that end, Islam provides the idea of contract between the ruler and the ruled, which is specific and effective in comparison to its counterpart in Western thought.  

For Althusius, government is the outcome of the people's consent. The sovereignty lies necessarily in the people as a corporate body. Consequently, it is never alienated and never passes into the possession of a ruling class or family. It follows that if the government forfeits the terms of its delegation for any reason, its power should revert back to the people.

The idea of consent is similarly advocated by Locke. For him, people by consent delegate their power for protection of their lives and property to a civil power. They do so because such power is a better way of caring for these natural rights than self-help to which each one is entitled. This is the "original compact" by which men incorporate into one political society or commonwealth. This is obvious that the authority of civil power is not inherent, rather it is

142. Ibid.
derived from the individual right of each man, to protect himself and his property. The legislative and executive powers used by the government to protect property is the sum of the natural powers of all members of the society who has resigned "into the hands of the community or resigned to the public." 144

It follows then that Locke legitimized resistance in case of the government's failure to protect the inalienable rights of man to liberty, consent and his freedom to acquire and enjoy property. 145 The difficulty with this theory, in the views of Sabine and Thorson, is that Locke is not clear as to what precisely is caused to arise by the original compact. It is society itself or government alone? The fact is that he was never conclusive as to what exactly was fundamental and what was derivative. 146

Hobbes, on the other hand, contests that men are socialized by consent; it is the fear of punishment of an effect in government. In that respect, he excluded the implication of a contract being upon the ruler and described it as a covenant between individuals by which all resign self-help and subject themselves to a sovereign. Consequently

144. Ibid, p.490.
146. Ibid, pp.490-5.
to say that a body of men acts collectively really means that some individuals act in the name of the whole group as its accredited agent or representative. Without such agent, the collective body of men has no existence whatsoever. Hence, Hobbes argues that it is not the consent but "union" which makes a corporation. The "union" here means the submission of the wills of all to the will of one. The will of its head is to be received for the will of all its members. It implies that society is mere a fiction. Accordingly, Hobbes concluded that any distinction between society and the state or the state and government is merely a confusion. The point of criticism is that unless there is a government, an individual with a tangible power to enforce their will there is neither state nor society but literally "headless multitudes".147

This explains that all social and political authority is concentrated in the sovereign and his authority is unlimited. There is no other authority except by his permission.

It follows equally, however, that resistance will, in fact, occur when government fails to produce that security which is the only reason for subject submission. Hence, if resistance is successful and the sovereign losses his

power, he *ipso facto* ceases to be sovereign and his subjects cease to be subjects. The subjects are thrown back upon their individual resources for self-protection and may rightly give them obedience to a new sovereign who can protect them. There was no room in Hobbe's theory for any claim of legitimacy without power and it was this which gave offence to members of royalties. 148

Rousseau took a stand which is different from Althusius Hobbes and Locke. Rousseau considered the idea of contract as meaningless and misleading. He viewed that the contract, which emanates from the general will, has nothing to do with the rights and powers of the government since the latter is merely the people's agent and so devoid of independent power that could be party in the contract. The Government as an agent implies a delegated power which could be withdrawn or modified as the will of the people dictates. But Rousseau was clear in confirming that delegation of power to the government does not mean whatsoever that the people as a corporate body have delegated their sovereignty to such Government. Rousseau rejected any form of representative government since the sovereignty of the people cannot be represented. To him, it follows, only free government is a direct democracy. 149

148. Ibid.
149. Ibid, p.544.
Like Rousseau, the idea of general will is advocated by Hegel also. Hegel conceived that the general will is the spirit of the nation expanding and embodying itself in a national culture and creating its organs in a historical constitution.\footnote{150}

In the foregoing discussion, the disagreement among the political thinkers about the essence of the relationship between society and Government can be observed. Consequently, the idea of the contract in that context becomes ambiguous. Lack of a universal ideology is primarily responsible for this ambiguity. This dilemma leads Western constitutionalism to emphasize the function of the constitutional institutions in terms of power and the mechanism of horizontal and vertical separation between them instead of occupying themselves with the scope of the ideology that stands behind these institutions. In doing so, constitutionalism becomes almost a game of power-politics where the consent between the people and the political power is remote.

As opposed to the Western idea of constitutionalism, Islam insists that man is of contractual nature which is manifested in his contract with God. When God created man, He provided him with a free will; accordingly, he could voluntarily accept or reject the mandate of modernizing the

\footnote{150. Ibid, p.546.}
earth. In case of acceptance, man concludes a contract with God. In doing so, he enters into a societal contract with his fellowmen aimed at establishing a society where the mandate of God is fulfilled collectively. One of the aspects of such a fulfilment culminates in the decision of the members of the society to delegate by consent their political power to the ruler.\textsuperscript{151} Such delegation takes the form of a contract between the people and the ruler. Hence, the authority of the ruler is not inherent but rather delegated by the society. It is natural that the ruler would observe fully the conditions of such delegation. The consciousness of the ruler and the ruled with such a coherent meaning of the contract between them is indeed the essence of constitutionalism.\textsuperscript{152}

Applying the above concept of constitutionalism, Islam provides \textit{sharia}, a source of legislation that could regulate the necessary requirements of the society. Thus, the political power is not entitled to legislate in contravention of the spirit of \textit{sharia}.

To sum up, Islam provides only the general broadlines of the system of Government. Islam's approach to government system is merely in broad terms since the details can be worked out in the spirit of Islam in the changing times and keeping in view the overall change of polity and society.

\textsuperscript{151} Farghal, n.65, p.180.
\textsuperscript{152} Ibid, p.180.