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THE CONCEPT OF ISLAMIC STATE THROUGH PROPHET MUHAMMAD'S POLITICAL EXPERIENCE

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Abstract

After the demise of the Prophet Muhammad, Muslims faced with a huge crisis of political legitimacy. As a matter of fact, the disputes, riots and civil wars that broke out during the reigns of Caliph Osman and Ali and the assassination of three of the four caliphs, considered as Rashidun Caliphs, are the important indicators of the political crisis in the Islamic society after the Prophet. The root of this political crisis is the question of who will gain the leadership and how to lead the Islamic State, alleged to be found by Prophet Muhammed. The main purpose of this study is to criticize the historical validity of the claim that an Islamic State was established under the leadership of Prophet Muhammad. In this article, it is discussed whether the elements of the period of Asr-ı Saâdet (The Era of Prosperity), which constitute a historical background to the discourse of the Islamic State, presents a state form within the conditions of the era, and the essence of Prophet Muhammad's political experience is evaluated.

Keywords: Islam, Islamic State, state, Prophet Muhammad, Madina Charter.

HZ. MUHAMMED'İN SİYÂSÎ TECRÜBESİNİN IŞIĞINDA İSLÂM DEVLETİ KAVRAMI

Öz

Hz. Muhammed'in ölümünden sonra Müslümanlar, büyük bir siyâsî meşrûiyet kriziyle karşı karşıya kalmıştır. Nitekim Halîfe Osman ve Ali dönemlerinde patlak veren anlaşmazlıklar, isyanlar, iç savaşlar ve Hulefâ-yi Râşidin olarak kabûl edilen dört halîfeden üçünün sûikast sonucu öldürülmesi, Peygamber sonrası İslâm toplumundaki siyâsî krize işâret eden önemli göstergelerdendir. Bu siyâsî krizin kökeninde, Hz. Muhammed tarafından kurulduğu öne sürülen İslâm Devleti'nin liderliğini kimin, hangi usûllere göre yapacağı sorunsalı yatmaktadır. Bu çalışmanın temel amacı, Hz. Muhammed'in önderliğinde bir İslâm Devleti kurulduğu iddiasının târihsel geçerliliğini irdelemektir. Makalede, İslâm Devleti söylemine târihsel arka plan oluşturan Asr-ı Saâdet döneminin ihtivâ ettiği unsurların, dönemin koşulları içerisinde bir devlet formu sunup sunmadığı tartışılmakta ve Hz. Muhammed'in siyâsî tecrübesinin mâhiyeti ele alınmaktadır.

Anahtar Kelimeler: İslâm, İslâm Devleti, Devlet, Hz. Muhammed, Medîne Vesîkası.

Introduction

The emergence of Islam in the Arabian Peninsula created a wave of change and mobility that included many religious, political and economic aspects. The belief in Islam, which transformed the multipart political structure of the Arabs around the tribe into a more centralized form, evolved over time to a higher identity, including Arabness. Muslims became an actor capable of interfering with the world's political balance by means of the political and military organizations they established. Thus, besides forming a belief group, Islam created a powerful political wave hat affected and changed the boundaries of the Sassanid and Byzantine Empires, the two most important political powers of the period.

The turning point of Islam in gaining such a feature, was the Prophet Muhammad's escape from the trouble and pressure in Mecca; in this way, he migrated to Madina in order to find an area suitable for fulfilling his duty of preaching. After migrating to Madina, the Prophet made some political, legal, social and economic arrangements in order to end the disagreements in Madina's cosmopolitan demographic structure and gather the fragmented political and social structure composed of tribes under a central administration. Islamic society based in Madina, which had started to be a political organism under his leadership, soon dominated the whole Arabia. However, the question of whether this political agency, which Muslims gradually acquired, is a natural result of the unifying and integrative character of the Islamic faith, or a planned goal within the faith itself continues to be debated. It would not be wrong to consider the issue of making a distinction between the religious and political contexts of the roles the Prophet played during the Madina period as part of this problem. The choice between seeing Prophet Muhammad taking the leadership of Muslims as a necessity of the duty or a result of the charismatic influence arising from this sacred duty will have a direct effect on the solutions available to the Muslim political practice, even if it does not change the fact. When Prophet Muhammad's political authority is read as an absolute component of his prophecy, it becomes imperative that this role continues to be played by religious and legitimate actors after his death.

Likewise, the form and practices of the state allegedly established by it cease to be a necessity of the politics of that period and are included in the field of Sunnah-i Seniyye, which is the second most important reference of Islam. This situation confines the opportunity of Islam to establish a relationship with modern politics to a historical experience and blunt the liberty that they need to overcome the political crises experienced by today's Muslim society.

In this study, firstly, how the concept of state finds a place in the Arab society in the Hejaz Region, which includes Mecca and Madina, the cities where Islam emerged and formed and what this meant, is examined. Secondly, the question of whether the political structure led by Prophet Muhammad corresponded to a state form within the framework of the conditions of the period is addressed and the historical validity of the Islamic State concept associated with his political experience is discussed.

The State Concept in the Pre-Islamic Arab Society

The phrase **zoon politikon** used by Aristotle at the beginning of his book **Politics** emphasizes the specificities of human nature to be social and political. Human nature, depicted through zoon politikon, which has turned into an axiomatic principle over time, in a sense, retains its potential for liaison with concepts such as power and the state, which fundamentally distinguishes man from other living species. Accordingly, it is possible to see the tendency of socialization where human beings exist in an effort to build a political organism depending on this tendency. It would not be wrong to evaluate the phenomenon of state as a form of political organization established in the context of the aforementioned socialization. In the words of Gauchet (2005: 36), "It is necessary to search for the origin of the state long before the moment that social integrity dissolves upon the creation of a locus of power, that is, in the urgency emerging from the moment that people get together as societies, producing the phenomenon of not being able to control one's own destiny." However, before the state, which corresponds to a socially significant transformation, the existence of societies with a divided power structure that seek their own founding principles, the origin of their organization, their own rules, traditions and reasons for their existence should not be forgotten (Gauchet, 2005: 35). In other words, the state is not the only external institution that separates the rulers and the ruled and that can make legitimate decisions on the individuals living in the society. People can establish a form of political structuring in accordance with the conditions of their time, geography, traditions and society, but this form does not necessarily correspond to the state form of that period.

The relationship established by the pre-Islamic Arab society with the notion of the state is not independent of the conditions mentioned above. The Arabian Peninsula, covered with deserts, was surrounded by seas that seemed difficult to cross in that period and was largely isolated (Hitti, 1970: 17). The geography, which does not have a convenient port other than Aden, is also unfortunate in terms of the usability of its coastline. The relatively wet and temperate southwestern part of the region and the rather dry interior parts do not differ significantly from each other in terms of the climatic conditions. The availability of water, the main difference between the south and the north of the Arabian Peninsula, was the basic factor that determines the living conditions of the region and its people. Especially in regions lacking water facilities, people led a way of life dependent on the camel. The Arabness has an ontological relationship with the desert and the camel. The climatic conditions of the region, which is mostly a dry desert land, is the main determinant of the daily life. With limited exceptions in arid regions, nomadism is the most common lifestyle. The livelihood activities that emerged in accordance with the nomadic way of life can be collected under three headings: animal husbandry, looting and marauding, all of? which are constantly in search of pasture. In a geography where there was a struggle for existence in every sense, war and long blood feuds were an ordinary

part of daily life routine. Unlike the northern and central parts, where drought prevailed, a settled culture prevailed in the southern region. This region had cities that are well built and densely populated. Minaeans, Sheba, Kataban and Hadhramaut Kingdoms are the most important starches of the region's ancient settled culture (Shahid, 2008: 3-5, Lewis, 2002: 24, Issawi, 1955: 37). In the Arabian Peninsula, there were two common lifestyles: the settled life and the nomadic life (the Bedouin life), the Hejaz Region is more preferred by nomads due to its desert-covered geography. Compared to the other parts of the Arabian Peninsula, the attempts to build a state in Hejaz occurred much later. Before Prophet Muhammad, there was no understanding in this region that exceeded the tribal system and approached statehood (Smith, 1903: 70).

Almost every individual of the pre-Islamic Arab society, who lived under the influence of the geographical conditions described above, was a member of the tribes formed by the motivation of common interest and kinship. The tribal mechanism was operated on a basis that could be described as **tribal altruism**. The spirit of federation, one of the basic requirements of this principle, connected the members of the tribe to each other with brotherhood and brought about a strong solidarity against the other tribes. The individual's values such as dignity, security and property were protected by the tribes that he belonged. According to Kennedy, this was the most acceptable route in a historical medium lacking a state-specific legal order (2004: 18). The most important factor that created a safe space for the members of the tribe and provided motivation to fight against the enemies when necessary was **asabiyya**. Asabiyya[1] was highly disruptive in terms of the possibility of bringing together a broader political organization that created a strong sense of solidarity within the tribe and was based on a geographical or ethnic basis (Lewis, 2002: 25-25, Hoyland, 2001: 113). The tribal councils, formed by this tribal aristocracy, governed the political decision-making processes, decided on the main issues that concern society, and carried out the judicial activities. Innonence and guilt were tried to be proved through oath or evidence. Due to the absence of the law enforcement agencies such as policing and criminal execution mechanisms such as prison, the individual or his tribe, who were subjected to sanction, could not recognize the verdict. In this case, the tribes who wished to establish their own justice and to provide their rights of mutilation fought each other. The tribal councils were simple political organizations, with a guiding and regulatory character, rather than a structure that made absolute mandatory decisions. The person or delegation with the qualification of arbitration would be expected to stand out with nobility, honor, experience, honesty and leadership. (Hoyland, 2001: 122-123). In addition to preserving resources, unlike the governmental structures that distributed and managed them through their central and hierarchical institutions, the tribal systems simply protected resources (Fisher, 2001: 5).

It was not possible to talk about the ideal of establishing a state in this medium, where the identity of the tribe had a meaning identical to existence and encompasses all aspects of life. As mentioned before, many of the tribes in the Hejaz Region did not have settled areas. The tribe, defeated in a war, migrated to another place. Therefore, the victor had the opportunity to expand and grow by invading

[1] Ibn Khaldun's approach to the concept of asabiyya is quite different from the traditional interpretation. While the traditional reading sees asabiyya as a character of tribal organization and gives it an exclusionary and fragmentary meaning, Ibn Khaldun focuses on supra-tribal structures and aims to create a universal transformation theory that transcends Arab society. The phenomenon of change is at the center of the political theory that created by Ibn Khaldun. According to him, this change is very slow and mostly unnoticed but irresistibly powerful. The main force that triggers and drives this change is asabiyya and this process of change ultimately results in a state (mulk). However, by the weakening of asabiyya, states also tend to weaken and finally collapse. By this theory, the transformation of power is always from weak to the strong asabiyya. (Ibn Haldun, n.d: 164,174, Kayapınar, 2006: 85, 91-94)

the region of the defeated (Akbulut, 2006: 3). In the Arab society, which had a very loose organization, the only political and social unit was the tribal alliance called **hayy** (Smith, 1903 41).

In the words of Hourani (1997: 30), the Byzantine and the Sasanian Empires, which encompassed the main regions of the settled and high culture in Western half of the world, were recognized as the two important political actors of the period, compared to this fragmented and simple political structure of the pre-Islamic Arab society. They had elaborate political structures. The legal and economic activities of both empires operated in accordance with institutions and rules. Under the absolute will of an emperor, the basis of the legal system of the Byzantine Empire in the 6th century, governed by a senate and appointed consuls, was based on the Laws of Justinian (the Code of Justinian) (Kennedy, 2004: 2). Religious, social and economic issues acquired legal content with the Justinian Laws, a reformed version of the Theodosian Laws (Codex Theodosianus) proclaimed in the 5th century (Herrin, 2007: 113). The main point to be emphasized at this point is that the Byzantines applied an ancient written legal tradition that was inherited from the Roman Law and renewed its law by producing new jurisprudence according to the needs of the age. In fact, the binding provisions related to the problems of the Byzantine subjects such as heritage, property and divorce were made through courts (Herrin, 2007: 114). Although the Empire adopted a conservative approach to trade -it was forbidden to export products such as iron, timber, salt, gold that were likely to help the enemy, it was able to implement a successful taxation policy through officers called **kommerkiarios** (Herrin, 2007: 361; Kazhdan, 1991: 1141-1142).

Just as in the Byzantine Empire, there was a central authority and a developed economic and social organization in the Sasanian Empire, which would be a model for the states established later in the region (Farazmand, 2001: 541-542). The power, which ruled the empire, consisted of dynastic members, clergymen, army commanders and nobles (Yarshater, 2006: xxi). A law book, known as **Dadastan Namak**, containing various legal issues and updated periodically, was used extensively in the administration of the state (Farazmand, 2001: 545). Through the this book, decisions related to slavery, marriage, divorce, adoption, heritage, property rights, foundations, loans, debts, adultery, theft could be made (Morony, 1984: 295).

Mecca, the city where Islam emerged, had a relatively urban organization, worthy of seeing to the services of those who came for the Hajj mission. However, it is not possible to say that Mecca was a state or a city state. It would not be wrong to compare the political situation of the city to a primitive confederation where the tribes undertook the administration of the pilgrimage in line with the power and reputation they had. (Dabashi, 1989: 20-26). From this point of view, the power of his tribe's asabiyya before Prophet Muhammad is the power of being powerful or not. Therefore, it is difficult to say that there was a political organization in the Arab imagination that transcended the powerful tribal mechanism (Watt, 1984: 89-90).

The Claim of an Islamic State and the Prophet Muhammad's Political Experience

Prophet Muhammad's divine revelation became the initiator of a radical change in terms of his own person and the society he lived in. At the first stage, Prophet Muhammad gradually expanded the circle of invitation and embarked on an open preaching activity. When the Prophet first began to spread his message openly, he was not regarded as a serious threat, even ridiculed by the Mecca aristocracy. Because in the first stage Prophet Muhammad's da'wah did not contain a direct challenge to pagan belief systems which was intertwined with the commercial and administrative interests of the Mecca aristocracy. Besides, in the first phase, Muhammed's da'wah was taking place in a very limited environment and secrecy. Also the number of his followers was so few and not enough to threaten or

challenge Mecca aristocracy in any way. But over time, Prophet Muhammad embarked on an open challenge by directly targeting Mecca's traditional beliefs and the order formed around it. At this point, the Mecca aristocracy, realized that Prophet Muhammad's mission might have consequences to change the traditional power composition. Although the leaders of Mecca first attempted to compromise with some proposals promising goods and authority, this attempt remained fruitless. When it was understood that Mohammed could not be persuaded, a violent assault and pressure started against the followers and leader of the last invitation, which was limited in number. This pressure peaked especially during the boycott years for Muslims. Those who did not have a strong family or a judge to protect them were more exposed to this violent pressure. Prophet Muhammad often felt the advantages of his family's strong patronage in this process (Ibn Hisham, 2010: 1/260-267). However, Muhammad was also aware that he would no longer be able to continue his mission under severe pressure. For this reason, he was meeting with the convoys which came to Mecca from the surrounding cities for the purpose of pilgrimage or trade and was looking for a more favorable place to carry out his duty of prophecy by communicating the revelation of Allah (Ibn Ishaq, n.d.: 314-316; Ibn Hisham, 2010: II / 38; Ibn Sa'd, 2001: I/ 184-185). This quest found a response in a small group of six people from the neighboring city, then called Yathrib. This group, coming from Yathrib, which Muhammad would call Madina after the migration, thought that the prophet who emerged in Mecca could be the solution to the political and social problems they experienced. Therefore, the first meeting that took place was not a chance meeting, but occurred as a result of a search by both parties. The Madina Arabs who were exhausted by the ongoing internal conflicts between the Aws and Khazraj tribes was weakened against Jews who largely retained power reins. Basically, the conflicts arising from tribal asabiyya sometimes led to long blood feuds, and the parties only had the opportunity to end this conflict with the mediation of influential and effective arbitrators, who were seen as problem solvers in the Arab geography at that time. However, this method was very slow and inadequate for Madina. For this reason, there was a need for a charismatic leadership that would end the internal conflict among Madina Arabs. The Jews that the Medinans lived together had been in the expectation of a savior prophet for a long time. The role of this messianic discourse in bringing together the Medinans with Prophet Muhammad was also undeniably important (Watt, 1984: 85-87).

The following year of the first meeting, called the pledge of al-Aqabah (Ibn Hisham, 2010: II / 44-46), the second pledge of al-Aqabah took place (Ibn Hisham, 2010: II / 49-51). These two pledges, which took place one after another, had distinct belief motifs, but were mostly part of the alliance relations that existed in the pre-Islamic Arab tradition. In fact, it is not an exaggeration to define this allegiance as a typical example of the alliance relations at the level of the individual or the tribe, which is common in the pre-Islamic Arab society, namely Hılf Velâsı (Cevde, 1989: 13-17).

The migration of Prophet Muhammad to Madina in agreement with a group of Medinans brought along many challenges for him as well as a relief. Muhammad was then free from the direct oppression and attacks of the Mecca aristocracy and even threatened the activities that Meccans valued the most with small raids on their commercial caravans. However, besides the possible internal and political problems that the mass migration of Muslims could bring to Madina, the problems of the Madina community were also waiting for a solution. Therefore, addressing his political experience means largely considering the years he spent in Madina. The views that depict Muhammad as a political figure that must be imitated absolutely today, start with the presupposition that he intended to establish a state at the very beginning and was successful in putting this idea into action in Madina.

For example, Maududi[2], the leader of the Jamaat-e-Islami organization, was one of the leading representatives of this view. According to Maududi, one of the purposes of sending prophets was the establishment of a state governed by divine laws (Maududi, 2006: 73). Prophets are the heads of state appointed by the God. Maududi argues that Mohammed established an Islamic State in Madina and that God had personal interventions in the establishment process of this state. Maududi also stated that Mohammed served as a president and an army commander in the Islamic State based in Madina by divine favor (Maududi 2006: 371). When it comes to the claim that Muhammed founded an Islamic State, the most important actual evidence supporting this claim is undoubtedly the Madina Charter. It should be said that while the quality of the Madina Charter as a historical text is quite controversial, there are quite sharp interpretations on the subject. Muhammad Hamidullah, who is accepted as an authority in many Islamic disciplines, is assertive enough to impose the feature of being the first constitution in history on Madina Charter (Hamidullah, 2003: 11-18).

A state, as claimed by Maududi and Hamidullah, and society led by Muhammad in Madina; and the idea that Madina Charter is also the constitutional title of this state has a very wide sphere of influence and is a postulate that is not negotiable. In this study, the issue will be opened to discussion around two basic questions:

1. Did the duty of prophethood entrusted to Prophet Muhammad involve a political institution or the responsibility of establishing a state, or was the charismatic sphere of influence and political leadership a consequence of his prophethood with the aid of his conjuncture?
2. Did the political organization that Muhammad was able to establish at that time have a functional and institutional maturity that could be called a state? If so, what kind of guidance does this structure express for today's Muslims?

When a search for an answer to the first question of the discussion is attempted, it is determined that it is not possible to come across a clear verse of the Qu'ran that imposes the responsibility of establishing a state or building a political organization on Muhammad. In some verses, it is emphasized that Muhammad's duty is to convey what was revealed to him[3], while in some verses, strong admonitions are made to believers to follow the Prophet.[4]

It would not be wrong to deduce the emphasis on the prophethood authority from all of these verses, which limit the duty of Muhammad to communicating and ordering Muslims to obey him. It is not possible to find a verse that signifies any other characteristic of Muhammad rather than his prophethood and gives him the right of coercion explicitly, which is one of the essential requirements of ruling.The dilemma of the view that claims that Muhammad was given the task of establishing a state in addition to his duty of notification begins at this point. If Muhammad was given the duty of establishing a state by divine power, the privilege of using force on his followers should also have been given (Dabashi, 1989: 37-38).

[2]The historical environment in India has undoubtedly an important role in the formation of Maududi's views, in which he evaluates the Qur'an that presents God as the absolute sovereign in both the otherworldly and worldly spheres, in a political context and ascribe a political mission to the prophets.

[3]See: Sâd 70, Ash-Shūrā 107, Fussilat 6, Al-Kahf 110, Al-Ankabūt 18, Ar-Ra'd 7, An-Nūr 54, Al-Hajj 49, Al-Mā'idah 92.

[4]See: Ash-Shu'arā'131, Ash-Shūrā 48, Al-Anfal 1, Al-Anfal 20, Al-Anfal 46, ʾĀl ʿImrān 32, ʾĀl ʿImrān 132, An-Nisāʾ13, An-Nisāʾ59, An-Nisāʾ 80, An-Nisāʾ115, An-Nūr 47, An-Nūr 52, An-Nūr 56, At-Tawbah 71.

The monopoly of violence has been one of the basic requirements of the state apparatus throughout history. Political power also means a power of coercion. From this point of view, considering the worldly power that Muhammad reached with the emigration as an essential duty within his prophethood makes a distinction and appeal between the practices of prophethood and guardianship essential. Because misinterpreting Muhammad's religious and political roles as qualities fed from the same source, turns into an insoluble crisis with the death of the Prophet. If the political authority of the Prophet is an essential part of his prophethood, there should be religious principles and principles that will ensure the legitimate transfer of authority (Abdel Razek, 2012: 104). However, although the Sunni fiqh does not accept the existence of the principles and procedures that determine this period of authority, it strongly rejects the Shia theology, which bases the necessity and transfer of the imamate on the **nass** (a divine decree) (Aydın, 2000: XXII/203-207). Therefore, it is necessary to discuss here the characteristics that a constitution and the state as a political entity it encompasses must have. Otherwise, the meaning expressed by Muhammad's political experience for Muslims is sacrificed to the shallowness of a literal reading, while it should be a resource that produces solutions. Yet it turns into a problem in itself that cannot keep up with the speed of the change of society that Ibn Khaldun saw as **dynamic** (Kayapınar, 2006: 83-114). Therefore, the real question to be answered is the second question.

The Muslim Meccans emigration to Madina included many religious and immaterial problems that had to be overcome. The emigrants from Mecca had to emigrate, leaving behind most of their assets they had. Therefore, it was necessary to provide immigrants' very basic needs such as shelter and ensure the adaptation of the immigrants including the Bedouins from the desert to the Madina life,. To solve these problems, there were no concrete forms other than the relatively simple experiences from the lives of Mecca. However, at this stage, the principal guidance of the Qu'ranic verses is that Prophet Muhammad's leadership qualities, patience, and skill in finding solutions to problems were creating a new reference plane at the point of solving problems (Watt, 1984: 101). The Prophet tried to find solutions to these problems by implementing the practice of brotherhood (muâhât), which would accelerate the material and spiritual fusion of the al-Ansār (the Muslims of Madina) and Muhājirūn (the Muslims of Mecca) and realize the integration in the Islamic community. This practice, which was first applied among the Meccan Muslims, produced an urgent solution for the problems that needed to be solved quickly (Ibn Hisham, 2010: II-94-95; Ibn Sa'd, 2001: I-110). However, this solution was resolved as Islam's political sphere of influence expanded, and a veiled competition began to develop between the al-Ansār and Muhājirūn After the death of Prophet Muhammad, this veiled competition surfaced very clearly (Al-Jabri 2001: 170).

After efforts to find solutions to the problems among Muslims, the establishment of a system covering all Madina was essential. One of the motivations for inviting Prophet Muhammad to their city was the expectation of this order. It was not easy to produce alternative solutions to a political structure built with the motivation of the tribal asabiyya, which strongly dominated the entire Arabian Peninsula, and to reform it. In addition, it might not be a strategically correct move to completely turn this structure upside down. For this reason, there was a need for a relationship that would end the conflicts between the tribes and enable a social unity. When it comes to the idea of the Islamic State, Madina Charter which turned into the most important reference point, was an important effort to make this intelligence possible. However, this document has been the subject of controversy in many respects and it still remains so. Some authors are skeptical about the authenticity of this document because the early sources did not give equal importance and attention to the document and some did not mention it at all. However, agreement on the authenticity of the document is more common, and the part that is

actually more controversial is the time and nature of this document. Considering the widespread opinion and accepting that the document was signed in the first years of the migration, a contradictory situation arises between the articles of the document and the situation of the Muslims at that time. Because, in the first years of the hijra, which allegedly constituted the document, Muslims lacked the political and military power that would force non-Muslims into such an agreement. According to the census in Madina, where there are strong narrations in four of **Kutub al-Sittah**, the number of Muslims reached in the first years after the migration is around 1500. On the other hand, the number of non-Muslims is estimated at around 8,500 (Okic, 1958: 11-20). These discussions, which were carried out in accordance with the time and nature of the document, give the idea that today's document is not formed at the same time and that it takes its final form with additions made over time. It is highly probable that the section related to non-Muslims mentioned above as a contradiction was added as a result of mutual agreements made in a period when the power of Muslims increased (Azimli, 2013: 234-235). When the idea that the Madina Charter was formed as a complete text in the first period of the migration, another question arises that must be answered. If the authority of Muhammad's propethood was also accepted by the non-Muslim sides of the charter, why did they not believe in him and went to fight him again in the future? The widespread but problematic opinion regarding the Madina Charter, is related to the basic mistake made in interpreting the political position that Muhammed gained after the migration to Madina. As soon as Prophet Muhammad migrated to Madina, he did not turn into a leader whose authority and arbitration was unquestionably accepted by everyone living in the city. This opinion does not coincide with the natural functioning of the history nor the reality pointed out by the resources (Azimli, 2013: 236). The increase of the political activity of Prophet Muhammad in Madina occurred in parallel with the development of the military and economic power of Muslims. The victory of the Battle of Badr was a step of this gradual rise, as well as the successful defense of Madina in the Battle of the Trench and the gradual purges of the Jews living in the city after they did not comply with the bilateral agreements are the stages of the political empowerment process of the Prophet Muhammad (Watt, 1984: 96).

On the other hand, assuming that the Madina Charter is a constitutional document would be a forced interpretation as Hamidullah did. It is a much more healthy reading to evaluate Madina Charter as a contract or a collaborative organizational treaty text rather than a document that forms the basis of modern constitutionalism (Abou El Fadl, 2012: 48). Because the concept of the constitution is a product of a much more modern accumulation compared to the period when the Madina Charter was proclaimed, even though there are opinions that trace the origins of the idea of constitutionalism to Ancient Greece. There are three basic meanings of the term constitution today: First, the constitution refers to a text with superior legal power in a country. In the second sense, the constitution states the actual state system in a country. In the related literature, there are also opinions based on the foundations of the idea of constitutionalism in Ancient Greece and especially the works of Aristotle. In his work entitled **Constitutionalism and Separation of Powers**, Vile (1998: 24) states that the cores of ideas such as constitutionalism and separation of powers can be found in Aristotle. Indeed, when Aristotle's Politics is examined, it is seen that the philosopher mentions concepts such as the separation of laws and powers.

In Book IV, Aristotle explains the necessity to make good laws and to comply with these laws for the order to function properly (Aristotle, 2018: 123). In Book III, Aristotle says, instead of authority having the character of a personal and arbitrary will, it should be under the control of the law, although he emphasizes the possibility of the law to fall under the control of bad regimes (2018: 283). Again in the book IV, he talks about a negotiating medium in which socially important issues are consulted, an

executive power that includes all duties and powers, and a judicial system that draws the limits of powers (2018: 366). The Italian political scientist Sartori, on the other hand, does not accept the views that base the term constitutionalism on the works of Aristotle and the ancient Greek heritage. He argues that this was due to the incorrect translation of the concept of **politeia** used by Aristotle as a constitution (Sartori, 1962: 863). According to Sartori (1962: 853), the word constitution owes its meaning in modern use to its evolution in the British legal terminology. On the other hand, the expression of constitutionalism is a concept constructed based on the existence of a state. In the discussions of democracy taking place in Ancient Greece, a state model is not mentioned in the sense used today (O'Donoghue, 2014: 64). It would be a nominalist approach to claim that the concept of constitutionalism is entirely independent of the Ancient Greek heritage. However, it should be underlined that the theses that are in the opposite direction of this view, which directly link the concept of constitutionalism used today to the experience of Ancient Greece, are also much disputed. Because, it is very difficult to say that there is an idea of an individual who is positioned outside the state-citizen nexus in the Ancient Greek political thought.

The third meaning of the term constitution refers to the philosophy of constitutionalism, briefly the idea of limiting the state. Constitutionalism is a modern idea that aims to limit the state apparatus to law and a written constitution in order to eliminate threats and coercion that may come from the state power against the freedom of the individual (Erdogan, 2011: 27-28). Constitutionalism is about the containment of the individual's field of freedom and the restriction of the power apparatus (Barry, 1995: 103). After this framework definition of the concept of the constitution, it can be said that, in order for the Madina Charter to be a constitutional document, the political structure led by Prophet Muhammad in Madina must have a content that can be conceptualized as a state under the conditions of the period in question.

The Death of Prophet Muhammad and the Political Legitimacy Crisis

During nearly 23 years of his prophethood, Prophet Muhammad tried to leave the Islamic jurisdiction as a standard encompassing all aspects of life. Although it was largely successful in this regard, it was not possible to radically change in such a short time the Arabs' commitment to asabiyya penetrated into every point of life. However, Prophet Muhammad's charismatic leadership, both religious and worldly, with a superior authority, was able to overcome many of the problems that could possibly arise in the Muslim community as long as he was alive. For this reason, the death of Prophet Muhammad led to traumatic consequences in proportion to his strong influence. Perhaps the most important of these results was the problem of political legitimacy, which has still not been completely resolved even today. The first reaction to Prophet Muhammad's death was directly related to this problem.

Prophet Muhammad had not appointed a heir during his life. In addition, he also did not inherit any method explaining how Muslims would rule themselves. The holy book of the Muslims, on the other hand, did not contain verses that refer to a state or form of government, although it emphasized the shūrā[5] (consultative decision-making process) to be considered a reference in administrative matters. For this reason, with the death of the Prophet, there was a discussion of caliphate in which their

[5] "And those who answer the Call of their Lord and to worship none but Him Alone], and perform Aṣ-Ṣalāt (Iqāmat-aṣ-Ṣalāt), and who (conduct) their affairs by mutual consultation, and who spend of what We have bestowed on them."

closeness to the tribe was primarily effective (Duri, 1991: 91). After the death of Prophet Muhammad, al-Ansār immediately gathered in the the Saqīfah banī Sāʿidat with the intention of discussing the new situation and perhaps choosing a new leader. The emergence of a leader election rush when the body of the last prophet was not buried yet, was directly related to the veiled power struggle between the al-Ansār and Muhājirūn. This tension, which was evident when Prophet Muhammad was still alive (Ibn Hisham, IV 196), was completely exposed with his death. Al-Ansār wanted to take an advantageous position in this race by acting fast. However, the fact that Muhājirūn's leaders were hearing of this meeting changed this course. While Sa'd ibn Ubadah, Chief of the Tribe of Khazraj, was about to be chosen as a caliph by al-Ansār, Abu Bakr, Umar and Abu Ubaidah joined the meeting in the Saqīfah banī Sāʿidat. As a result of the discussions between the two sides, Abu Bakr was declared the first ruler of Muslims after Prophet Muhammad. However, what happened in this meeting continued to be discussed for a long time. In the time of the Caliphate of Umar, some rumors which were about the election of Abu Bakr was fait accompli were still continuing. When these rumors reached the ear of the Caliph, it became necessary to make a statement. Upon this, Umar shared his testimony and opinions about what happened in Saqīfah banī Sāʿidat in a Friday sermon. This sermon was recorded primarily by all sources of Islamic history in the first period. (Ibn Hisham, 2010: IV-201; Al-Bukhari n.d.: 86; al-Tabari, n.d.: III-219.)

According to this report, while al-Ansār was about to choose Sa'd bin Ubadah from Khazraj as the caliph, the group of Muhājirūn led by Abu Bakr, Umar and Abu Ubaidah joined the meeting where al-Ansār gathered to choose the caliph. At the beginning of the debate, al-Ansār claimed that the caliphate had its own rights due to the services in Islam's foundation and their other merits. In response to this claim, Abu Bakr proposed that they could not deny the merits enumerated by al-Ansār, but that the Arabs would not trust someone who was not from the Quraysh, so it would be more appropriate to obey one of the Muhājirūn in the meeting, Umar or Abu Ubeyde. Al-Ansār who was partially persuaded for this reason, proposed a dual form of caliphate this time and suggested that two separate leaders be chosen from al-Ansār and the Muhājirūn. When this proposal caused tough disputes between the two sides, Umar, who predicted that the situation would become more unpleasant, stretched out his hand to Abu Bakr and obeyed him. Thereupon, al-Ansār and the Muhājirūn followed him and Abu Bakr was chosen as the caliph (Ibn Hisham, 2010: IV-200; al-tabari, n.d.: III-218- 223; Ibn al-Athīr, n.d.: II-189). Looking at the discussions during the election process of first caliph, it is seen that the main determinant was the traditional tribal relations rather than Islamic references (Al-Jabri, 2003: 170-172; Zorlu, 2002: 80-81).

It is claimed in some sources that the group of sahābah (companions of the Prophet) representing the Muhājirūn convinced the al-Ansār by citing a hadith saying "Imams will be from the Quraysh". However, this claim is not accepted as reliable. Because of the fact that the universal invitation of the Prophet Muhammad leaves the position of caliphate to a tribe's monopoly means that he denies his own message. One of the points that the Prophet Muhammad made the most effort is to build a society of the faithful in place of the tribal society. Therefore, this narration does not coincide with the principles contained in the creed as a whole. Another issue that causes us to consider this narration suspicious is that al-Ansār is unaware of such a hadith. Al-Ansār had the opportunity to listen to Prophet Muhammad's words or at least to be informed as much as the the Muhājirūn. When this narration is assumed to be sound, it is claimed that Al-Ansār not only violated Prophet Muhammad's word, but also pursued a leadership that was not legitimate in the eyes of Muslims. This situation does not seem very reasonable. Of course, Abu Bakr's election to the caliphate was not related to the tribe he belonged alone. The factors such as his closeness to Prophet Muhammad, his role as a deputy in

prayers from time to time, and companionship in the migration from Mecca to Madina were also effective factors in this election. However, ultimately, the first caliphate debate took place around highly tribal arguments (Hatipoglu, 1973: 158-161).

The first election of a caliph, which we tried to explain in details above, confirms the basic claim of our study. The confusion of Muslims facing the death of the Prophet Muhammad, the debates that took place during the election of the first caliph, and the events of Ridda wars and False Prophets, which emerged in the process following the determination of the first caliph, contradict the claim of a state institution by the last prophet. If, as claimed, Prophet Muhammad was active in the task of establishing a state and establishing a political order, it would be necessary for Muslims to establish procedures and principles on governing themselves after him. However, Prophet Muhammad was aware that the divine duty that was entrusted to him ended with his death, and he left the Muslims with a holy book and the spirit of the **ummah**, which are capable of keeping them together at all times and every condition, instead of a state or worldly order.

Conclusion

This article does not claim that Islam is a non-political religion that is exclusively faith oriented. On the contrary, the political aspects of Islam are also accepted. However, a criticism is being developed against the claim of the Islamic State of the understanding, which is a system consisting of the idea, action and form that must be imitated even for the time of Prophet Muhammad. Under the special conditions of the period, even though the political experience of the community created by Prophet Muhammad contains the most ideal ideas and actions in his time and place, the ability to imitate these ideas and actions in the same way has not yet been verified. In addition, the claim that stipulates the solutions to today's problems with the establishment of Islamic state undermines the possibility of any Islamic reponse to these problems. Therewithal, the character of Islam, which saves it from the mangle of historicity that restrains anything with a specific era, is that its message to humanity refers to universal principles instead of periodical practices.

Even though it has been interpreted differently in sunni and shia traditions, determining the historical background of the the idea of islamic state, which has been placed in the context of Asr-ı Saadet and seen to have the power to solve anything, and examining the possibility of this historical example to solve the problems of today is an important step in resolving the crisis that the muslim world of thought has been undergoing.Following both his success in spreading the belief in Islam and creating a new political power, the sudden death of Prophet Muhammad has created a deep crisis of legitimacy that will affect the entire Muslim political history. The power crisis that emerged among Muslims even before his body had been buried denies the al-Ansār and the Muhājirūn relations, which is portrayed by the traditional narrative as purified from the problems -as if it was formed of saints. As the political movement that developed around the belief strengthened, the rivalry between the al-Ansār and the Muhājirūn, in an implicit or explicit manner, grew and this rivalry became evident by the experience of Saqīfah banī Sāʿidat immediately after the death of Prophet Muhammad. Although Abu Bakr was chosen as the first caliph of the Muslims after the heated debates in which the traditions and habits of the tribe were more active, this situation had a long-lasting effect in eliminating the legitimacy crisis that started with the death of Prophet Muhammad.

The election of the caliph of Abu Bakr could not go beyond being a temporary solution to the problems of who and on what basis will lead the Muslim community after the Prophet. The real problem was not about Abu Bakr's personality; it was due to gaps in the content of the caliphate

institution itself. Prophet Muhammad, a leader who acted as a judge in the solution of religious and worldly matters, made final judgments. His judgments were absolutely binding for the Muslim community since his authority originated from a divine power rather than an worldly power. This divine authority also eliminated the obligations of his community, such as controlling the leader or correcting his mistakes. The society was deemed to have trusted the divine guidance, that is to God, by trusting society to him (El-Affendi, 2009: 53). However, it was not possible to transfer the exclusive charismatic authority of Prophet Muhammad in this kind of personality without disintegration. As a matter of fact, Abu Bakr emphasized this fact in his speech after he was chosen as the caliph:

> O congregation! Although I am not the best of you, you have been given custody of your job. If I act beautifully, give me a hand, if I lean on the evil, bring me to the right. Truth is honesty, lie treason. Those of you who are weak are strong with me, until I give him what Allah has bestowed upon him with the permission of Allah ... Obey me as I obey Allah and His Messenger. If I stray from Allah and His Messenger, obedience to me is not obligatory for you (Ibn Hisham 2010: IV / 203).

These words of Abu Bakr reveal the ambiguity of the caliph's authority. The power of the caliph, who is the supreme sovereign of the Muslim community, is the basis of this ambiguity. A deputy ruler is likely to face difficulties in transforming his/her power into authority and attributing a legitimate basis for the duty of society to obey his/her ruling. Depending on Weber's legitimacy typologies, neither the traditional nor the charismatic form of legitimacy can fully exhaust the legitimacy of the authority of the caliph. Traditional legitimacy based on traditions and customs cannot fully establish this normative framework as the caliphate is a new conjuncture for the Muslim community, even if the reference point is the legacy of the Prophet. Nor does the charismatic form of legitimacy arising from the leader's apparent dignity can fully construct the normative context of the legitimacy of the caliph. It is impossible to continue the announcement of the emotional composition between the leader and the mass, via authority and social obedience through the deputie(s). In addition, it is not possible for the successor of a deceased Prophet in this world to overcome the Prophet cult. Another soft belly of the caliphate institution, as Lewis (2011: 71) stated, is the question of whether the caliph is a deputy king following the Prophet or the king of God.

In short, caliphate has virtually resolved the fact that Muslims, just after the Prophet, faced a political legitimacy crisis and postponed the problems to be experienced in this way for a short time. It would not be wrong to say that the caliphate authority during the caliphate years of Abu Bakr and Omer further strengthened and even prepared the ground for power struggles and factions among Muslims, except for short-term reconciliation periods. The difficulty experienced by the early Muslim community in generating an answer to these major challenges faced by them are important indications for the unassertiveness of Islam's commitment to a political institution or the establishment of political power. Nevertheless, the proposition that it is far beyond being a religion in which Islam is essentially political, which determines the rules of worship, morality and faith in this sense; and that there is a doctrine that encompasses mandatory provisions in political, social and economic fields and encompasses all areas of life, still exists as a lively field of discussion.

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Genişletilmiş Özet

İslâm'ın Arap Yarımadası'nda ortaya çıkması; dînî, siyâsî ve iktisâdî birçok veçheyi içeren bir değişim ve hareketlilik dalgası yarattı. Arapların kabîle asabiyeti etrafında şekillenen çok parçalı siyâsî yapısını daha merkezî bir forma dönüştüren İslâm inancı, zamanla Araplığı da içeren bir üst kimliğe evrildi. Müslümanlar, kurdukları siyâsî ve askerî teşkîlâtlar vâsıtasıyla dünya siyâsî dengesine müdâhale edebilen bir aktöre dönüştü. Böylelikle İslâm, bir inanç grubu teşkil etmenin de ötesinde, dönemin en önemli iki siyasî gücü olarak kabul edilen Sâsânî ve Bizans İmparatorlukları'nın sınırlarını da etkileyen, değiştiren güçlü bir siyâsî aksiyon meydana getirdi.

İslâm'ın böyle bir vasıf kazanmasının dönüm noktası, Hz. Muhammed'in Mekke'deki sıkıntı ve tazyikten kurtulma; bu sâyede de tebliğ vazîfesine uygun bir alan bulma amacıyla Medîne'ye hicret etmesidir. Hz. Muhammed, Hicret'ten sonra Medîne'nin kozmopolit demografik yapısı içerisindeki uzlaşmazlıkları sona erdirmek ve kabîlelerden müteşekkil parçalı siyasî ve sosyal yapıyı merkezî bir

idâre altında toplamak adına birtakım siyâsal, hukukî, sosyal ve iktisâdî düzenlemeler yapmıştır. Onun önderliğinde bir siyâsî organizma olma evresine geçen Medîne merkezli İslâm toplumu, kısa bir süre sonra bütün Arabistan'ı hâkimiyeti altına almıştır. Fakat Müslümanların tedrîcen kazandıkları bu siyasî fâilliğin, İslâm inancının birleştirici ve bütünleştirici karakterinin yarattığı doğal bir sonuç mu yoksa bizzat inanca mündemiç planlı bir amaç mı olduğu sorunsalı tartışılmaya devam edilegelmiştir. Hz. Muhammed'in Medîne döneminde üstlendiği rollerin dînî ve siyâsî bağlamları arasında bir ayırım yapma meselesini de bu sorunun bir parçası olarak değerlendirmek yanlış olmayacaktır. Hz. Muhammed'in Müslümanların liderliğini üstlenmesini, risâlet vazîfesinin bir gerekliliği ya da bu ilâhî görevden kaynaklanan karizmatik etkinin bir sonucu gibi görmek arasında yapılacak tercih -vakayı değiştirmese bile- Müslüman siyâsî pratiğinin çözüm imkânlarını doğrudan etkileyen bir sonuç doğuracaktır. Hz. Muhammed'in siyâsî yetkesi risaletine mündemiç bir cüz olarak okunduğunda, onun ölümünden sonra bu rolün dinen meşru ve makbul aktörler tarafından yürütülmeye devam etmesi zaruri hale gelmektedir. Keza onun tarafından tesis edildiği iddia edilen devletin şekil ve uygulamarı dönem siyasetinin bir gerekliliği olmaktan çıkmakta ve İslâm'ın en önemli ikinci referansı konumundaki Sünnet-i Seniyye alanına dâhil olmaktadır. Bu durum İslâm'ın modern siyasetle ilişki kurma imkanını târihsel bir tecrübeye hapsetmekte ve günümüz Müslüman toplumunun yaşadığı siyâsî krizleri aşmak için ihtiyaç duydukları içtihad özgürlüğünü köreltmeketdir.

Aristoteles'in *Politika* isimli eserinin girişinde kullandığı *zoōn politikon* ifâdesi insan doğasının toplumsal ve siyasal olma özgüllüklerine vurgu yapar. Zamanla aksiyomatik bir ilkeye dönüşen zoōn politikon üzerinden tasvir edilen insan doğası bir anlamda, insanı diğer canlı türlerinden temel olarak ayıran vasıfları, iktidar ve devlet gibi kavramlarla olan irtibat potansiyelini ihtivâ eder. Buna göre, insanın olduğu yerde toplumsallaşma eğilimi ve bu eğilime bağlı olarak bir siyâsî organizma inşâ etme çabası görmek mümkündür. İşte, devlet olgusunu da söz konusu toplumsallaşma bağlamında kurulan siyâsî örgütlenme biçimi olarak değerlendirmek yanlış olmayacaktır. Gauchet'in deyişiyle (2005: 36); *"Devletin kökenini, sosyal bütünlüğün bir iktidar odağı yaratılması üzerine ortadan kaybolduğu anın çok öncesinde, insanların toplum olarak bir araya geldikleri andan başlayarak ortaya çıkan, kendi kaderine hâkim olamama olgusunu doğuran zorunlulukta aramak gerekmektedir."* Ancak toplumsal açıdan önemli bir dönüşüme karşılık gelen *devlet*ten önce de kendi kurucu ilkelerini, kendi örgütlenme biçimlerinin kökenini, kendi kaidelerini, geleneklerini ve törelerinin varlık sebeplerini kendilerinin dışında arayan, bölünmüş iktidarlı toplumların varlığı unutulmamalıdır (Gauchet, 2005: 35). Bir başka ifadeyle devlet, yöneten ve yönetilenleri ayıran, toplum içerisinde yaşayan bireyler üzerinde meşrû tasarruflarda bulunabilen tek dışsal kurum değildir. İnsanlar, içinde bulundukları dönemin, coğrafyanın, geleneklerin ve toplumun koşulları ölçüsünde siyâsî bir yapılanma biçimi kurabilir ancak bu biçimin söz konusu dönemin devlet formuna tekabül etmesi gibi bir zorunluluk yoktur.

İslâm öncesi Arap toplumunun da devlet mefhumuyla kurduğu ilişki yukarıda zikredilen koşullardan bağımsız değildir. Çöllerle kaplı Arap Yarımadası, o dönem için henüz aşılması zor görünen denizlerle kuşatılmış olup büyük ölçüde izole vaziyettedir (Hitti, 1970: 17). Aden dışında ulaşıma elverişli bir limanı olmayan coğrafya, sâhillerinin kullanılabilirliği itibariyle de tâlihsizdir. Bölgenin görece sulak ve ılıman güney batısı ile oldukça kurak olan iç kısımları iklim koşulları açısından belirgin bir şekilde birbirinden farklılaşmamaktadır. Arap Yarımadası'nın güneyi ile kuzeyi arasındaki farkı yaratan ana unsur olan su, bölge ve insanının yaşam koşullarını da belirleyen temel ölçüdür. Özellikle su imkânlarından yoksun bölgelerde, insanlar deveye bağımlı bir hayat sürmektedir. Arap, çöl ve deveyle ontolojik düzeyde bir ilişki içindedir. Kahir ekseriyeti kurak bir çöl arazisinden ibâret olan bölgenin iklim koşulları, gündelik hayatın en temel belirleyicisidir. Kurak bölgelerde, sınırlı vâhalar istisnâ tutulduğunda göçebelik en yaygın yaşam tarzıdır. Göçebe yaşam şekline bağlı olarak ortaya çıkan geçim faâliyetlerini şu üç başlık altında toplamak mümkündür: sürekli otlak arayışına mecbur eden hayvancılık, yağmacılık ve çapul yapma. Her anlamda bir var olma mücadelesinin vuku bulduğu coğrafyada, savaş ve çoğu zaman onu tâkip eden uzun kan dâvâları, günlük hayatın olağan bir parçası, rutini hüviyetindendir. Kuraklığın hüküm sürdüğü kuzey ve orta kesimlerin aksine, güney bölgesinde yerleşik bir kültür hüküm sürmektedir. Bu bölge, sağlam inşâ edilen ve nüfus bakımından yoğun olan şehirlerin olduğu yerdir. Maîn, Sebe, Kataban ve Hadramut Krallıkları, bölgenin kadim yerleşik

kültürünün en önemli nişâneleridir (Shahid, 2008: 3-5, Lewis, 2002: 24, Issawy, 1955: 37). Yerleşik hayat ve göçebe hayat (bedevî hayatı) olmak üzere yaygın iki yaşam tarzının olduğu Arap Yarımdası'nda, Hicaz Bölgesi çöllerle kaplı yapısından dolayı daha çok göçebelerin tercih ettiği bir bölgedir. Arap Yarımadası'nın diğer bölgelerine nazaran Hicaz'da devletleşme teşebbüsü çok daha geç bir dönemde meydana gelmiştir. Hz. Muhammed'ten önce bu bölgede, kabîle sistemini aşan ve devletleşmeye yaklaşan bir anlayış görülmemiştir (Smith, 1903: 70).

Bu çalışmada ilk olarak, devlet kavramının, İslâm'ın zuhur ve teessüs ettiği şehirler olan Mekke ve Medîne'yi de kapsayan Hicaz Bölgesi içerisindeki Arap toplumunda nasıl mâkes bulduğu, ne anlam ifâde ettiği incelenmektedir. İkinci olarak ise, Hz. Muhammed'in lideri olduğu siyâsî yapının, dönemin şartları çerçevesinde bir devlet formuna karşılık gelip gelmediği sorunsalı ele alınmakta; onun siyâsî tecrübesiyle irtibatlandırılan İslâm Devleti kavramının târihsel geçerliliği tartışılmaktadır.