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**ABSTRACT**

**The State and Governance Policy in Islamic Jurisprudence**

*الدولة و سياسة الحكم في الفقه الإسلامي*

This work is considered a serious attempt to defend Islam and to present its intellectual perspective on the Islamic state, as well as its organs, systems and laws since the establishment of the first Islamic state in Medina. The book has a table of contents, an introduction, and unorganised chapters. It has no bibliography, though its topics are wide-ranging.

On the basis of Islamic jurisprudence, al-Husari identifies the method of establishing Islam and implementing it with set goals in the state. He examines all functions of the state and emphasises that Islam, which is motivated by the struggle against injustice, subjection, tyranny and slavery, defines state authority. The head of state has both rights over and responsibilities to the people he governs.

All citizens in the Islamic state also have rights. Islam is a religion which values order, authority, hard work and productivity. In some regards, women have rights in relation to men; in others, they have rights of their own account. Men act as guardians of women.

Al-Husari also identifies the elements of the state as portrayed in law: the Qur’an and the *Sunna*. Islam is a religion of the state, so the state must be founded on Islam. Al-Husari also discusses the caliphate, including its requisite character according to Islamic jurisprudence and the prerequisites for its propagation. He looks at various branches of the Islamic state, including its administrative, judicial, operational and military functions.

Al-Husari addresses the necessity of founding the Islamic state and the role of the head of state (the caliph) within it. He describes how the caliph should be selected, when he may be removed, what authorities he is granted and the source of such authorities. He also deals with the general foundations of state strategy in Islamic thinking, both in relation to foreign and domestic policy. He looks at the role of the state in relation to non-Muslim residents, whether they are free (*dhimmis*) or living under Islamic state protection. He examines the Muslim attitude to self-assessment in this area.

Al-Husari has attempted to include everything related to Islamic state politics and governance from an Islamic juristic perspective. He examines relevant laws and the practicality of implementing the Islamic system. His work would have benefitted from a clearer structure and more detailed treatment of individual topics. He deals with these topics in a somewhat disjointed, unsystematic way. For example, to respond to Orientalists and critics, his work might have drawn comparisons between the Islamic and non-Islamic state. More historical research is required to demonstrate the advantages of Islamic rule.

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Translated by John Peate