

Federalism and Islam: New scholarly perspectives

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Presentation

The book on Islam and federalism, just published in Baghdad, provides the first serious scholarly assessment in the Middle East. Considering the importance of the balance sought between center and regions, and between socio-political constituencies, the book is bound to

trigger criticism. Such criticism is welcome on such a fraught topic, so long as the passion that is bound to accompany the debate is kept second to the serious constitutional questions raised by the topic. The Daily Star law page is thus particularly pleased to present excerpts from the book's conclusion.

Born in 1963, Hasan Bahr al-'Ulum is the scion of a learned family also steeped in active politics. The nephew of Muhammad Bahr al-Ulum, his father, Izzeddin, was a leading Najaf scholar who was executed in 1991 by the Hussein government along with 21 other close aides and relatives. Hasan joined the hawza in Najaf in 1976, studying with Ala al-Din Bahr al-Ulum and Rida Khalkhali, both killed in 1991, and with Muhammad Taqi al-Khui who was assassinated in 1994. He also studied with the leading marja, Abulqasem al-Khui (d. 1992), but he left after the 1991 uprising against Saddam Hussein for Iran where he studied with a number of prominent Qum leaders, foremost Sheikh Mustafa al-Harandi who features prominently in this book as the proponent of a new, individual-based concept of government.

Hasan left Iran in 1994 for London, and spent some time in Canada after 2001 before returning to his teaching and studying in Najaf in 2003. A prolific writer on topical subjects, a particularly important book is a study of non-violence from an Islamic perspective, *Mujtama al-la unf: dirasa fi waqe al-umma al-islamiyya* (The non-violent society: study in the shape of the Muslim community), published in Kuwait in 2004. The following text concludes the book on Islam and Federalism.

1. Federalism in its long recorded history is a style and a method which humans have adopted a long time ago, possibly even prior to the advent of Islam, and is but one of the experiments for coexistence in-between extension of influence and control, and the improvement of the structural construction of society.
2. The topic of a federal order has come a long way from both the theoretical and practical perspectives. Advanced as well as developing nations have adopted its mechanisms and programs, but current space and time have positioned Iraq as a

particularly adequate model for it, especially in view of the confessions, nationalities, sects and factions that comprise the country.

3. The vastness of the Islamic state established by the Prophet, in turn established the bases of the federal system. We saw this clearly in the provinces, which are politically subject to the center, with the right to decide several aspects of local administrative rule.

4. Islam aimed in its adoption of the style of the federal system to achieve two objectives. The first is the confirmation of the federal principle and its legitimization. The second is to protect and respect the rights of various religious minorities in the Islamic state, to guarantee their right to practice their own rituals and worship, so as to retain the social and national [ethnic] habits and values in a general framework that doesn't conflict with retaining the general outward expressions of Islam.

5. In its political program, Islam has gone a long and important way in grounding the system of the state, as well as the person who stands as the head of the state. But the problem we have confronted after the disappearance of the Imam (peace on him) was the variety of opinions and their divergence. We therefore need a legal and historical method that gets to the kernel point around which we can position ourselves.

6. In my study of the theories of government in Islam, I have found most evidence available in these theories lacking, which has triggered my curiosity as an investigator who appreciates the greatness of Islam. I have discovered in the theory exposed in the "rule of the person over his own self," the one most appropriate to rest the federal system on. [This principle, in Arabic *wilayat al-insan ala nafsih*, is attributed by Bahr al-Ulum to his master in Qum, scholar Harandi. It is set in the book against other *wilaya* theories, especially that proposed in Iran as *wilayat al-faqih*, and propounded by the late leader of the Iranian Revolution, Ruhullah al-Khumaini.]