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Decentralization and the Pluralization of Religious Authority: Rethinking Power, Legitimacy, and Interpretation

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Abstract

Religious authority is neither monolithic nor static; rather, it is shaped by theological interpretation, institutional arrangements, and socio-political contexts. This article critically examines the decentralization and pluralization of religious authority within the Islamic tradition, with particular reference to Pakistan as a contemporary case study. Drawing on classical Islamic legal theory and normative sources namely the Qur'ān, Sunnah, *ijtihād*, and *ijmā'* the study argues that decentralization is an intrinsic feature of Islamic governance rather than a modern innovation. The article distinguishes between institutional and individual forms of religious authority and demonstrates how delegated decision-making functioned during the Prophetic period and early Islamic history. It further analyzes how the modern centralization and politicization of religious authority in Pakistan have contributed to sectarian fragmentation, legal inconsistency, and religious violence. By situating religious actors such as the '*ulamā'*', muftis, clerics, and state institutions within broader power structures, the article highlights the dangers posed by unregulated and personalized fatwā-issuing practices. The study proposes a model of institutionalized and territorially decentralized religious authority through state-recognized bodies operating at national and sub-national levels. It concludes that structured decentralization, grounded in *uṣūl al-fiqh* and insulated from partisan and sectarian influences, is essential for managing religious pluralism, enhancing legal legitimacy, and promoting social stability in multi-madhab Muslim societies.

Keywords

Decentralization; Religious Authority; Islamic Law; '*Ulamā'*'; *Ijtihād*; *Fatwā*; Sectarianism; Pakistan; State Religion Relations; Religious pluralism.

INTRODUCTION

It is difficult to produce a comprehensive definition¹ of religious authority, which demands undoubtedly great scholarship. There is no agreed upon definition. However, scholars agree that the idea of religious authority has many dimensions. It is very common for scholars to refer to three aspects of religious authority. First, religious authority in relation to society; second, religious authority in relation to the State' and third, religious authority in relation to ethics. Here the concern of our discussion is with the relationship between religious authority and the State. The focus is on the institutions of mufti, 'ulama and legal (fiqh) experts as religious authorities with an important role in the issuance of *fatawa*. In the inception of the discussion, I quote Hallaq, who maintains that authority always encompasses power'². It should be clarified that religious authority has two levels. On the first level is religious authority as an institution and on the second level is individual religious authority. When we discuss decentralization of religious authority, then it is necessary to do so at both levels, clarifying whether this is feasible or not.

Decentralization and Pluralizing Religious Authority

In Islam, the Qurān and the Sunnah of Prophet (ṢAAS) are viewed as the two highest religious authorities at all times. However, on matters not made specific or explicit in these two sources, religious authority will remain with the 'ulama and Muslim scholars in the form of *ijtihād* and *ijma'* because they will have to develop new laws with the passage of time. The Qurān also gives us the concept of decentralization of religious authorities. Allah said in the Qurān 'O you who believe! Obey Allah and obey the Messenger (Prophet (ṢAAS), and those of you (Muslims) who are in authority' (4: 59). This verse makes it clear that the first religious authority is Allah, then the Prophet (ṢAAS) and then the Ulu'l-Amr. Exegetes and jurists generally interpret Ulu'l-Amr to mean only Rulers but also 'ulama, jurists, legal experts and scholars entrusted with looking after the affairs of the Community.

The Prophet (ṢAAS) himself in his life delegated powers to his governors, including on issues of religious authority. Delegating powers is an aspect of decentralization if this especially concerns institutions. In a well-known Hadith, the Prophet (ṢAAS) asked to Mu'az bin Jabal (R.A) what he would do when faced with a matter that requires his decision. Mu'az replied that he would consult the Qurān. When the Prophet (ṢAAS) asked him, what if he could not find the solution there he replied "the Sunnah of the Prophet". When the Prophet (ṢAAS) further asked what if the answer is not there as well? Mu'az replied that he would use his own opinion. The Prophet (ṢAAS) was happy to hear Mu'az's answers to his questions and embraced him. This Hadith is often cited by scholars to support independent decision by subordinates on matters of governance and administration not explicitly stated by superiors. There is another Hadith narrated by Abu Huraira (R.A) in Sahih Bukhari, in which the Prophet (ṢAAS) said, "Whoever obeys me, obeys Allah, and whoever disobeys me, disobeys Allah, and whoever obeys the ruler I appoint, obeys me, and whoever disobeys him disobeys me".

Decentralization seems to be in the nature of things. Allah governs the cosmos according to the decentralization scheme. He is the All-Powerful but He distributed His powers to the angels according to His Will and Wisdom. Some angels have been appointed to look after the sustenance of His creations. Some other angles control administer the affairs of the earth and heavens, mountains, clouds and rains, as emphasized in the Holy Qurān "And those (angels)

who distribute (provisions, rain, and other blessings) by Allah's command" (50: 4). In short, Allah (S.W.T) decentralized His authority and power. Allah (S.W.T) set an example to human beings for this decentralization. For example, He Himself gives light to the sun so that he could enlighten the other planets.

In the light of the above understanding of religious authority and its decentralization I am going to discuss 'religious authority and the State' in the context of Pakistan. There are six prominent functional groups in the country. These are the army, the politicians, the scholars, the clerics, the academics and the intellectuals. In terms of common interests and goals, these functional groups may be regrouped as scholars and clerics, politicians and military, and intellectuals and academics. Every group exerts its influence over the masses. All groups have authorities but the group of scholars and clerics is considered as more influential and a more credible authority among the general masses compared to the other two groups. They have a unique role to play. Because of their influence, they are in good position to either increase or decrease violence in the country. Undoubtedly, the 'ulama and Muslim scholars have more intensive interaction with people of all walks of life. However, this group is polarized. There are two major Muslim religious communities in Pakistan namely the Sunni and the Shi'a. Both communities have deep-rooted differences with each other. Both have different point of views on the issue of imāmat and khilāfat i.e. political and religious authorities³. Therefore, it is difficult to legislate decentralization of religious authority in the community that transcends jurisprudential differences, although it is very necessary to decentralize the process of religious authority. Specifically, this has proved in the past to be a more difficult task in the Sunni community. In a way, it can be easy to decentralize religious authority, if we could decentralize the process of legislation. Anyway, legal experts of the country need to struggle for decentralization in the process of legislation, and not viewing it as an impossible goal to achieve.

In the history of Pakistan the integration and consolidation of the different schools of thought was quite remarkable until the 1970s. It was more common, then to find Sunni-Shi'a, and Sunni-Ahl al-Hadith intermarriages. Due to these intermarriages, sectarian and doctrinal differences were lessened to some extent and the religious authorities were working together under the state missionary. Islamic scholars and 'ulama were more unified and they were viewed as a consolidated and integrated entity in the country. They were often consulted to arbitrate in all kinds of disputes. Moreover, they were respected for their piety and scholarly status. 'Ulama were used to having scholarly debates with the scholars of other religions, and not just with their own religious fellows. Harmony among the 'ulama shattered when greed for power emerged among the religious authorities. They began to use their authorities and powers for personal, political and doctrinal gains. They tried to gain power through politics. Stratification started among the 'ulama in the 1980s when many sectarian issues began to surface. Without doubt, Sunnis and Shi'as were then targeting each other on doctrinal issues. Since the early period of Islam they seldom targeted each other on jurisprudential matters but during the decade jurisprudential differences became politicized. As a result, denominational separatism and antagonism became more visible among the religious authorities of the two schools of thought. Following this separatism and antagonistic behaviors of religious authorities, of the two schools, each religious group tried to fortify its community to fight off the other. In that effort, they were successful in making their people unite for the protection

of their own sects, beliefs and doctrines. Therefore, the denominational unification resulted in antagonist behaviors of religious authorities. Another negative effect of this unification attempt was the bringing of changes to the doctrines and beliefs of the ordinary people. They used their authority by any means to make alterations to their doctrinal beliefs. In my view, they used politics and religion to protect their own social positions, doctrines and beliefs. They justified their politics as a religious obligation. They claimed to follow Prophetic and sacred politics (*syāsat shīwa-e Paghembārān*), so that people would not object to their behaviors. These politically oriented religious figures were also impacted by the religious-political ideologies from outside Pakistan. The funding and politics of Iran and Saudi Arabia influenced them⁴. These developments empowered them in their own respective denominations. Independent of higher religious authorities and not answerable to any, they emerged as warlords. Some of them became militants. However, low-income people and the poorer classes were adversely affected by their misguided political and religious activities. They were recruited to become violent and extremist members of militant groups and organizations so that they can protect these militant leaders. They were indoctrinated with extremist and fanatical beliefs⁵, which made them to lose their rationality. They became blind followers of their militant leaders.

Decentralization can help save Pakistan from disintegration and fragmentation of religious authorities. However, the communist lobby in the country, which was working in India,⁶ exploited the issue of decentralization to foment separatism in various areas of Pakistan, specifically in Baluchistan and NWFP (now KPK) provinces. There is strong reason to believe that local religious authorities were involved with separatist elements, which have direct relation with the country's communist lobby. Although, the 'ulama of that time denounced communism as a system of *kufir* (heresy) and called a communist a *kafir* (infidel), many people appeared to be drawn to the communist approach because of their pro-decentralization views. The Communists tried to gain sympathy and support of the religious people for their political struggle by telling them that Islam favored decentralization. Therefore, they urged the people to oppose the central government. They succeeded in influencing some people. These people mistakenly thought that their rights were being infringed. Even some of those who had no complaints against the government fell into their trap. They really believed that the federal government was usurping their rights. Despite the negative exploitation of decentralization by groups like the Communists, decentralization is indispensable in the institution of religious authority for Pakistan, which is a very linguistically, ethnically and culturally diverse country. However, to prevent their exploitation by opportunistic groups, local religious authorities need to have better understanding of Islam. Until now, no mechanism or institution exists by which the 'ulama, muftis, scholars and leaders could be well trained. Hussain described, "These religious actors had no 'ecclesiastical system"⁷. The Pakistani nation is facing many sectarian issues. People do not consider themselves safer. Target killing, bomb blasts even in Masājid, and lawlessness are common phenomena. By the establishment of such system and through proper training, we can control the lawlessness and killing that occur on the basis of denominations among the Sunnis and Shi'as and other minorities.

As it has been stated, Pakistan is a multi *madhhab* country, where Sunni (Deobandi, Barelvi), Shi'as, ahl al-Hadith and other communities are living together. Therefore, it is difficult to

grant the status of a dominant religious authority to a single school of thought. No single madhhab can declare to be a sole legitimate authority. The complexity of this issue is not new, but has been around since the period of British-India. In my view, there could never any consensus or unity on religious matters. However, two institutions of the country should belong to the State; one is the ‘Ulama Council and the other *Dār al iftā*. All national and international religious issues should be discussed by the muftis and ‘ulama or legal experts within the framework of these two institutions. Any person who issues fatwa on his personal discretion, which threatens public peace can be questioned by the National *Dār al iftā*. These institutions should be entirely free from any political, private, or sectarian pressure or affiliation. Moreover, these institutions should be established at lower levels so that the process of institutional decentralization could take place and issues could be tackled at regional level. Therefore, we should follow the principle of *usūl al fiqh* that ‘whenever benefit outweighs harm permission is granted, and whenever harm outweighs benefit, prohibition is recommended’⁸.

Conclusion

In this chapter, I examine the political, legal and religious institutions of Pakistan insofar as their roles and effectiveness in dealing with political-religious violence in the country are concerned. The State tried to enforce the existing laws, ordinances and regulations and make full use of its legal and security instruments in its attempts to suppress violence but with limited success. It seems clear to me, that there were many flaws and weaknesses in the country’s political institutions and processes, the judiciary and the religious establishment that would render ineffective any attempt to contain political-religious violence, which I tried to point out. Given these many institutional weaknesses in the political, legal, and religious spheres, I argue for institutional reforms and decentralization.

References:

¹ For more study, see “speaking for Islam: Religious authorities in Muslim societies”.

² Hallaq, W. B. (2001). *Authority, continuity, and change in Islamic law*. Cambridge University Press.

³ Crone, P. & Hinds, M. (1986). *God’s caliph: Religious authority in the first centuries of Islam*. Cambridge University Press.

⁴ Rana, A. (2004). *A to Z of Jihadi organization in Pakistan*. Lahore: Mashal Books.

⁵ For more study on beliefs and behaviors see, ‘Reducing Intergroup Prejudice and Conflict Using the Media: A Field Experiment in Rwanda’, *Journal of personality and Social Psychology*.

⁶ Need we commit suicide? June 3, 1978, Dawn.

⁷ Hussain, A. (1979). *Elite politics in an Ideological State: The case study of Pakistan*. London: Dawson.

⁸ Mas‘ud. M. K; Messick. B. M & Powers. D. S. (Eds.). (1996, 2005). *Islamic legal interpretation: Muftis and their fatwas*. Harvard University Press.