

**STRUGGLE FOR PRESERVATION OF
ISLAMIC VALUES:
THE CASE OF PATTANI MUSLIMS
IN THAILAND**

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Pattani is the historical name of the southern part of Thailand, formerly known as Siam. This area consists of four provinces. Tala, Pattani, Norathiwat and Satun. Indeed the name Pattani came from the Pathan inhabitants who had settled in the area in 16th century(1). These people came from the Northern Areas of Pakistan. The Pattani area has a population of about three million people. Ninety percent of these people are Malay and believe in Islam. Due to this religio-ethnic background they are culturally nearer to Malaysian Muslims than to Thai Buddhists(2).

Historically, the records of the Langkasuka state in southern Thailand are traceable in 2nd century A.D. It was a famous trade centre in Malay Peninsula with its people believing in Buddhism(3).

In 13th century this state had relations with the northern part of today's Thailand. Meanwhile Islam was spreading in the

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 75. Ibid., Al-Hajj, Surah XXII, verse 37.
 76. Al-Haj Maulana Fazlul Karim, *Mishkat-ul-Masabih*, vol.II, Lahore, 1939, p.577.
 77. Ibid., p.577.
 78. Shaukat Ali, op.cit., p.47.
 79. *The Holy Qur'an*, An-Nisa, Surah IV, verse 59.
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 81. Ibid., Hadith No.251, p.189.
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45. Ibid., Muhammad, Surah XIVII, verse 23.
46. Ibid., Al-Anfal, Surah VIII, verse 39.
47. Ibid., al Ma'idah, Surah V, verse 33.
48. Ibid., Al-Baqarah, Surah II, verses 190-193.
49. Ibid., Maryam, Surah XIX, verse 33.
50. Ibid., Al-i-Imran, Surah III, verses 103-104.
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60. Ibid., Al-Imran, Surah III, verse 26.
61. Ibid., An-Na's, Surah CXIV, verse 2.
62. Ibid., Al-Hashar, Surah XLIX, verse 23.
63. Ibid., An-Naml, Surah XXVII, verse 62.
64. Ibid., al-Imran, Surah III, verse 26.
65. Ibid., Surah V, verses 17-18.
66. Ibid., Al-Anbiya, Surah XXI, verse 105.
67. Ibid., An-Nur, Surah XXIV, verse 55.
68. Muhammad Asad, op.cit., p.41.
69. *The Holy Qur'an*, An-Nisa, Surah IV, verse 59.
70. Ibid., Al-Hujurat, Surah XLIX, verse 13.
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should be organized according to the direction of the Prophet (peace be upon him), through whom the will of God is revealed to man. The Qur'an aims at creating an ideal society in which good prevails over evil and in which the laws of God are generally obeyed. It promises to bestow the governance of the earth to those only who follow in the foot-steps of the Prophet (peace be upon him) and practise piety and do justice. Again the Qur'an says that the Muslims should settle their affairs by mutual consultation which directs the Prophet (peace be upon him) to take counsel of the Muslims in matters of state. It should be noted here that it is the basic principle in Islamic jurisprudence that the verses of the Qur'an and the traditions of the Prophet (peace be upon him) constitute a decisive argument in favour of establishing a legal rule according to *Shari'ah*. Although the Qur'an has stressed in clear cut terms that organised machinery of government is indispensable for the ultimate good of the community. But in matters where the jurists did not get sufficient material from the Qur'an to construct a detailed version of a political concept they turned to *Sunnah* and the traditions of early disciples of Islam to realise their purpose. Consequently, the fabrication of traditions was indulged in, on a large scale, and not only traditions of the Prophet (peace be upon him) but also of the companions and successors were invented abundantly and skillfully. It can be concluded that in an Islamic society all the problems are solved in the light of the Qur'an and the *Sunnah*. However, in some matters the Qur'an is brief and concise and avoids details because it does not aim to create a state but creates a peaceful society. Hence, whatever form and shape the state adopts, if the concept of Qur'anic society is realized in it, it will bear the designation of the Islamic state (83) in which the God's promise is realized that the true muslims shall be the inheritors of the earth.

not one in disobedience (to Allah), but if an act of disobedience (to Allah) is imposed one should not listen to it or obey it (80).

It is also essential in a Muslim polity that when the majority of community has decided to entrust the government to a particular leader, every Muslim citizen must consider himself morally bound by the decision even if it goes against his preferences. If the *Amir* conforms to the *Shariah*, he has a claim to the allegiance of its citizen in consonance with the words of the Prophet (peace be upon him) as narrated by Abu Huraria:

Whoever, obeys me, obeys Allah, and whoever disobeys me, disobeys Allah, and whoever, obeys the ruler I appoint obeys me, and whoever disobeys me. p.189. (81).

Political system in its final analysis is a fundamental necessity of human society. Hence, the maintenance of law and order, the development of peaceful social and economic relationship and the elimination of mutual aggressiveness are only possible when there are certain laws respected and obeyed by one and all. This necessitates the creation of any authority which should be vested with the duty of maintaining law and order and which should claim due adherence to the laws enforced by it. This concept is endorsed by the Holy Qur'an which says "obey God, and obey the Prophet, and the *Uli-al-Amr* from amongst you (82)". Further the Qur'an is very clear and definite about all fundamental problems; for instance, the articles of faith, the forms of religious worship, laws of matrimony and inheritance, distribution of booty, prohibition of usury, rights and obligations of husband and wife etc. The laws of God are given and enforced through a Prophet (peace be upon him) who interprets and demonstrates them. The system that is evolved out of these laws is called a religious state. The aim of this state is to look after the good of man in this world and the world hereafter. The injunctions of God are intended to guide the mankind in all his activities - matters of worship, material transactions and state affairs. It demands that the administration

should be the people of understanding and insight (*Ulu al Albab*) alive to the sociological requirements of the community and its working affairs in general. In others words, education and maturity are indispensable qualifications for *Majlis-e-Shura* (77). Thus the democratic form of government at large, with an elective chief as its head, is the fundamental rule in Islam. In an Islamic state there must be continuous temporal legislation. For this purpose *Shariah* has provided general principles only and no detailed laws. According to the practice of Islam, the legislative work of the *Majlis-e-Shura* will relate only to matters of public concern and community welfare. It can have requisite legislation on the problems on which the *Shariah* is entirely silent. Moreover, about which neither a detailed ruling nor even a general principle has been formulated in the *Nusus*. But in any case legislation may not contradict the spirit of Islam i.e. the *Nusus* of Qur'an and *Sunnah* (78).

OBEDIENCE

Obedience to a properly constituted Islamic state is a basic religious duty for the Muslims. It is Qur'anic command:

"Obey God and obey the apostle and those in authority from amongst you (79)".

Obedience to the Government is, of course, a fundamental principle of citizenship, recognized by all civilized communities. But it is important to note that within the context of an Islamic Policy this duty remains a duty only so long as the government does not legalize action forbidden by *Shariah*, or forbid actions which are ordained by it. Such a contingent obedience of the Government ceased to be binding on the community, as clearly stated by the Prophet (peace be upon him) as narrated by Hazrat Abdullah:

A Muslim has to listen to and obey (the order of his ruler) whether he likes it or not, as long as his orders involve

(black) slave whose head looks like a raisin (71)". Constitutionally, the head of Islamic state is granted absolute powers and final verdict should rest with him. In the light of this statement, al-Mawardi infers that *Imam* as the head of the state is entitled to nominate the members of the *Shura* (72).

WHAT FORM OF GOVERNMENT IS FAVOURED BY ISLAM

The Qur'an itself has laid down that in a Islamic state the "government is by counsel among themselves (73)". The Holy Prophet (peace be upon him) is also directed: "to take the counsel of the Muslim in matters of state (74)". It shows that Islam attaches great importance to counselling. It is incumbent upon a good Muslim to take others' counsel in times of need (75). The *nass* injunction of *Shura* is regarded as the fundamental operative clause relating to statecraft. It is evident from the context that the expression "among themselves" refers to the whole community. Hence, the legislative assembly or the *Majlis-e-Shura* must be truly representative of the entire community. Such a representative character can be achieved only through free and impartial election. Secondly, all legislative powers must be vested in that elective body. Islam says good-bye to monarchical form of government established on hereditary or dynastic basis and welcomes the state established in its stead of true democratic form through elections, which provide the best available man in the state as a ruler, assisted by a consultative body composed of the best and pious men available (76).

QUALIFICATIONS AND LEGISLATIVE POWERS OF THE MEMBERS OF MAJLIS-E-SHURA

The members of the *Majlis-e-Shura* should possess a good working knowledge of the *Nusus* of Qur'an and *Sunnah*. They

Allah has promised to those of you who believe and do good that he will certainly make them rulers on the earth as He made rulers those before them (67).

This verse also hints at the establishment of the kingdom of Islam. There can be no fully Islamic life without an Islamic state and no state can be termed truly Islamic unless it is administered by people who submit willingly to the divine law of Islam. The persons who hold supreme authority in the Islamic state and are responsible for the shaping of its policies should always be Muslim and it should not be de-facto, by virtue of their majority in the country, but also de-jure, by virtue of a constitutional enactment (68).

HEAD OF THE STATE

According to the requirements of Islamic law, the leadership of the state must be of an elective nature. In this respect the Qur'anic expression, "from amongst you (69)" means the same. The principle of "popular consent" presupposes that the government as such comes into existence on the basis of the peoples' free choice and is fully representative of this choice. When the *Ummah* is going to elect their *Amir*, they must be conscious of the fact that he should be the wisest and most righteous person among them. Further it must be considered whether he has been chosen on the ground of his superior wisdom and righteousness. Moreover, it should be guaranteed that his decisions in the state affairs will be in the best interest of the people at large. It is also a fact that the head of an Islamic state must be a Muslim. Beyond that ruling, another qualification is mentioned in the Qur'an i.e., "behold, the noblest of you before God is the most righteous of you (70)". It may be interpreted that the *Amir* must be chosen on merits alone had this precludes any consideration of race, family, origin or previous social status. As narrated by Anas bin Malik, the Prophet (peace be upon him) said: "Allah's Apostle said, you should listen to and obey, your ruler even if he was an Ethiopian

All scholars of law and politics agree that sovereignty of God is the sole determinant of public policy in a Muslim state. It is also related to the above concept that man is the vicegerent of God on earth and he derives the powers of sovereignty ultimately from God. The Qur'an verified it as:

- i. "God is the real ruler of the world. His law is supreme while man is His vicegerent (63)".
- ii. "Say, O 'God, Lord of sovereignty. Thou pleasest, and takest away sovereignty from who thou pleasest. In thy hands is all good: for thou hast power over all things (64)".

The same sense is conveyed in the Qur'anic verses "Allah's is the sovereignty of the heavens and the earth and all that is between them (65)".

WHICH PEOPLE ARE BLESSED WITH THE REINS OF GOVERNMENT

When it is clear that all of the sovereign powers are blessed by Almighty God, the question arises to whom. He is pleased to bestow the sovereign powers in the shape of Government or administration. The Qur'an replies: "As for the land, My righteous servants will inherit it. This is a message to a people who are righteous (66)". It is abundantly clear that the righteous servants of God who are just and kind are given ruling powers and administrative charges. They continue to hold the reins of government till such time as they remain righteous and just. As soon as they fall into evil ways, become engrossed in luxuries and inflict oppression on the subjects under their care, there arise signs of their downfall: till they are totally crushed to give place to a new people who are more just and righteous.

In the following Qur'anic verse these deserving species have been referred:

V. ENFORCEMENT OF ISLAMIC LAW

It is the basic duty of an Islamic state to make the law of Islam, the law of the land. The foremost duty of such a state consists in enforcing the ordinances of the *Shariah* in the territories under its jurisdiction. The obligation has been further stressed in the verse: "Those who do not judge by what God has revealed - those indeed are the evildoers (55)". Hence, no state can be deemed genuinely Islamic unless its constitution contains an enactment to the effect that the law of the *Shariah* bearing on matters of public concern shall form the inviolable basis of all state legislation (56). It is also necessary to point out that no Islamic state can legislate in a manner that would run counter to the letter and spirit of any *Shariah* law. According to the Qur'anic verse "it becometh not a believing man or a believing woman, when Allah and His messenger have decided an affair (for them), that they should (after that) claim any say in their affair; and whose is rebellious to Allah and His messenger, he verily goeth astray in error manifest (57)".

THE CONCEPT OF SOVEREIGNTY AND VICEGERENCY

The important feature of the Muslim polity is that ultimate sovereignty belongs to God and that the concept of Godhead is pivotal to the ideology of Islam. As the Qur'an says that "unto Allah belongs the East and the West, and whither soever ye turn there is Allah's countenance. Lo Allah is All embracing, all knowing (58)". There are several verses in support of God's control and His indisputable sovereign authority over the universe. Some of them are listed below:

- I. The lord of the worlds (59).
- II. The owner of Sovereignty (60).
- III. The king of mankind (61).
- IV. The sovereign Lord (62).

II. *UNITY AND COOPERATION*

The goal of an Islamic state is to provide a political framework for Muslim Unity and cooperation. The Qur'anic verse emphasized "Hold fast, all together, to the covenant of God and do not separate (50)". This universal principle leads to mutual understanding and brotherhood among the Muslim community like the Qur'anic words "the faithful are but brethren (51)". the Prophet (peace be upon him) has enhanced its importance by saying as narrated by Abu Musa: "A believer to another believer is like a building whose different parts enforce each other (52)."

III. *CONCEPT OF A WELFARE STATE*

It is one of the teachings of Islam to establish a welfare state under Qur'anic guidance, wherein every individual may enjoy freedom and dignity, where every person may find as few obstacles as possible and as much encouragement as possible in the development of his personality, wherein, the Muslim men and women should realize the ethical goal of Islam not only in their beliefs but also in the practical sphere of their lives, wherein the minorities have complete physical security as well as complete freedom of religion, culture and social development. Wherein, the citizens may find full opportunities to uplift their social and economic position and wherein, the universal rule of law, justice and peace will provide them complete security (53).

IV. *EQUITY AND JUSTICE*

The main purpose of an Islamic state is the growth of a community of people who stand up for equity and justice, for right and against wrong. The prevention of injustice and the establishment of justice on earth are the ultimate objectives of Islam. It is the Qur'anic injunction: "you are the best community that has been sent forth to mankind; you enjoin right and forbid wrong and you have faith in God (54)".

Political organisation is a fundamental necessity for human society where mutual interests provoke clashes among themselves. From the very beginning human nature is so much dangerous to peace and harmony that the angels prayed to God "not to create man because he would shed his followers blood and cause disorder" (40). To ward off such a danger and to control situation, there must be a paramount authority which could extract legitimacy and allegiance from the bulk of the population. It can watch the wicked, punish the wrong doer and reward the honest and just (41).

THE OBJECTIVES OF THE ISLAMIC STATE

According to the Qur'anic concept there are several obligations on the Islamic state as given below:

I. PEACE AND TRANQUILITY

Maintenance of peace and tranquility is the basic objectives of an Islamic State. Qur'anic Politics abhorred mischief and disorder (42). Its admonition to maintain peace and to counteract the "natural animosity of man towards man (43)" is repeated at a number of places. Disorder is regarded as "worse than murder (44)" and those who provoke it deserve "the curse of God (45)". According to the Qur'anic saying, the state must try to end it by peaceful means, but if necessary, to strike at its roots by force of arms (46). In view of the importance attached to peace and tranquility, God has ordered that those who cause political turmoil should not be obeyed but should be killed or banished, as their action is likely to cause "war against God and his messenger (47)". It is also the Qur'anic injunction to wage war against the wrong doers, and the sword should be sheathed the moment they desist and the rule of Divine Law is again supreme (48). It is relevant to note the Prophet Abraham prayed to God soon after constructing Ka'ba "to make the city of Makkah a haven of peace and prosperity for ever (49)".

There was a perfect judiciary with quick justice. Defence system also existed under which infantry and cavalry were organized. After Qusai's death in 480 A.D., the departments were redistributed and these changes continued till the seventh century A.D. (36). Just before the emergence of Islam, the number of departments was doubled. It was in this socio-economic and religio-political milieu that Muhammad the Prophet of Islam (peace be upon him) was born.

THE ISLAMIC CONCEPT OF ADMINISTRATION IN THE LIGHT OF QUR'AN AND HADITH

A political organization is a fundamental necessity of man on this earth. The Qur'an has emphasized in very clear terms that organized machinery of government is indispensable for the ultimate good of the community. Qur'an indicates the need of the government in the following verses:

- i. "Retaliation is prescribed for you in the matters of the murdered" (37).
- ii. "Lo-Allah commandeth you that ye restore deposits to their owners, and if ye judge between mankind, that ye judge justly" (38).

Moreover, Islamic *Shari'ah* is a comprehensive code delineating broad and general principles of social organization for the *Ummah* and without administration this code could not be made operative in the daily life of the human beings. Basically the Qur'an aims to create an ideal society in which good prevails over evil and the will of God is revealed to man. If such a Qur'anic society is realised, it may bear the designation of the Islamic State (39). In an Islamic state maintenance of law and order is based on the injunction of God through the agency of the Prophet (peace be upon him). The aim of this state is to look after the welfare of mankind in the world, as well as in the world hereafter.

THE CITY STATE OF MAKKAH

The city of Makkah was distinguished by Kaba which was a symbol of unity and religious importance for the whole Arab tribes. It had a good geographic location and was situated on the Southern Arabian spice road to the North. In the fifth century A.D. Qusai a brilliant person from Quraish, united his clan and organized the city in a very scientific manner. He divided the government into five departments and the responsibilities were assigned to the prominent branches of Quraish. From the notable family chiefs who were the heads of different branches of government, the most aged person had the honour to preside over and was called the *Rais-e-Makkah*. The last *Rais* was Abdul Muttalib, the Prophets' (peace be upon him) grandfather. So in Makkah there was a kind of oligarchy of the ruling families with minimum authority for the *Sheikh* and with maximum of individual freedom. Lewis had also supported the above mentioned system as he wrote: "Quraish had only recently emerged from nomadism and its ideal was still nomadic - a maximum of freedom of action and a minimum of public authority. (30)".

The people of Makkah had delegated their powers to a body of elders named *al-Mala* (31). *Mala* had to depend on persuasion and moral pressure. The city state had its own Secretariat and Assembly Hall, '*Daru-n-Nadwah*'. The general meeting of the citizens (*Nadwa-e-Qaum*) used to be held in the court of the Kaba where all affairs of general interest were discussed (32). The government of Makkah can be described as a merchant republic governed by a syndicate of wealthy businessmen (33). There were cooperative undertakings organized by Syndicate. The organized trade caravans in which every citizen could invest his money (34). The foreign office *Sifarah* negotiated with the adjoining empires and obtained permits for free passage of their trade caravans. The government levied a tithe on the foreign merchants. There must have been a rudimentary system of archives in which the treaties of the alliance and commerce could be preserved and an equivalent of a office for charging and collecting taxes from foreign traders (35).

follow rather than lead the tribal opinion. His government was of arbitration rather than command. Rights and obligations were attached to the individual families within the tribe but for no one from outside. He could neither impose duties nor inflict penalties. He possessed no coercive powers and the very concept of kingship and public penalties etc. was unknown to the Arab nomads. He was advised by a council of elders, which was called '*Majlis*'. He had to take his decisions in that council. The *Majlis* (26) was the mouthpiece of public opinion. In the Holy Qur'an the term Bedouin is used in the sense of desert dwellers and never of the townfolk. An Assyrian inscription of the eighth century B.C. negated any officers or officials among the famous tribes of Thamud and Ibadid. The political organization of the tribes was rudimentary. It is a fact that there was no elaborate machinery of government. Anyhow, Bedouin Arabs had a perfect judicial system based on their time honoured customs and practices. Blood vengeance was the first obligation of the fellow tribesmen. The tribal life was regulated by the *Sunnah* or practice of their ancestors. These prevailing customs were the precedents for smooth administration of tribal community and it had found the sanction of public opinion (27). The Beduin tribes had a socialistic concept for economic sources, such as pastures, water sources and even flocks (28). Only moveable property was subjected to personal ownership. That concept was developed due to environmental facilities, lacking in the desert and for sustaining life in such challenging circumstances.

Among the desert dwellers, the Oasis communities had formed some rudimentary political organisations. Often the most capable family succeeded to establish a kind of petty kingship over its inhabitants. Sometimes the rulers of an Oasis with his tribal strength might obtain control over the neighboring Oasis and established a petty empire. In the Oasis, the kingdom of Kinds flourished in the late fifth and early sixth century in Northern Arabia. It was too big to extend its authority over the border states. The kingdom has left prominent impression on the Arab history (29).

the states of Nabateans and Palmyre have great importance (18). The kingdom of Nabateans with its capital at Petra flourished between 169 B.C. to 105 A.D. Here the first king was Harith (19). The state of Palmyra flourished from 262 A.D. to 275 A.D. Its first king was Udhania. Both of the states were established at the starting point of the western trade route. These kingdoms were recognised by all the Roman emperors. They served as buffer states between Eastern Rome and the untameable Arabian desert. They had friendly relations with the Roman empire and served as its vassals. Later on these kingdoms met the same fate and were destroyed by the Romans (20). From the very beginning these two states were under the influence of the hellenised Arabic Culture (21). So it is easy to conclude that they borrowed the same monarchic system in their administration as prevailed in the Roman empire with the exception of the system that preserved their birth born liberties and suited their natural instincts. Some Assyrian, Biblical and Persian sources including some Qur'anic verses have referred to utmost development in their administrative department i.e. irrigation, agriculture, trade, commerce, public works, buildings, architecture, painting, coinage and defence etc. The other states appeared during the Hellenistic period in the interior part of defence etc. The other states appeared during the Hellenistic period in the interior part of Arabia. These were the states of Lihyan and Thamud. Both were under Nabatean Suzerainty but later on they got independence (22). The king of Thamud was known as Saba-e-Thamud and the state administration was based on the pattern of ancient Sabeen kingdom. Both of the states made remarkable progress in the fields of trade, agriculture, shipping and fisheries.

The Northern tribes of Banu Adnan were known as Bedouins. These clans were coalesced into tribes and tribes had formed into confederacies (*al-Ahlaf* 23). Each clan or tribe had its own head *ash-Sheikh*. He was elected by the elders of the tribe usually from amongst the members of a single family (24). The Bedouin society was thoroughly democratic in spirit so there was no chance of using dictatorial authority (25). The head had to