



**THE CONCEPTS OF STATE AND CIVIL SOCIETY IN ISLAMIC AND MUSLIM
SOCIETIES: A HISTORICAL AND SOCIOLOGICAL ANALYSIS**

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ABSTRACT

This study focuses on governmental institution in Islamic and Muslim societies and the role of civil societies in them. In the period from the early years of Islam until today's nation-state structures, the stance of the civilian people as an organization against the state has previously differed to a certain extent, but these differences have largely disappeared today. In the Islamic tradition, placing the state and power discourses on sacred ground and the measures taken by the groups holding political power from the past to the present to protect the survival of state have led civil society to remain more passive compared to the Western societies of today. Therefore, in Islamic and Muslim societies, the foundations, which can be defined as civil society, are different from the civil organizations that occur in Western societies. In these societies, although some groups such as clergy and merchants gained partial autonomy before nation-state structures, today they are able to find space for movement only to the extent that they are allowed by the government in power. In this context, this study seeks to reach a cause-and-effect relationship in the light of historical events by analyzing the debates about how civil society is positioned in Islamic and Muslim societies where the states and government in power have acquired a sacred image in general.

Keywords: Civil Society, Authority, Muslim Society, Modernization.

**İSLAM VE MÜSLÜMAN TOPLUMLARDA DEVLET VE SİVİL TOPLUM KAVRAMLARI:
TARİHSEL VE SOSYOLOJİK BİR ANALİZ**

ÖZ

Bu çalışma, İslam ve Müslüman toplumlarda devlet kurumuna ve bu toplumdaki sivil toplumun rolünü incelemeye odaklanmaktadır. İslam'ın ilk yıllarından günümüz ulus devlet yapılanmalarına kadar geçen süreçte sivil halkın örgütlü olarak devlet karşısında duruşu daha önceleri belli ölçülerde farklılık gösterse de günümüzde bu farklılıklar büyük oranda ortadan kalkmıştır. İslam geleneğinde devlet ve iktidar söylemlerinin kutsal bir zemine konumlandırılması ve geçmişten günümüze siyasi gücü elinde bulunduran yöneticilerin devletin bekasını korumak amacıyla almış oldukları önlemler, günümüzde sivil toplumun Batı toplumlarındakine kıyasla daha pasif kalmasına yol açmıştır. Bu anlamda İslam ve Müslüman toplumlarda, sivil toplum kavramını karşılayan oluşumlar Batılı toplumlarda meydana gelen sivil örgütlenmelerden farklıdır. Bu toplumlarda ulus devlet yapılanmalarından önce her ne kadar din adamları ve tüccarlar gibi bazı gruplar kısmi bir özerklik kazandıysa da günümüzde bu gruplar kendilerine yönetici elitler tarafından izin verildiği ölçüde hareket alanı bulabilmektedirler. Bu bağlamda bu çalışma, genel olarak devletin ve iktidarın kutsal bir görüntü kazandığı İslam ve Müslüman toplumlarda, sivil toplumun nasıl ve ne şekilde konumlandırıldığı tartışmalarını analiz ederek tarihsel olgular ışığında neden-sonuç ilişkisine ulaşmaya çalışmaktadır.

Anahtar Kelimeler: Sivil Toplum, Otorite, Müslüman Toplumlarda. Modernleşme.

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Introduction

The first Islamic State, founded by the Islamic Prophet Muhammad by emigrating from Mecca to Medina, expanded into large areas by gaining an institutional dimension. The divine dimension is also an important factor in the organization of this State which is faith-based in general. During the periods of the four caliphs/Hulefa-i Rashidin (Hazrat Abubakir, Hazrat Omar, Hazrat Osman, Hazrat Ali), who were elected as rulers after the Prophet Muhammad, the general pedestals of Islamic heritage were respected and the system was regulated by accepting the references of Sunnah and Quranic resources. But in the later established Islamic States, the caliphate was restricted into a certain class. This structure was tried to preserve the caliphate's political power, legitimate authority and the otherworldly dimension of religion over the people. The present system continues with its different dimensions in *Islamic societies*¹. This raises the debate on the position and possibility of non-governmental organizations independent of the government in power, which is an important issue in modern societies today. This study will focus on discussions on the general lines of the Islamic State of Medina and the Islamic State tradition that emerged in the process of time, and the sanctity of State that emerged in the period after that, the meaning of State and the State's attitude towards the organizations of the civilian population. This raises the debate on the position and possibility of non-governmental organizations independent of power, which is an important issue in modern societies today.

Civil society, which emerged in Modern times as a product of an analysis of how different groups would live together in Western societies, is seen as a 'careful' but 'respectful' stance against the State's power, although it cannot be directly connected to the State within itself (Saribay, 1998: 89-90). Civil society is formed as a result and necessity of social pluralism by standing between 'state' and 'private space' (Özbudun, 1999: 112). In this context, as a general definition of civil society, "it is the area of voluntary organizations that are not under the pressure and control of state power" (Keyman, 2006: 312). Thus, civil society, when conceptually thought, is a sociological phenomenon that points to organizations that are outside the influence of the State in society, as its definition suggests. In English, it gains a more concrete image by its own conceptual definition, and acquires presence as the Nongovernmental Organization (NGO), referring to what must be in practice. Although civil society is a Western concept (Tibi, 1999:32; Sarıoğhalam, 1999:75; Çaha, 2008:44), the pluralistic society that it will reveal is an important and compulsory phenomenon for modern contemporary societies to live together. As a matter of fact, civil society has acquired different meanings in the historical process. Its mission and semantic shift have also been integrated into the conditions of its existence. For example, in Hegel's paradigm, civil society, which is the ultimate and inevitable ground on the way to the State, loaded a great function in integrating the universal spirit with the State and had increasingly taken on meaning as anti-state (Doğan, 2000: 28). For this reason, civil society in today's societies contains the characteristics of its own definition to the extent that it has distanced from the State and State power. In this context, liberal and pluralistic state policy is needed for civil society to be formed (Beckman, 1999: 2-3). Locke

¹ It points out the states where the administration systems are based on Islamic principles.

describes civil society as a social and political contract that takes place outside the private family sphere (domestic life), in other words, in the public sphere (Chaha, 2005: 19). In this way, civil society is outside the private sphere in a manner that fits Locke's description, even if it concerns special interests and preferences. On the other hand, due to the relations with State, civil society recognizes State which has a superior authority and a legal sanction power and becomes aware of its responsibilities towards it. In such an environment, different groups, independent of State, are in a position to protect their own interests against a superior power.

Admittedly, the concept of civil society emerged in Western societies during the modernization process, thus becoming a modern concept. Conceptually it refers to an area outside state politics that gives individuals the right to present and defend their rights as organized with various and distinct emphasis. According to Kukathas (1999:25) "civil society is a complex collection of individuals who come together in relationships shaped by self-interest, economically mutual interdependence, and legal and traditional rules". Individuals who come together under such a roof work for the common purpose and make each other strong. Hence, the members of the civil society may be members of all kinds of institutions or organizations as seen in the world today. In addition to this, civil society encompasses autonomous institutions that emerged in the 19th century (Çaha, 2008: 45), mostly through the initiative of the bourgeois class, independent of governance as a result of public space in Western societies during the modernization process. Consequently, the debate about how civil society organization, which has acquired some characteristics unique to Western societies, finds reflection in Eastern or non-Western societies differs.

Considering some social, cultural, political and economic sensitivities that are ignored by the export of modernization to non-Western societies, it is possible to discuss these aspects, also the seeking of Western values in non-Western societies need to be discussed and analyzed. Because "when we centralize the modernization paradigm, bourgeois society in the West has brought out modern civil society, while modern civil society has ensured the democratization of State and society, and the internalization of democratic values" (Erkan, 2012, 201). Looking for a similar process in other societies also builds the concepts of 'center' and 'periphery' in addition to the possibility of bringing about a sterile discussion. Trade and city life, which flourished in medieval Europe, necessitated a civil structure. Inalcık (2013: 78) argues that, it is possible to show ahism and guilds as an important example of the civil society tradition in the Seljuks. Because such professional organizations were loaded with important functions during the Seljuks, without compromising their independent position against the state. However, such professional groups lost their independence and functions in the Ottoman period and became dependent on the state.

According to Mardin (2015: 11), civil society that flourishes in the West in this way within feudal societies differs from civil society that develops in Islamic societies. Because, according to him, religious institutions in Ottoman society assumed the functions of civil society. Mardin (2015: 28) claims that madrasas in Ottoman society have become institutions where political legitimacy is ensured. Since the state has created a homogeneous structure by restricting the area of their movement as a civilian with its dominant power, and preventing the advice of opposing beliefs. But Mardin

points out that this does not mean that there was no civil society in the Ottoman Empire, especially in the 19th century. It emphasizes that a different and independent process developed from the West in the last periods of the century. In similar vein, according to Ibrahim and Wedel (1997: 21), the role of Islam in the incarnation of civil society in Eastern societies is great. Because civil society, which allows the people to be stronger in Islamic societies against the “authoritarian” state, has had the opportunity to appear through “voluntary organizations”. The development of civil society, which presents a similar image to the course in western European societies, also faces some separate problems in Islamic societies.

Conversely, Çaha (1994: 92) suspects the existence and function of civil society in Islamic societies. Because, according to him, while civil society was organized under the state in the Ottoman Empire, its function was not to strengthen the people against the state in a legal personality, but to legitimize the policies of the state in their eyes. Comparing civil society in Islamic societies with Western societies and the idea of finding Western characteristics in Islamic societies indicates an erroneous process. Because the position of the state and people in Islamic and Western societies is quite different. Çaha (1994: 99) while stressing that there is no absolute state understanding in the face of the lack of an autonomous civil society in the Ottoman Empire at this point.

However, according to Ibrahim and Wedel (2007), the incomplete transition from community to society, the autonomy problems of intermediary organizations, and political Islam constitute important obstacles to the development of civil society in Islamic societies. In particular, political Islam negatively affects even the civil structure in religious groups. Inasmuch as political Islam wants to have a say on the entire social structure and process, it tends to suppress different voices by carrying out the activity of homogenizing society. Additionally, Eposito (2011) emphasizes that democracy and civil society exist in Islamic societies, and the various mechanisms that feed this phenomenon also arbitrate this process. As a matter of fact, the adoption of a pluralistic model of society, especially starting with the Madinah passport, takes the origin of pluralism in Islamic societies further. However, Esposito (2011) criticizes the geography-based understanding of concepts, emphasizing that searching for the same concept in a different society leads to the wrong conclusion. In other words, it would be a misleading attempt to look for the characteristics of Western civil society in Islamic societies. That is why civil society debates in non-Western societies have spread far enough to transcend such debates (Aktay, 2015: 312). However, Islam is not a religion that only addresses the afterlife, but also develops new concepts about every aspect of everyday life from economics to politics (Kamali, 2006: 41; Şen, 2011: 129), and with its inclusion in all conceptual debates of modern times, the models produced by Islam in its own theoretical background have also recently shifted towards the center of the debate.

Origins of State Sanctity in Islam and Muslim Societies

From an overview, it is possible to see that Islam has also been sanctified in some criteria of the holistic society. More clearly, a holistic society in the Islam is accepted as a reflection of monotheism in the religion and a bulwark is formed against

any danger that could disrupt this union, thus such divisions are rejected². In this context, all kinds of class, ethnic and national differences with the sensitivity of being equal within the society are considered as a danger and are not accepted (Saribay, 1998: 100-101). However, this does not mean that Islam denies the different structures at the lower class and the differences which are also the subject of the verses³. In contrast, the emphasis is made on the fact that diversity in society will bring wealth and combination. When such differences cause disagreement among Muslims, it is suggested that these should be blunted for the sacred values of Islam⁴. On the other hand, other religious affiliations living with Muslims were looked at based on rights and allowed them to express themselves. At this point, it will be appropriate to look at the period when Islam first started to become politicized. In the Islamic State of Medina, Jews were given equal rights with Muslims, and no restrictions were imposed on their organization and religious activities (Kakakhel, 1982).

The fact that Islam does not only bring a system that is special to life after death, but also to develop a system that regulates everyday life to this world and beyond, prepares the psychological ground for the development of a new system in this world in the Islamic society. In such a way religion and the world are presented in a single program in this way actually leads both Muslims and Islamists to establish the order they think is true, as emphasized by Ibrahim (2007: 47). When we look at the background of this situation, the establishment of the state, which is the form of Allah's power on earth, as well as the fact that the Prophet Muhammad established and ruled a state are seen as necessary and essential. However, the important point here is the possibility of civil society being lost in the sanctity of the state within the scope of the meaning that is formed in monotheism within the borders of the state to be established. Before addressing the understanding of the state of Islam and the way it is governed, it is necessary to look at the characteristics that make the modern state phenomenon so appealing. Clearly, the fact that the State is placed on a legitimate ground and that it wields power due to its possession of political power provide the leader with an important justification for taking over the administration. This system, which develops outside of modern Islamic thought and lays the groundwork for ideological structures/practices, leads significantly different groups to conflict.

According to Weber (2012:16), who focuses on the state holding legitimate power in this way, we see that the field of motion of modern states was depicted a long time ago. In this way, according to Weber, the State has the right and the legitimacy to use the power it has. Thus, as the owner of legitimate power, the state emphasizes the power to control its physical boundaries and its society. However, the state is a complex structure because it has not only physical power but also many dimensions such as legal, social and economic (Zabunoğlu, (2015: 30). Weber states that the

² There are various verses in the Qur'an that instruct Muslims to be together and not to leave. Some of these verses are Baqara, 13; Al-Imran 103; Surat Al-Enfal, 46; Al-Shura, 13; Al-Saff, 4.

³ "O mankind! Lo! We have created you male and female, and have made `you nations and tribes that ye may know one another. Lo! the noblest of you, in the sight of Allah, is the best in conduct. Lo! Allah is Knower, Aware." (Al-Hujraat / 13).

⁴ "And hold fast, all together, by the rope(429) which Allah (stretches out for you), and be not divided among yourselves; and remember with gratitude Allah.s favour on you... (Al-Imran /103).

'control of the means of violence' held by the state and especially by the person who holds the power of the administration, allows them to both provide their own legitimacy and use force. The fact that the state is the only legitimate institution with the right to exercise its power increases its importance. Therefore, the fact that the state is a piece of land surrounded by precise borders further attracts those who wish to seize its power (Pierson, 2015: 23). In this sense, the political elites try to implement their own understanding of governance through social engineering (Göle, 2012) to implement their views that are considered to promise happiness.

The Prophet Muhammad built the foundations of the Islamic State to be established later by making an agreement with the Ansar (helpers) who supported him after he had migrated from Mecca to Medina and with the non-Muslim people of Medina towards the state. The main reason that propels him to take such a step is the social-political manifestation of the necessity of living together that he proposed to people through the understanding of Islam and the idea of responding 'together' to the external dangers. However, there are a number of religious aspects of the formation in the city-state of Medina established by the Prophet Muhammad. At this point, it is possible to express the following expressions when looking at other monotheistic religions. Black (2010 32-33) claims that the law providing for ethnic unity in the Judaism faith and the emphasis on the 'universal brotherhood' in the Christian faith promise that they can live within other states without political power, so these religions are not interested in military power and political authority. However, the new religious formation, led by the Prophet Muhammad, required the capture of a control mechanism that legitimate to use military force appropriately if required by an 'inclusive law'. In this context, with the emigration of Muhajir to Medina, the dispute between the tribes and the different groups (Sağlam, 2017: 37) made at least a political structure necessary, while preventing the far more grave consequences of external danger. On this occasion, the sense of the state that Hobbes (2013:133) offered as the 'individual security' is manifested as a 'social security' composed of individuals. This formation imposed some limitations on sanctions for both Ansar and Muhajir and other non-Muslim groups. Within the political structure to be established, it is planned to employ and include each group in different areas of the administration. Also, 53 articles were put in the Constitution (Medina Document) written based on this agreement, and these articles were adopted by a social convention, passing through the approval of each group. An example to be given in this regard relates to legislative power in the State of Medina (City). Here, the legislative power was in "the hands of Allah and his messenger, not the head of state", and in fact the systematic structure of the state was taken from the ruling class, giving it a more sacred position (Hamidullah, 2015: 25). This system, which was founded there, was further expanded during the four caliphs and important steps were taken towards stratification in the Islamic sense. First, with the establishment of the Islamic State of Medina, and with the inclusion of nearby places in the borders, the increasing growth of a more institutional structure has brought with it a number of new formations and insights. Especially after the four caliphs, the fact that the authority remained in the ruling family with the caliphs in the head of the state and that it was perceived as a special right brought a number of problems but in particular caused the significant deactivation of the *consultation* system

in Islam. However, interestingly, the purpose of the establishment of the state, which is to ensure social order and peace starting from individuals as in Medina City state, was shifted in the way to establish the belief of "*people for the state*" instead of "*state for people*". In this respect, especially in the time of Umayyads, the son of Muaviye was appointed to his father's throne, so the state was converted to reign (Suyuti, 2014: 212; Walberg, 2015:71), and in this process, this right has only become a right for the Arabs. However, the rulership starting with the Umayyads and the continuing powers with Abbasids associated their practices with various verses or hadiths to make their policies more legitimate and acceptable in everyday life.

Yet in Abbasids after Umayyads, the state administration was implemented by adopting a number of cultural values together with the Islamic faith. In this process, the rebellions⁵ that occurred during the mentioned states period caused the centralization of the administration, which represents both Islam and rulers, and the administration's reflexivity to become introverted. The state goes to the defense in such processes where internal depressions are seen especially in Islamic societies, which is also fixed with the written papers. For example, the papers such as 'Ahkamü's-Sultaniyye' and 'Siyasetü'ş-Şer'iyye' try to evaluate the events occurring in the ruling powers and their implemented policies within the framework of Islamic principles, while the practices were legitimized with the pressure of both the socio-political situation and the ruling power (Menekşe, 2005:196). Şirazi (2007:189) enunciates that, the effort of the opposition to show itself within the Islamic Republic has become so important in some cases that it caused the revolutionaries to spread the perception that any danger that might come to them came or could come to the Islamic Revolution. This provides a legitimate basis for the revolutionaries to implement more radical practices against the oppositions. In a similar way, Saddam Hussein had led the administration around a fairly secular understanding until the US-led invasion of Iraq and was acting more within the political line of Arab nationalism than the Ummah understanding of Islam, but took a radical turn and placed Islam at the center of the national identity, which shows a similar phenomenon. Particularly, in the upper stages of the embargo on Iraq, Islam was identified as an important way not only for Iraqis but for all Muslims to unite in an anti-Western perspective. In this case, both the state and the army were tried to be shifted to an Islamic ground, with Saddam Hussein warning the Iraqi people and Iraqi soldiers to return to Islamic life (Atwan, 2015: 27). In this respect, it is seen that the social model of the prophet period was mostly not implemented with the abandonment of Islamic management after the Abbasids and Umayyads. Ibrahim (2007:32) criticizes the Islamic orders in this context and explains that these rulers only partly governed their states by Islamic law and that they were able to analyze the situation in a cyclical manner. However, according to him, the understanding of the state that Islamic fundamentalists intend to establish was similarly organized in accordance with a project that was based on their own perspectives rather than Qur'an and Hadith.

⁵ These included the Şebîb Yezîd B Eş-Şeybânî rebellion, the Al-Meda rebellion, and the rebellions mostly directed by Shiite and Kharijite in Umayyad period and Bâbek Al-Hurremî Rebellion, Zenc Rebellion and Shiite-based rebellions in Abbasids period, which caused the rulers to become introverted.

When the period of Prophet Muhammad scrutinized, it is possible to observe that a society composed of Jews, Christians, Pagans, and Muslims lived together for many years. It is an example for an ideal society because Islam instilled pluralism, not monotony or standardization. In the context, Islam, which initially began as a civil movement, gave its broadest philosophical debates in the formations of civil life, and probably the Islamic order, which Barry distinguished from the 'Islamic societies', the 'Muslim societies'⁶, was institutionalized in the process and gained a centralist structure, especially for the political reasons highlighted above. In this sense, however, most of the Islamic societies gave their place to Muslim societies in the historical process. Lewis (2002: 122) states that the main reason for the formation of a centrist and, in a way, a military/executive class is the fact that a professional group in these societies is both the owner of power and its source. But even this perception can be seen to form over time. That is why even the Prophet Muhammad was a civilian in the early years of Islam and the state lacked a regular military unit, which prevented the separation of military and civilian in this process. However, even the Caliph himself is seen to be an ordinary civilian. By the 8th century, however, it becomes possible to speak of a professional army. Later, a number of rebellions and upheavals in the region dominated by Islamic societies in general, especially in the Middle East, caused Islamic governments to gain a military perspective. This seriously undermined the civil initiative, and caused the emergence and deepening of the 'center' and 'periphery' distinction in Muslim communities. In this respect, it is observed that today's Islamic and Muslim societies, in contrast to the Western civilization, which came to the fore with its emphasis on human rights and freedoms, act at a certain distance from their basic references by bypassing individuals and individual's wills with the understanding of centralism. However, it would be more meaningful to look at the reflections of the fundamental rights adopted by Islam or the modern formations in Islamic and Muslim societies rather than to try to find the main reference points of the structure of democratic society of the West in Islam. Tibi (1999: 34-35) asserts that the debates on the discrepancy of Islamic and democratic values, in theory, are problematic in the general sense. Because according to him, 'fundamentalism' is not presented in any part of the Quran as a model. This concept also comes across as a product of political Islam rather than Islam itself. Therefore, the way we look at Islam provides a basis for the data to be obtained about it.

The fact that state is placed in an absolute position due to state-centered economic and social developments in both Eastern European and Middle Eastern societies shows, on the one hand, the restriction of the movement area of civil society, while on the other hand, it points to its weak position in an intellectual sense within such societies. However, Islamic movements are the key points that distinguish societies in the Middle East from those in Eastern Europe. The communities that Islamic movements interact with and sometimes mobilize have caused them to criticize their religious concerns and their understanding of the hegemonic state. According to Ibrahim and Wedel (2007:18-21), while the Islamist groups have introduced a new policy that is authoritarian against Islamic order oppositions, they have come to the

⁶ It refers to societies where the majority of people are Muslims, while the state administrations aren't based on Islamic principles.

same point for such phenomena in the state of their thought. In other words, the sanctity of the state in the Islamic groups' state assumption is always the eternal, and it is predicted that a policy based on unity will prevail rather than differences in the understanding of a state built for an Islamic system. Therefore, in the understanding in which differences and diversity are dedicated for the sake of 'holy unity', the State's absolute power will again save its current dominance. In this aspect, the state gains meaning as a manifestation of God's sacred power and the tangible form of his rule over Muslims. Ahmadou Bamba, founder of the "Muridiye Cult" in Senegal, is alleged to have said "there is no God but Allah" when refusing to obey the French governor (Bayart, 2015: 478), which displays how the state is integrated with 'Allah' in Islamic tradition and understanding. Furthermore, the idea that every Muslim should rebuild this sovereignty of Allah on earth is unthinkable regardless of Islamic understanding. Even governments that will come to power in the Islamic state must act within the limits that Islam has drawn. In this respect, obedience to religion is combined with obedience to the state. Therefore, the separation between religion and state is eliminated. In this context, the meaning gained by religion as otherworldly is transformed into an earthly dimension in the body of the state. Thus, values and perceptions take shape (Hamidullah, 2015: 187).

In this respect, the following points are important for the origin of state sanctity in Islamic and Muslim societies:

1. Civilian rule taking on a military dimension over time in the Islamic State of Medina that is the first Islamic State.
2. The worldly dimension of the Islamic religion that encourages Muslims for the statecraft
3. Integration of the obedience to Caliph with the state due to the fact that the caliph is also the head of state.
4. The rise of rebellions in Islamic societies and blessing the state regime by the rulers considering these rebellions against them.
5. State power gaining sense as the manifestation of God's power on earth
6. The belief that the state should maintain unity and community as an extension of Allah's belief in monotheism.

In addition to these general deductions and evaluations, the ties established with the state in Islamic and Muslim societies may differ depending on cultural and geographical factors. It should be made clear, however, that the Sharia rules that Islam sets out in legal terms point to the reason why it should have a state power. Muslim individual in this aspect is a political individual in a sense. However, while the holy position gained by the state in Islamic and Muslim societies and the efforts of different Islamic groups to establish power are related to the interpretation style of religion, and the fact that Islam addresses all areas of social and individual life sets the ground for its establishment at the center of politics. It is certain that what is sacred here is uncritical and that the attitude towards what is new and different will also affect the right-based organizations.

Theoretical discussions on the possibility of civil society

There are many functions of civil society that offer a space for groups opposing the power and provide a suitable ground for the unification of groups outside the power. Civil society, which has the capability to impose some limitations on the political power, has resulted in the adoption by those outside of power in countries where there are different political ideologies, thanks to the different groups it gathers within itself and the interactions it has established with them. In this aspect, different affiliations (religion, ethnicity, culture) and interactions (East-West, Islam-Christian) have led to significant divisions in Middle Eastern societies, thus it is possible to state that the possibilities offered by civil societies should be a more visible and attractive phenomenon. However, in response to the autonomous structure of civil society within itself, the state which produces culture in the modern sense and has the legitimate power to generalize culture is positioned (Çolak, 2011: 13). In this respect, with their role of an intermediary between state and people, such formations are both civil and voluntary and opposite to violence, which increases their importance (Ibrahim and Wedel, 2007:11-15). Kukathas (1999: 40) emphasizes the tolerance of Islam towards the different groups in the course of the disintegration of the Byzantine Empire in the 8th and 9th centuries, by exemplifying that Islam does not conflict with civil society as a religion, with the behavior of the Prophet Muhammad to foreigners. The fact that Muslim rulers were respectful of those belonging to the different religious groups in the territories they captured asserts that Islam advocates pluralism and has a suitable basis for the formation of civil society. Therefore, Kukathas (1999:41-42) states that "considering its nature and traditions, if what we are interested in is the development of a democratic civil society marked by diversity, there is nothing in Islam to push us into fear", which implies that the Islamic doctrines correspond with modern debates -e.g. civil society, democracy-. Likewise, according to Çaha (1999: 117-120), Islam has given the right of choice to individuals by reporting true and wrong, and recognized individuals as responsible for his will and behave. He states, however, that Islam exhorts "a political organization" based on consultation and peace, rather than a totalitarian understanding, in Muslim societies.

Equally, Fehmi Huveydi presents civil society as a phenomenon compatible with Islamic Society. Because it states that civil society that occurs voluntarily has the potential to balance the power of the state. Alternatively, he emphasizes that, unlike the general acceptance in Islamic understanding, sovereignty belongs to the people, Islamic rule does not reveal the elite class, and the administration must be balanced with civil society which established or must be established by Muslims. In this way, he brings the ideas of civil society and the Islamic State together and states that they are immanent within each other, and calls for the strengthening of civil society in Islamic communities (Ibrahim, 2007: 53). Therefore, it is important that the Muslim Brotherhood in Egypt have broad-based organizations and a deterrent power over the administration, and invite the administration to adhere to democratic principles through their own organized structures. The dialogue with non-Muslims has contributed significantly to the roots of civil society in Egypt, although they have contradicted at some points with the human rights set forth in the Western style after the Muslim Brotherhood movement has evolved into ideology (Harders et al, 2007. 87).

According to Kamali (2006: 40-42), what prepared the environment for the emergence of civil society in most Islamic and Muslim societies was neither the conception of sovereignty nor the existence of free individuals. In such societies, what prepares an environment suitable for civil society is the groups and congregations that have left the state to some extent and legitimized itself from a socio-economic perspective. The existence of two groups, which have been legitimized in this way, is evident when we look at the Islamic and Muslim Societies. The first of these is the ulama class, which has prepared the conditions for them to settle in higher positions in society, both because of their possession of religious knowledge and because of the duties they undertake in making decisions through judicial channels. Also, as Eisenstadt (2006: 446-447) points out, the ability of the ulema class to interpret the Quran and their good knowledge of Islamic law allowed the ability to transform public space in such societies, which is an important phenomenon. Although the Ulama has a partial autonomy (Ramadan, 2015) with its structure and critical environment-building duty, it distinguishes the administration in Islamic societies from other traditional administrations. On the other hand, the traders, with whom Ulama has an organic relationship, has gained considerable prestige in the relations to the state by having a command in an important part of the economy. Because in the early years of Islam, merchants had an important influence in the development of the Islamic faith and the sense of sharing with the taxes they paid and supported the Islamic Prophet Muhammad. In addition, in Islamic and Muslim societies, family- and tribal-specific public spaces, which are relatively independent of governance, are also important in terms of making effective decisions.

De Tocqueville's statement (2002: 19, 162) that the American community had resolved the problems through the Civil Unions (association and foundation) they had established, which would diminish their commitment to the state, is in stark contrast to Islamic and Muslim societies. In other words, in this societies, the tradition of the state is taken as a very sacred, and the fact that people are dealing with it is perceived almost like a gift for individuals. In addition, an individual tries to add meaning to his existence by associating/integrating himself with the state. For this reason, organizations that can act as the 'third sector' between the state and people are quite a few. The existing ones consist mainly of institutions that the state wants to address. Likewise, while the lack and weakness of the 'third sector' in Islamic and Muslim societies shows the people's commitment to the state, the individual becomes a 'citizen', which is in the traditional cultures of these societies. In other words, the idea that "the State is for people, not people is for the State" acquires meaning. In parallel, Aktay (2005: 17; 2008: 57, 59) points out that the debate on the non-Islamic understanding of civil society has progressed in the shadow and influence of Orientalist understanding, indicating that this shows the strictness of the West on political freedoms. It is obvious that civil society is faced with serious problems in today's Islamic and Muslim societies, although in the religion of Islam, a civil society exists and encourages groups/individuals for an organization that protects them against state, and we feel the example of this in a dominant way in the socio-cultural structure in the city of Medina. However, it should be emphasized that although it is possible to find this tradition in the monotheism of Islam and to interpret it biased in the political arena,

there is a central state tradition in Islamic and Muslim societies which has not been abandoned even after the modernization process has been introduced. The determination of the Çaha (1999:123-124) towards the civil formation and centrist tradition occurring in the historical process in such societies is notable at this point. According to him, the evolving reactions to colonial understanding in these societies in the 19th and 20th centuries led to a strict and authoritarian image of the state tradition there. The single party or families under the rule of modern-day nation states also significantly impede the development of civil society. This prevents the democratic order in the country and limits the movement and will of the Muslim people.

However, despite this kind of emphasis, there are also views that Islam and civil society are distant from each other and that they are diametrically opposed. For example, Barry (1999: 10-11) elucidates that because of the social, political and economic characteristics of Islamic societies in today's world, this religion is contrary to civil society, and even beyond that, he sees trying to combine the concepts of civil society with Islam as a problematic area because it reveals "Islam's authoritarianism and totalitarianism". Here, of course, some Quranic criteria appears as an important reason. For example, Islam is seen as an all-inclusive structure with religion and state intertwined (Saribay, 2008: 163) and the State is transformed into a holy spirit/structure, trying to fulfill its commandments. But at this point, Barry (1999) describes these societies as "Muslim societies" that seek to perpetuate their religious values rather than "Islamic societies." According to him, the basic religious and social teachings on which the Islamic religion described by the Prophet of Islam is based are quite different from modern-day Islam. Put it differently, the liberal economic structure of the West is very much present in Islamic teachings. Likewise, the fact that the provisions/laws laid down by Islam cover everyone and do not give any privileges to anyone also reveals the possibility of civil society in an Islamic society by clearly demonstrating the principle of the rule of law in the West. In the same way, Islam's emphasis on law shows that it is against the majority, it exhibits a 'democratic' structure as a modern concept with the consultation style within itself.

One of the thinkers who emphasized that Islam does not correspond with civil society and does not allow it to form a suitable ground is Ernest Gellner. According to Gellner (1994), because Islam has a structure that is resistant to secularization in itself, it is actually blocking the way of civil society. Islam, which developed a local alternative to modernization and modernity, failed to reach the type of free society that Western societies experience. In his view, Islam, which promotes industrialization, on the one hand, is not ignorant to the privatization required for the formation of civil society. But as Ilkay (1999:19) advances, "the Ottoman Empire confuses Gellner". Namely, there are significant differences between practical Islam quoted by Gellner and real Islam (Ilkay, 1999: 12-14). According to Al-Azm (1999: 24), in a way, the most important duty of Islam is to verify Gellner's thesis that Islam would not be a secularist. So while Islam strives not to integrate into a secular order, it reveals its own authenticity. With a different perspective, the Eastern societies, which the West defines, interprets, appraises and assigns positions with its own concepts, are treated as being pushed from the center and as being 'pushed into the rural area' as expressed by Muftüoğlu (2016). If we are going to look for an institution in a Western style and direction in non-

Western societies, it will not find much response in the scientific area. Because every society has tried to reinterpret knowledge, facts, and culture with its unique characteristics. In this context, Gellner (1994) focuses on the impossibility of civil society in such societies, rather than on the possibility of the emergence of civil society in Islamic societies or looking for a trace of it. As reported by Gellner (1994), the most important actor in the formation of a democratic political system, liberal economy and civil society in Western societies is the 'Modular Man'. For this reason, the modular man is presented as a prerequisite for today's democratic institutions. This individual is a person who can engage in free economic activities and conduct politics in a democratic way. Gellner's understanding, shaped around such thoughts, is that there are circumstances that prevent this individual from emerging in the East. For Gellner, what prevents this pioneering individual from emerging, unlike Western societies, is the uniformist understanding imposed by the Ummah understanding in Islamic societies. However, Kamalli (2006: 242) states that Gellner does not fully understand the content of the concept of Ummah here. That is why the understanding of the Ummah does not attempt to homogenize the socio-cultural and economic differences within itself. In this way, he does not see nationalist and radical tendencies in Islamic geography and ignores cultural differences while seeing religious unity.

Accordingly, as Aktay (2005; 2008: 61) emphasized, looking for an institution of the Western style in Eastern societies implies the Orientalism on the one hand, and on the other hand, it means the push of non-Western social processes and civilizations into the rural area. In my opinion, the strong state tradition in Muslim societies is still continuing its traditional parameters in addition to the spirit of modern times. Therefore, while in these societies, unlike the West, there is actually independence from the state in its own cause of existence, the established civil societies try to make sense by proving their loyalty to the state and government policies every time.

Conclusion

There is no question that the advent of Islam as a religion and its entrance into the political structuring process is the outcome of an important struggle. However, since they were a minority in the early days, the need to shield Muslims from the dangers that might come from the outside was a necessary justification for them to unite around the holy union. The fact that Muslims migrated from Mecca to Medina during the reign of Prophet Muhammad and developed a formation that included both Muslims and non-Muslims there, and that ruling power was considered as a constitutional article with the scope of "Allah and his messenger" laid the holy ground both for the institutional formation and the state administration in Islamic and Muslim societies. The establishment of the caliphate in the Islamic States after the death of Prophet Muhammad and the subsequent Hulafa-i Rashidin as the center of the state administration and the presentation of it as the leadership of all Muslims have prepared the basic dynamics of a system that has survived to the present day. However, the institutional termination of the caliphate and the abolition of Islamic leadership in the early 20th century turned the axis from Islamic Societies to Muslim societies according to Barry's statement. In this respect, the Islamic dimension, especially in the modern nation-state administrations established in our last century, has in many cases become a protective shield for the elites to bless their own power and fortify their understanding

of governance. For that reason, it is especially important in Middle Eastern societies that the policies of the ruling class dissolve their personal or ideological dimensions in the phenomenon of religion. This is why the adoption of the pluralistic society structure in the first Islamic State has gained a mostly invalid dimension in the later established Islamic and Muslim States and their societies. In this sense, the opportunities of different groups in today's Islamic and Muslim societies to operate under non-governmental organizations are shifting to a very limited area. In this way, it is possible to suggest that the problematic structure of civil society in Muslim societies emerged in the historical process and that this was in a direct relationship with the understanding of governance.

REFERENCES

- AKTAY, Yasin (2005). Sivil Toplum Ve Sıkıntıları: Oryantalizm, Şiddet, Vesaire. In ***Sivil Toplum: Farklı Bakışlar***. (Ed: L. Sunar) İstanbul: Kaknüs Yayınları. Pp. 9-28.
- AKTAY, Yasin (2008). Doğu-Batı Ekseninde Sivil Toplum. In "***Sivil***" ***Toplum Kavramı Tartışmaları***. İstanbul: Kaknüs Yayınları. Pp. 53-71.
- AKTAY, Yasin (2015). ***Postmodern Kavşakta Din Ve Sivil Toplum***. İstanbul: Tezkire Yayıncılık.
- ATWAN, Abdülbari Etvan (2015). ***Islamic State: The Digital Caliphate***. London: Saqi Books
- BACK, Anthony (2010). ***Siyasal İslam Düşüncesi Tarihi***. (Trans. S. Çalışkan and H. Çalışkan). Ankara: Dost Yayınları.
- BARRY, Norman (1999). Sivil Toplum, Din Ve İslam. In ***İslam, Sivil Toplum, Piyasa Ekonomisi***. (Ed: Ö. Demir). (Trans: M. Erdoğan). Ankara: Liberte Yayınları. Pp. 1-20.
- BAYART, Jean-François (2015). ***Cumhuriyetçi İslam: Ankara, Tahran, Dakar***. İstanbul: İletişim Yayınları.
- BECKMAN, Björn. (1999). Demokratikleşmeyi Açıklamak: Sivil Toplum Kavramı Üzerine Notlar. In ***Sivil Toplum, Demokrasi Ve İslam Dünyası***. (Ed: E. Özdalga and S. Persson). (Trans: A. Fethi). İstanbul: Tarih Vakfı Yayınları. Pp. 1-10.
- ÇAHA, Ömer. (1999). ***İslam Ve Sivil Toplum. İslam, Sivil Toplum, Piyasa Ekonomisi***. (Ed: Ö. Demir). (Trans: İ. Dalmış) Ankara: Liberte Yayınları. Pp.115-126.
- ÇAHA, Ömer. (2005). Sivil Toplum Üzerine. In ***Sivil Toplum Ve Demokrasi***. (Ed: L. Sunar). İstanbul: Kaknüs Yayınları. Pp. 9-22.
- ÇAHA, Ömer. (2008). Devlet Karşısında Hükümü Şahsiyete Sahip Olmak Sivil Toplumun Gelişebileceğine İşaret Eder. "***Sivil***" ***Toplum Kavramı Tartışmaları***. İstanbul: Kaknüs Yayınları. Pp.43-52.
- ÇIZIKÇA, Murat. (2005). Sivil Toplum Kuruluşları- İslam Dünyası Ve Demokrasi. In ***Sivil Toplum Ve Demokrasi***. (Ed: L. Sunar)İstanbul: Kaknüs Yayınları. Pp.171-175.

ÇOLAK, Yılmaz. (2011). Modern Devletin Çeşitlilikle İmtihani. **Muhafazakar Düşünce Dergisi**. (28). 11-31.

DOĞAN, İsmail (2000). **Sivil Toplum: Ondan Bizde De Var**. İstanbul: Sistem Yayıncılık.

EISENSTANDT, Samuel. (2006). **The Public Sphere in Muslim Societies. Islam in Public: Turkey, Iran And Europe**. (Ed. N. Göle and L. Ammann). İstanbul: İstanbul Bilgi University Press. Pp. 443-460.

EL-AZ, Sadık. C (1999). İslamiyet Laikleşebilir Mi? In **Sivil Toplum, Demokrasi Ve İslam Dünyası**. (Ed: E. Özdalga and S. PerPpon). (Trans: A. Fethi). İstanbul: Tarih Vakfı Yayınları. Pp.22-30.

ERKAN, Erol (2012). Müslüman Toplumlarında Sivil Toplum İmkânı. **Dinbilimleri Akademik Araştırma Dergisi**, 12 (2), 195-206.

GELLNER, Ernest (1994). **Conditions of Liberty: Civil Society and Its Rival**. London: Penguin press.

GÖLE Nilüfer (2012). **Mühendisler Ve İdeoloji: Öncü Devrimcilerden Yenilikçi Seçkinlere**. İstanbul: Metis Yayınları.

HAMIDULLAH, Muhammed (2015). **İslam Anayasa Hukuku**. V. Akyüz (Ed.), İstanbul: Beyan Yayınları.

HARDERS, Cilja., Jurgensen, Carsten and Tabbara, Tanja (2007). Sivil Toplumun Taşıyıcısı Olarak, Mısır'daki Meslek Birlikleri. İbrahim, F. and Wedel, H. (Ed.), In **Ortadoğu'da Sivil Toplum Sorunları** (Trans. E. Özbek). (pp. 61-91). İstanbul: İletişim Yayınları.

HOBBS, Thomas. (2013). **Leviathan**. (Trans. S. Lim). İstanbul: Yapı Kredi Yayınları.

<https://books.google.com.tr/books?id=Qancdqaabqaj&pg=PA5&dq=Emevilerde+Halifelik&hl=tr&sa=X&ved=0ahukewjm57smkjvaahumsjokhrkaa0yq6aeikdaa#v=onepage&q=Emevilerde%20halifelik&f=false>

İBRAHİM, Ferhad. (2007). Sivil Toplum Üzerine Arap Tartışması. İbrahim, F. and Wedel, H. (Eds), In **Ortadoğu'da Sivil Toplum Sorunları**. (Trans. E. Özbek). İstanbul: İletişim Yayınları. (pp. 29-59).

İBRAHİM, Ferhad and Wedel, Heidi (2007). **Giriş**. İbrahim, F. Ve Wedel, H. (Eds.), In **Ortadoğu'da Sivil Toplum Sorunları**. (Trans. E. Özbek). İstanbul: İletişim Yayınları. (pp. 11-27).

İLKAY, Sunay (1999). Sivil Toplum Ve İslamiyet. in **Sivil Toplum, Demokrasi Ve İslam Dünyası**. (Ed: E. Özdalga and S. Persson). (Trans: A. Fethi). İstanbul: Tarih Vakfı Yayınları. (pp. 11-21).

KAKAKHEL, Muhammad N. (1982). Foundation of the Islamic State at Medina and Its Constitution. **Islamic Studies**, 21(3), 61-88. Retrieved from <http://www.jstor.org/stable/20847209>.

KAMALI, Masoud (2006). **Multiple Modernities, Civil Society and Islam. The Case of Iran and Turkey**. Liverpool: Liverpool University Press.

- KEYMAN, Fuat (2006). Avrupa'da Ve Türkiye'de Sivil Toplum. In ***Dünden Bugüne Türkiye'nin Toplumsal Yapısı***. (Ed. M. Zencirkıran). Ankara: Nova Yayıncılık. (Pp.311-323).
- KUKATHAS, Chandran (1999). İslam, Demokrasi Ve Sivil Toplum. In ***İslam, Sivil Toplum, Piyasa Ekonomisi***. (Ed: Ö. Demir). (Trans: İ. Dalmış) Ankara: Liberte Yayınları. (Pp. 21-44).
- LEWIS, Bernand. (2002). ***What Went Wrong? Western Impact and Middle Eastern Response***. Phoenix: London.
- MENEKŞE, Ömer (2005). İslam Düşünce Tarihinde Devlet Anlayışı: Mâverdi ve Nizâmülmülk Örneği. ***Din Bilimleri Akademik Araştırma Dergisi*** 5(3). 193-211.
- MÜFTÜOĞLU, Atasoy (2016). ***Tarihin Taşrasında Yaşamak***. İstanbul: Mahya Yayıncılık.
- ÖZBUDUN, Eergun (1999). Türkiye'de Sivil Toplum Ve Demokratik Konsolidasyon. In ***İslam, Sivil Toplum, Piyasa Ekonomisi***. (Ed: Ö. Demir). (Trans: İ. Dalmış) Ankara: Liberte Yayınları. (Pp. 112-121).
- ÖZGEN, Mehmet K. (1999). Kollektivist Ve Bireyci İslam Yorumları Üstüne. In ***İslam, Sivil Toplum, Piyasa Ekonomisi***. (Ed: Ö. Demir). (Trans: İ. Dalmış) Ankara: Liberte Yayınları. (Pp. 89-113).
- PIERSON, Christopher (2015). ***Modern Devlet***. (Trans. N. Kutluğ and B. Erdoğan). Ankara: Chiviyazıları Yayınevi.
- RAMADAN, Tariq (2005). An International Call for a Moratorium on Corporal Punishment, Stoning and the Death Penalty in the Islamic World. <https://tariqramadan.com/an-international-call-for-moratorium-on-corporal-punishment-stoning-and-the-death-penalty-in-the-islamic-world/> (Accessed April 25.06. 2019).
- SAĞLAM, Hadi (2017). İslam İdare Hukukunda Yönetim Şekli. ***Universal Journal of Theology***. 2(1), 36-57.
- SARIBAY, Ali Y. (1998). Türkiye'de Demokrasi Ve Sivil Toplum. In ***Küreselleşme Sivil Toplum Ve İslam***, (Ed: E. F. Keyman and A. Y. Sarıbay) Ankara Vadi Yayınları. Pp. 88-110.
- SARIBAY, Ali Y. (2008). İslami Politik Düşünce Sivil Toplum: Bazı Kavramsal Sorunlar Ve Bazı Çelişkiler. In ***"Sivil" Toplum Kavramı Tartışmaları***. İstanbul: Kaknüs Yayınları. Pp. 159-163.
- SARİOLGHALAM, Mahmood. (1999). Ortadoğu'da Sivil Toplum Umutları: Kültürel Engeller Üzerine Bir Çözümleme. In ***İslam, Sivil Toplum, Piyasa Ekonomisi***. (Ed: Ö. Demir). (Trans: İ. Dalmış) Ankara: Liberte Yayınları. (Pp. 74-82).
- ŞEN, Hasan (2011). İslam, İslamcılar Ve Devlet. ***Muhafazakâr Düşünce Dergisi***. (28). 125-139.
- ŞIRAZI, Asgar (2007). İran İslam Cumhuriyeti'nde Sivil Toplum İfadesi Olarak Karşı kültür. F. İbrahim, and H. Wedel, In ***Ortadoğu'da Sivil Toplum Sorunları***. (Trans. E. Özbek). . İstanbul: İletişim Yayınları. (Pp.163-197).

SUYUTI, Celâleddîn (2014). **Halifeler Tarihi** (Trans. O. Özatağ). İstanbul: Ötüken Yayınları

TIBI, Bassam (1999). İslam Uygarlığında Sivil Toplumun Kültürel Dayanağı: İslam Ve Demokrasi-Uygarlıklar Arasındaki Köprüler. In **İslam, Sivil Toplum, Piyasa Ekonomisi**. (Ed: Ö. Demir). (Trans. İ. Dalmış) Ankara: Liberte Yayınları. (Pp. 31-44).

TOCQUEVILLE, Alexis de (2002). **Democracy in America** (Trans. H. Reeve). (vol. 1) Pennsylvania State University <http://seas3.elte.hu/coursematerial/LojkoMiklos/Alexis-de-Tocqueville-Democracy-in-America.pdf>

TOSUN, G. E. (2008).Sivillik, Karşılıklılık Ve Diğerkâmlık Eğilimlerinin Gözlenebildiği Sivil Toplum Demokratikleşme Sürecinin Tamamlayıcısı Olacaktır. in "**Sivil**" **Toplum Kavramı Tartışmaları**. İstanbul: Kaknüs Yayınları. (Pp. 123139).

TOSUN, Gülgün (2008).Sivillik, Karşılıklılık Ve Diğerkâmlık Eğilimlerinin Gözlenebildiği Sivil Toplum Demokratikleşme Sürecinin Tamamlayıcısı Olacaktır. In "**Sivil**" **Toplum Kavramı Tartışmaları**. İstanbul: Kaknüs Yayınları. (Pp. 123139).

WALBERG, Eric (2015). **Islamic Resistance to Emperialism**. Atlanta: Clarity Press.

WEBER, Max (2012). **Ekonomi Ve Toplum** (Trans. L.Boyacı). İstanbul: Yarın Yayınları.

ZABUNOĞLU, Yahya K. (2015). **Devlet Kuramına Giriş**. Ankara: İmaj Yayınları.