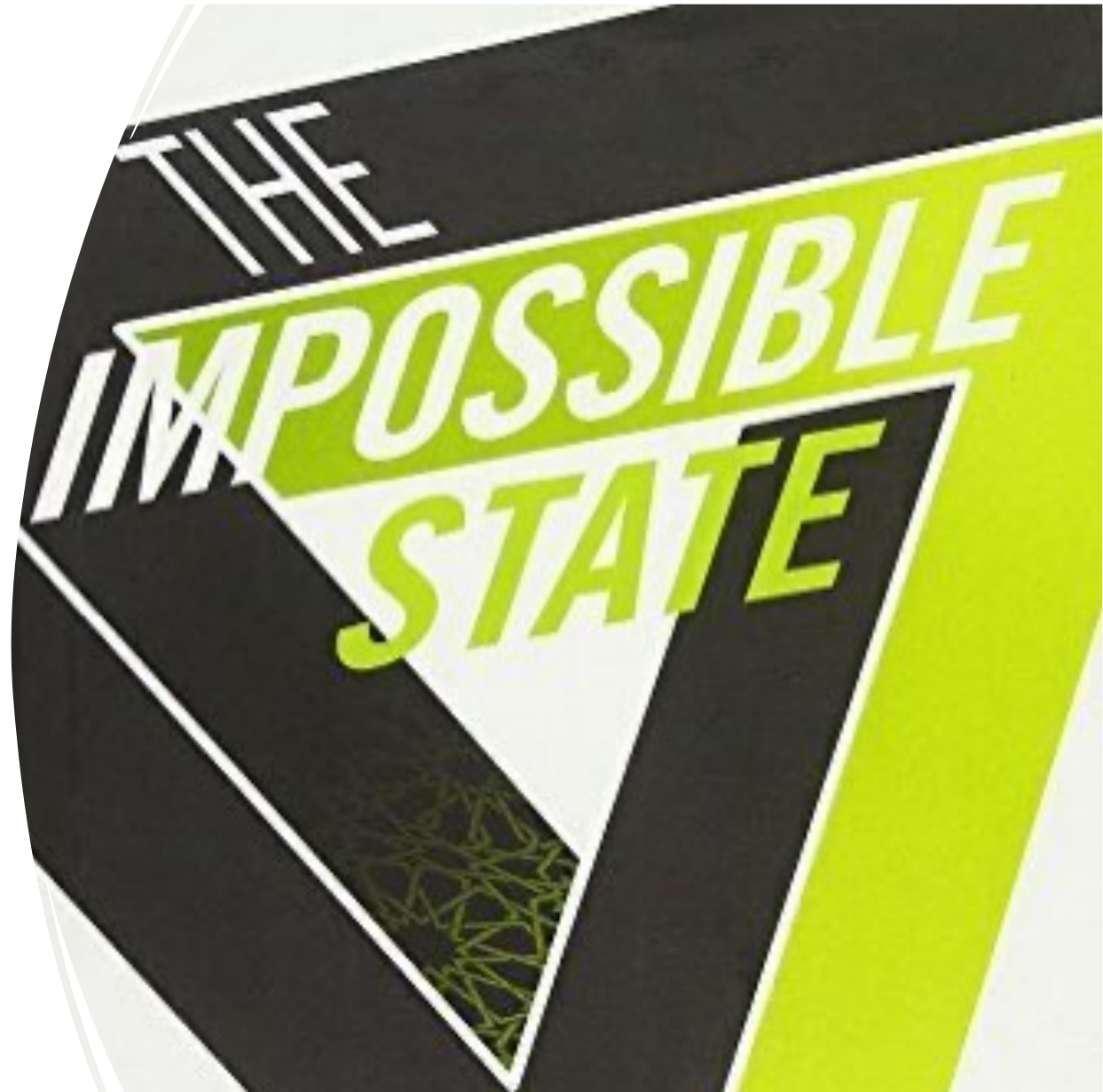# The Impossible State by Wael Hallaq: A Review

Walid Jumblatt Abdullah
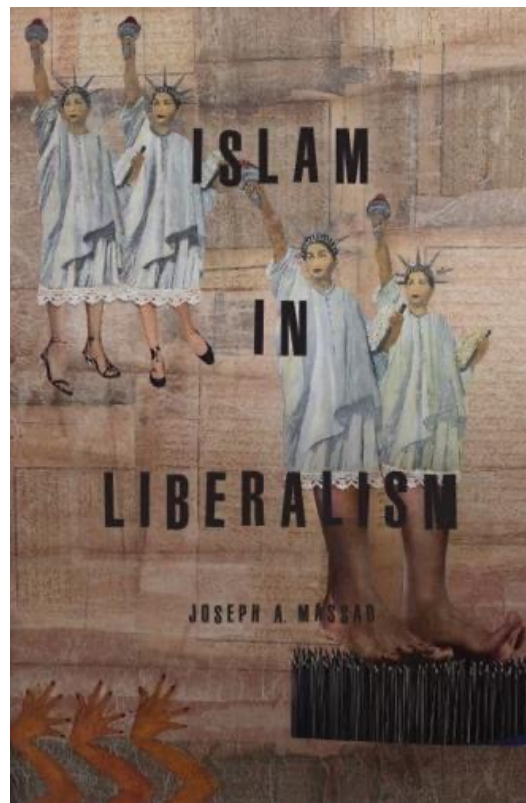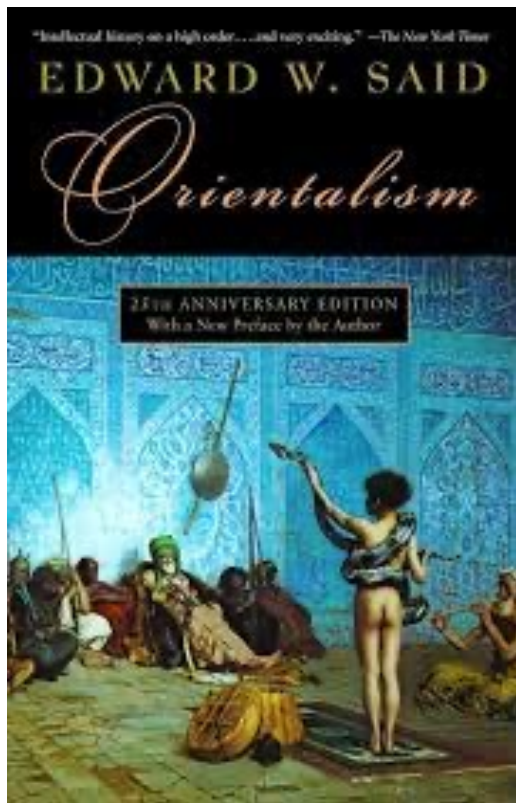
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   - The State
   - The Impossibility of an Islamic State

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1. Background: The Author

- Wael Hallaq
  - Palestinian Christian
  - 68 years old
  - Columbia University
    - Previously McGill Uni.
  - One of the world's leading authorities on Islamic law

1. Background

1. Background: Colonialism and Orientalism

- Colonialism has transformed the post-colonial world in ways that could not have been imagined before
  - In some cases, irreversibly so
- Intellectually, politically, geographically
  - Borders today are mostly the result of colonialism
  - Concepts such as 'nation-state' and 'secularism' are accepted wisdoms
  - 'Race' as we understand it today is European in origin
- Colonialists brought with them their worldviews
  - And imposed them on the populations they ruled
  - Worldviews on the state, religion, sexuality, and ethnicity
  - Colonialists tried to fundamentally transform the native populations
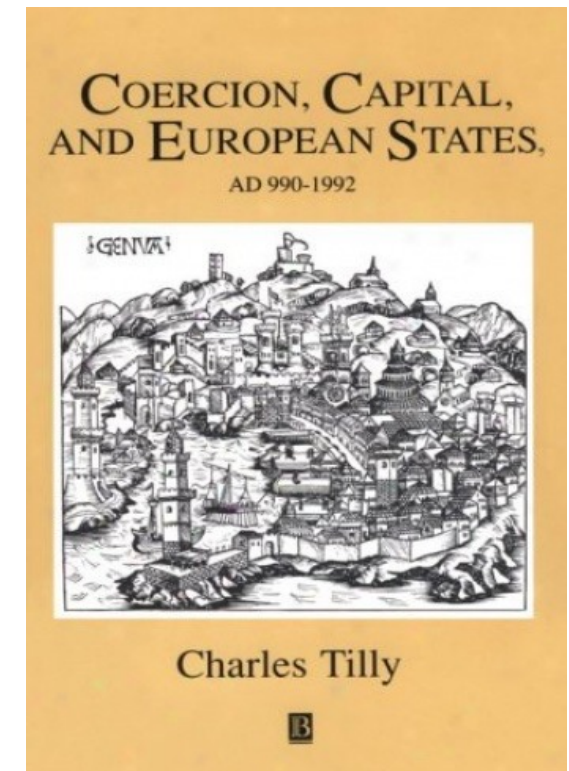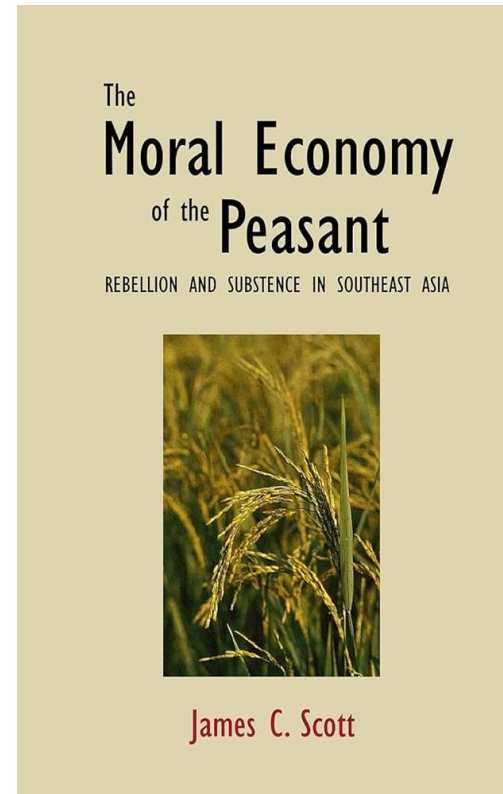   - And in many ways, succeeded in doing so

1. Background: Colonialism and Orientalism

- Orientalism (Edward Said, 1978)
  - Europeans/Americans viewed others in distorted ways
    - They saw Europeans/Anglo-Saxons as superior
  - Non-Europeans were backwards, misogynistic, uncivilized, almost sub-human
  - Therefore, non-Whites needed to be 'saved'

1. Background: The Modern Nation-State

- The Modern Nation-State is a European innovation
  - And exported to (imposed on) the rest of the world through colonialism

- James Scott
  - The modern state destroyed the 'Moral Economy' of the Peasant and norms of reciprocity
  - Made people more selfish

- Charles Tilly
  - 'wars make states, states make wars'

- The state was not a neutral project
  - It came with European worldviews and presuppositions
    - Especially post-Enlightenment

The
Moral Economy
of the Peasant

REBELLION AND SUBSTENCE IN SOUTHEAST ASIA

James C. Scott

COERCION, CAPITAL, AND EUROPEAN STATES,
AD 990-1992

Charles Tilly

2. Arguments

- Main argument
  - The 'Islamic State' is an impossibility!

  - **"The "Islamic State", judged by any standard definition of what the modern state represents, is both an impossibility and a contradiction in terms"**

  - **"In Sharia, the legal is the instrument of the moral, not the other way around."**

2. Arguments: The State

- Today, everyone accepts the state as a give
  - Challenging the state is tantamount to treason
  - International system and organisations are centred around the state, and thus further legitimize it
  - Muslims accept the state
    - **"Muslims live in modernity, and they *live* the modern project"**
  - Even political scientists accept the modern state!
    - Their critiques are peripheral

2. Arguments: The State

- 5 characteristics of the modern state
  1. Specific historical product
     - Of Western Europe and its circumstances, issues and problems
     - Recall: 'wars make states, states make wars'
     - Even other 'accepted' ideas, which typically accompany the modern state, are results of specific historical circumstances in the European/Western world
       - Secularism (Talal Asad)
       - Liberalism (Joseph Massad)
     - Therefore, is it easily transposed to the rest of the world?
     - Especially to the Muslim world, which has its own precepts and worldviews, far predating the modern state

2. Arguments: The State

2. Sovereignty
   - The state is sovereign
   - Sovereign = the one with ultimate authority

3. State has monopoly on law and violence
   - Rule of law VS rule of the state (rule by law)

4. The Rational Bureaucratic Machine
   - Which makes governance more rigid

5. Cultural Hegemony
   - To question the state itself is a problem

2. Arguments: The Impossibility of the Islamic State

- There never was an 'Islamic State'!
  - Islamic governance existed before/outside the modern state

- Sharia in modern state cannot live up to premodern paradigmatic Sharia

- The liberal project does not have a monopoly on truth
  - Power does not mean truth
  - Yes, the Western-liberal project has hegemonic control, but that does not make it true whatsoever

2. Arguments: The Impossibility of the Islamic State

- Reasons for Impossibility of an 'Islamic State'
1. Under Islamic governance, God is sovereign, not the state!
2. Under Islamic governance, the 'moral' is the central domain
   - Not the political
   - No 'ends justify the means'
   - In fact, once you remove 'God' from the picture, there cannot be objective morality
3. Legal system is derived from God's laws, not whims and fancies of human beings
4. The end result of the modern state is homo economicus, whereas the end result of Islamic governance is a moral human being
5. Others
   - Sharia is more fluid than rational bureaucratic machine allows

2. Arguments: The Impossibility of the Islamic State

➢ Under Islamic governance, political and spiritual authority have always been separate, except for forty years
  ➢ Thus, the ruling elites were not seen as moral authorities
  ➢ The ulama were the ultimate interpreters and arbiters of God's law, not the political leadership

➢ Under the modern state, political and moral authority are often conflated!

3. Critiques

1. What about the nexus between the political leaders and the ulama?
   - Political leaders have always tried to justify their actions through invocation of Quran/hadith, and have always tried to co-opt various ulama

2. There are serious risks involved in questioning the legitimacy of the nation-state
   - Hallaq glosses over these