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The Islamic State in Contemporary Thought: A Critical Analysis of Wael Hallaq's Perspective

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Abstract

This study presents a critical analysis of Wael Hallaq's conception of the Islamic state and the limitations of the modern state. It highlights the fundamental contradictions between the centralized, coercive structure of modern states and the Sharia, which represents a normative order organically rooted in society and attuned to its cultural and religious specificities. Adopting an analytical-critical methodology, the study explores the theoretical foundations of Hallaq's thesis and situates it within the broader landscape of Islamic political thought. It aims to contribute to academic debates concerning the prospects of political renewal in the Islamic world. The study concludes that a profound incompatibility exists between the modern state and the Sharia—in terms of both organizational philosophy and legislative sovereignty—rendering any attempt at reconciliation highly complex. Furthermore, it uncovers the lasting impact of colonial modernity, particularly in its imposition of legal and cultural hegemony on Muslim societies, which entailed the dismantling of Sharia's social structures and the replacement of its traditional institutions with Western legal models.

Keywords: *Islamic State, Contemporary Thought, Wael Hallaq.*

Introduction

The concept of the state in contemporary Islamic discourse represents a fertile ground for intellectual debate and theoretical inquiry—particularly in relation to the question of religious authority and the integration of Islamic law (Sharia) within modern political frameworks. These discussions intersect with broader issues such as the legitimacy of political power, the boundaries between religion and governing institutions, and the role of Sharia in today's legal systems. The significance of these questions has become increasingly prominent in light of recent geopolitical transformations across the Muslim world, especially following the Arab uprisings. These popular movements revived essential questions about the nature of the desired political order and its compatibility with Islamic principles, without abandoning the institutional structures and normative conditions of modernity.

Within this context, Wael Hallaq's theoretical contributions emerge as a central point of reference in rethinking the foundations of the so-called "Islamic state." Hallaq is known for his deconstructive approach, heavily influenced by postcolonial theory. His works, especially *The Impossible State* (Hallaq, 2014), argue that the notion of an Islamic state, as currently conceptualized, is essentially a replication of the modern state paradigm. As such, it is structurally incapable of authentically embodying Islamic principles. Hallaq maintains that the Sharia—as an ethical and legal system grounded in social consensus and historical continuity—stands in fundamental contradiction to the modern state's bureaucratic structures, legal

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positivism, and centralized sovereignty. In his view, the project of "Islamizing" the modern state is both philosophically and anthropologically untenable.

Building on this critical insight, the present study aims to offer a thorough and systematic analysis of Hallaq's vision of the Islamic state. It seeks to unpack the central concepts that underpin his critique, assess the internal coherence of his arguments, and evaluate their applicability within the broader Islamic historical and epistemological context. Furthermore, the study endeavors to situate Hallaq's thesis within a wider theoretical landscape by comparing it with competing approaches in the field—ranging from conservative traditionalist models to reformist modernist perspectives. Rather than reinforcing binary oppositions such as "Islamic/secular" or "traditional/modern," this research adopts a more nuanced and layered analytical framework that recognizes the entangled nature of cultural, political, and epistemic references (Abd Adel et al., 2024).

Accordingly, this study positions itself within the field of Islamic political thought, particularly the intersection between state theory and Islamic law. Its primary aim is to contribute to the development of a critical conceptual framework for reimagining the future of the "Islamic state" beyond prepackaged models—whether those that merely rebrand the Western nation-state with religious symbolism or those that revert to disconnected Salafi discourses. The focus on Hallaq's work is not based on an assumed superiority of his framework but stems from the urgency of engaging with one of the most influential intellectual projects in recent decades. Analyzing and critiquing Hallaq's thesis, therefore, becomes an epistemological necessity for understanding current transformations in Islamic political thought and for shaping its future trajectories.

Research Problem

This study addresses a fundamental structural dilemma at the heart of contemporary Islamic political thought: the inherent tension between the aspirations to revive an Islamic state grounded in Sharia and the institutional framework of the modern state, which emerged from distinct epistemological and historical conditions. The inquiry is rooted in Wael Hallaq's thesis that such an endeavor is inherently destined to fail. Hallaq contends that the modern state—as a rational, sovereign, and bureaucratic apparatus—stands in stark opposition to the moral-social logic of Sharia, which is characterized by its flexibility, community-centeredness, and ethical foundations. This study seeks to deconstruct this contradiction by critically examining whether it is possible to conceptualize an Islamic state outside the paradigms of Western modernity, without reproducing its institutions and ideological assumptions.

This core problem raises profound questions regarding authority, legitimacy, and legal order within contemporary Islamic contexts. The principal research question guiding this study is: **To what extent is the establishment of an Islamic state in the modern era feasible, according to Wael Hallaq's vision?**

From this primary question, the following sub-questions emerge:

Research Questions

1. What are the theoretical and epistemological foundations that inform Wael Hallaq's rejection of the modern Islamic state?
2. How does Hallaq define the concepts of "Sharia" and "state," and in what ways does he identify a fundamental contradiction between them?

3. How consistent is Hallaq's thesis with the classical Islamic political experience?
4. What alternative models contemporary Islamic thinkers in light of Hallaq's critique of the modern state can explore?
5. How might Hallaq's vision be critically examined without succumbing to ideological defensiveness or wholesale dismissal?

Hypotheses of the Study

1. The study begins from the hypothesis that Hallaq's critique does not target Sharia per se, but rather the modern institutional framework within which Sharia is expected to operate.
2. It assumes that Hallaq's critique is deeply influenced by postcolonial theory—particularly the works of Michel Foucault and Talal Asad—which necessitates a systematic analysis of these intellectual genealogies.
3. It also posits that some aspects of Hallaq's argumentation reflect a degree of idealism that may overlook the complexities of contemporary political realities.

Objectives of the Study

1. To conduct a critical analysis of Wael Hallaq's vision of the Islamic state and the conceptual limitations of the modern state model.
2. To elucidate the theoretical foundations of Hallaq's thesis and its position within the broader landscape of Islamic political thought.
3. To explore innovative approaches to conceptualizing the Islamic state that transcend the binary of tradition versus modernity.
4. To contribute to academic debates on the possibilities of political renewal in the Islamic world.

Significance of the Study

- **Academic Relevance:** This study offers a sophisticated critique of one of the most influential contemporary Islamic political theories and enriches the field of Islamic political studies by addressing a major intellectual paradigm.
- **Practical Relevance:** It provides analytical tools for understanding the dilemmas faced by Islamic political movements in their engagement with state structures, offering more flexible and realistic models for political thought and praxis.

Rationale for Topic Selection

1. The increasing academic attention devoted to Wael Hallaq's thesis across both Arab and Western scholarly communities.
2. The need for a balanced and critical reassessment of Hallaq's work that neither romanticizes nor dismisses his arguments.
3. A desire to contribute to the formulation of a realistic and contemporary Islamic political project, grounded in critical reflection rather than ideological absolutism.

Theoretical Framework (Theories)

This study is grounded in two primary theoretical approaches that shape its critical perspective:

1. Modern State Theory

Rooted in the works of theorists such as Max Weber—who famously defined the state as the legitimate monopoly over violence—and scholars like Carl Schmitt, who emphasized absolute sovereignty and the primacy of positive law, this theory underscores the bureaucratic, legalistic, and centralized nature of the modern state. Wael Hallaq challenges the compatibility of these modern attributes with the Islamic conception of Sharia, which he views as a moral and decentralized system not reliant on sovereign authority (Jaafar, 2023).

2. Postcolonial Theory

Drawing particularly on the contributions of Talal Asad and Edward Said, this theory comments on the modern state as a product of colonial power dynamics. It questions the applicability of Western conceptual tools—such as "progress" and "modernization"—in non-Western settings. Hallaq employs this lens to interrogate the very foundations of these concepts within the Islamic context, advocating for a deconstruction of the Western modern project when applied to Islamic political thought (Al-Ya‘qubi, 2020).

Methodology

This author conducts an analytical assessment of Wael Hallaq's work through detrimental evaluation while using comparative methods to assess his argument against both ancient and contemporary teachings. This analysis examines basic principles which include sharia and state power and sovereignty mechanisms through different scholarly models to determine their intellectual meaning.

Challenges of the Study

The theoretical density and conceptual interweaving within Hallaq's framework, especially given the multiplicity of intellectual traditions he draws upon.

The difficulty of separating theoretical critique from political positioning, considering the ideological sensitivity of the subject.

The relative scarcity of contemporary Arab-Islamic comments on of Hallaq's thesis, which limits direct engagement from within the tradition he addresses.

Previous Studies

The question of the Islamic state remains central to contemporary political thought, particularly in light of the modern state's challenge to Islamic epistemologies. The literature reflects divergent approaches: some seek reconciliation between Sharia and modern state structures, while others—such as Hallaq—argue that this reconciliation is structurally impossible. This study aims to situate itself within that debate by reviewing key contributions, including:

Abu Zur (2024) explores the historical development of the Islamic state concept in modern Arab-Islamic thought, particularly within the post-independence contest between Islamist and secularist visions. Using a historical-analytical method, the study highlights the absence of a unified conception of the Islamic state, attributing this to deep epistemological divides. The study recommends the development of a politically viable Islamic discourse that balances religious principles with the exigencies of modern statehood.

Abdelbaset (2021) focuses on Wael Hallaq's critique of the modern state and his nuanced reading of Islamic Sharia in a contemporary context. Through a comparative analytical methodology, the study juxtaposes Hallaq's arguments with orientalist interpretations of Islamic law. It finds that Hallaq presents Sharia as a morally coherent and humane legal system superior in many ways to the modern state, which he comments on for subordinating law to the needs of nation-state sovereignty. The study concludes with a call to rethink contemporary Islamic legal-political discourse through Hallaq's integrative philosophical-legal vision.

Al-Batni (2021) investigates the conceptual and methodological tensions in defining the Islamic state in modern Islamic thought, with a special emphasis on the role of classical political heritage. Using a critical-analytical approach, the study reveals how uncritical reliance on premodern political jurisprudence—often elevated to near-scriptural status—has hindered the development of a coherent Islamic political model responsive to current realities. It recommends reinterpreting political jurisprudence in light of Maqasid al-Sharia (the higher objectives of Islamic law) and its historical contexts.

Ali (2020) examines the inherent tension between the religious foundations of the Islamic state and the modern principles of equal citizenship and human rights, especially in the wake of rising political Islam. Adopting a critical discourse analysis of Islamist narratives, the study identifies contradictions in the conceptualization of the Islamic state—caught between rejecting theocracy and advocating Sharia enforcement. The study proposes reconstructing the Islamic state paradigm on civic foundations that uphold both human rights and religious values.

Abdulbasit's study (2019) aims to provide a comprehensive overview of Wael Hallaq's intellectual contributions, particularly in the fields of Islamic law and the history of Islamic thought. It focuses on his critique of modernity and the impact of Orientalist discourse on Islamic studies. Employing a critical-analytical methodology, the study examines Hallaq's major works and theoretical frameworks to highlight how he rearticulates the concept of *sharī'a* beyond the confines of Western modernity. Central to Hallaq's vision is the ethical foundation of Islamic legal tradition and his deconstruction of Orientalist narratives about Islamic law. The study recommends that contemporary Islamic scholarship engage more seriously with Hallaq's insights, as they offer powerful critical tools for understanding *sharī'a* outside the boundaries of modern Western paradigms.

Hashem's study (2013) seeks to uncover the intellectual and conceptual foundations underlying the notion of the state in Islamic political thought. Through a comparative and deconstructive analysis, the study explores Hallaq's critique of the modern state and contrasts it with both classical and contemporary Islamic perspectives. It finds a structural incompatibility between the modern state—as shaped by Western political theory—and the Islamic state grounded in *sharī'a* as a comprehensive moral and social order. The study concludes that the project of "Islamizing" the modern state is inherently unstable and problematic. It calls for a rethinking of the conceptual model of the state in Islamic thought by developing an original epistemological framework that moves beyond the binary of tradition versus modernity, while remaining attentive to the evolving political, social, and cultural realities of the Muslim world.

Alwan's study (2011) investigates how the concept of the Islamic state has evolved in contemporary Islamic thought following the fall of the Ottoman Caliphate. It examines the extent to which this concept has been influenced by Western and Marxist political theories. Adopting a comparative-analytical methodology, the study analyzes the views of prominent Islamic thinkers in light of modern political concepts. It finds a shift in Islamic political thought from an

emphasis on political authority to an exploration of the structural components of the state. The study also highlights attempts to reconcile Islamic authenticity with the demands of modernity. It recommends articulating a coherent and context-sensitive vision of the Islamic state that integrates contemporary realities without compromising essential Islamic principles.

Contribution of This Study

This research distinguishes itself from current works since it thoroughly examines Wael Hallaq's critical perspective as a theoretical methodology to redesign contemporary Islamic states. The present study advances existing scholarship by employing philosophical deconstruction to study state logic versus conducting linkages to comparative studies or secular versus Islamic studies as performed by Abdelbaset (2019, 2021) and Abu Zour (2024). This paper follows a different approach than investigation of epistemology in Islamic law by Al-Batini (2021) and Ali's (2020) exploration of religious authority against civic citizenship. The present research adopts Hallaq's framework to establish innovative thoughts concerning Islamic states which surpass standard modern versus traditional governmental comparisons. The research makes new contributions to academic discussions about forming moral governments beyond Western modernist paradigms.

Literature Review

1. The Concept of the Islamic State

The notion of the Islamic state remains one of the most debated concepts in contemporary Arab and Islamic political thought, particularly in light of the major historical transformations that have shaped the Muslim world—from the fall of the Ottoman Caliphate, through the colonial period, and into the era of independence and the rise of political Islam. This concept is not solely rooted in religion; rather, it represents a complex and multifaceted subject that intertwines jurisprudential, historical, philosophical, and political dimensions.

This section explores the foundational principles of the Islamic state, its core assumptions, the controversies surrounding its interpretation, and the key challenges it faces in the context of modernity, democratic values, and human rights discourses.

Broadly speaking, an Islamic state is defined as one that derives its legitimacy from Islamic *sharī'a*, and whose political and legal frameworks are grounded in Islamic moral and ethical principles. However, there is no single universally accepted model of such a state. Some conceptions align it with the historical Caliphate of the early Islamic period, while others propose a civil state with an Islamic reference, or advocate for new political models that engage with contemporary realities (Rozali, 2013).

2. Historical Development of the Islamic State

The Rashidun Caliphate (11–40 AH / 632–661 CE)

The Rashidun Caliphate represents the foundational phase of Islamic statehood following the death of the Prophet Muhammad ﷺ. Spanning from 11 to 40 AH (632 to 661 CE), this era was marked by the leadership of four prominent companions of the Prophet—Abu Bakr al-Siddiq, Umar ibn al-Khattab, Uthman ibn Affan, and Ali ibn Abi Talib (may God be pleased with them all). These leaders were renowned for their justice, piety, and strict adherence to Islamic principles.

The political philosophy of the Rashidun state was anchored in the values of *shūrā* (consultation), justice, and moral accountability. Leadership was not inherited but determined

by the collective decision of the Muslim community (ahl al-ḥall wa al-‘aqd—those qualified to choose a leader). The caliph was seen not as a ruler over the people, but as a servant responsible for their welfare, guided by the Qur’an and the Prophetic tradition. The legitimacy of the state was thus grounded in ethical and religious authority rather than coercive or dynastic power (Al Jazeera Media Network, 2025).

During the Rashidun period, the Islamic state witnessed unprecedented territorial expansion. In a relatively short span, it transformed from a nascent polity in the Arabian Peninsula into a sprawling empire encompassing the Levant, Iraq, Persia, Egypt, and parts of North Africa. This expansion was driven by a combination of factors, including the fervent religious zeal of the early Muslim community, the declining power of the Byzantine and Sassanid empires, and the relative justice and moral appeal of the Islamic governance model compared to existing systems in those regions.

This era also saw significant administrative developments. Foundational structures for fiscal and bureaucratic management were established, including the creation of government departments (*dīwāns*), the regulation of stipends, and the documentation of official transactions. Nevertheless, this phase was not without challenges. Internal disagreements began to surface, particularly during the caliphate of ‘Uthmān ibn ‘Affān, and escalated under ‘Alī ibn Abī Tālib, leading to growing political divisions that eventually culminated in the First Fitna (civil war) and the transition to the Umayyad rule (Dabbour, 2008).

3. The Umayyad Caliphate (41–132 AH / 662–750 CE)

The Umayyad dynasty was established in 41 AH / 661 CE after Ḥasan ibn ‘Alī ceded leadership to Mu‘āwiyah ibn Abī Sufyān, thereby ushering in the first hereditary monarchy in Islamic history. With Damascus as its capital, the Umayyads capitalized on its strategic location in the heart of the Levant. Under their rule, the Islamic empire reached its greatest territorial extent—stretching from the Indus River in the east to the Atlantic Ocean in the west, including Al-Andalus and parts of southern France—making it the largest empire of its time by land area.

This period was marked by military conquests, the Arabization of administration, the minting of currency, and significant achievements in architecture and urban development. However, systemic issues began to emerge, such as ethnic discrimination against non-Arabs (*mawālī*), tribal rivalries, and mounting political and religious opposition. These factors gradually weakened the state, which eventually fell in 132 AH / 750 CE following the Abbasid revolution and the decisive Battle of the Zab (Al Jazeera Media Network, 2025).

4. The Abbasid Caliphate (132–656 AH / 750–1258 CE)

The Abbasid dynasty came to power in 132 AH / 750 CE after a successful uprising against the Umayyads, leveraging the slogan of restoring legitimacy to the Prophet’s family. Supported by the *mawālī* and residents of Khurasan, the Abbasids established Baghdad as their capital—a city that later became a global intellectual and cultural hub, particularly during the Golden Age under Ḥārūn al-Rashīd and al-Ma’mūn.

This era saw remarkable advances in science, philosophy, and literature, driven in part by institutions like *Bayt al-Ḥikmah* (the House of Wisdom). The Abbasids also reformed the administrative and economic systems through the development of bureaucratic departments and tax collection mechanisms, consolidating the state’s cultural and scientific influence across the Islamic world (Shubaru, 2022).

4. The Umayyad State in Al-Andalus (138–422 AH / 756–1031 CE)

Following his escape from the Abbasids, ‘Abd al-Raḥmān I established an independent Umayyad emirate in Al-Andalus in 138 AH / 756 CE. The state reached its peak under ‘Abd al-Raḥmān III, who proclaimed himself Caliph in 316 AH / 929 CE, asserting both political and religious authority amid competing caliphates.

Al-Andalus flourished culturally and intellectually, with Córdoba becoming a major center of science, architecture, and interfaith coexistence among Muslims, Christians, and Jews. The administrative apparatus matured significantly, ensuring security and stability for much of the state’s existence. However, by the late fourth century AH, internal fragmentation led to its gradual decline (‘Alī, 2001).

6. The Fatimid Caliphate (297–567 AH / 909–1171 CE)

The Fatimid state, an Ismaili Shia caliphate, was founded in 297 AH / 909 CE in North Africa and later extended its control to Egypt, where it established Cairo as its capital. The Fatimids presented themselves as spiritual and political rivals to the Abbasids, claiming legitimacy through descent from the Prophet’s daughter Fāṭimah.

They oversaw significant developments in science, trade, and infrastructure, establishing major institutions such as Al-Azhar Mosque and University. However, over time, internal dissent, military weakness, and external pressures contributed to the decline of their power, which eventually fell to the rising Ayyubid forces (Al Jazeera Media Network, 2025).

7. The Ayyubid Dynasty (569–648 AH / 1174–1250 CE)

Founded by the renowned military leader Ṣalāḥ al-Dīn al-Ayyūbī in the late 12th century, the Ayyubid state emerged as a formidable force against the Crusaders. His landmark victory at the Battle of Ḥaṭṭīn in 583 AH / 1187 CE paved the way for the liberation of Jerusalem from Crusader control.

Centered in Egypt, the Ayyubid domain expanded to encompass the Levant, Hejaz, and Yemen, forming a unified front against external threats. The period was marked by political and military consolidation, fortification efforts, and robust support for religious and academic institutions. The Ayyubids were instrumental in reviving Sunni Islam, notably through the establishment of *madrasas* and theological centers aimed at countering Shia Fatimid influence. Their legacy laid the groundwork for subsequent resistance to Crusader and Mongol invasions (Kasouha et al., 2021).

8. The Mamluk Sultanate (648–923 AH / 1250–1517 CE)

Following the collapse of the Ayyubids, the Mamluks assumed power in Egypt and the Levant. Strong military leadership and political stability defined this era. The Mamluks decisively repelled the Mongol threat at the Battle of ‘Ayn Jālūt, a turning point in Islamic history. Their rule also witnessed a flourishing of art, architecture, and scholarship, with the construction of notable landmarks and institutions (Khayrah, 2012).

9. The Ottoman Empire (699–1342 AH / 1299–1924 CE)

Established by ‘Uthmān ibn Ertuğrul in Anatolia, the Ottoman Empire grew to encompass vast territories across Europe, Asia, and Africa. Istanbul served as its capital and symbol of imperial grandeur. For over six centuries, the Ottomans maintained political and economic stability,

investing in infrastructure, promoting trade, and fostering a unique civilizational blend of Islamic governance and imperial administration. The caliphate formally ended in 1924 following the aftermath of World War I (Sālim, 2012).

The Contemporary Islamic World

Following the collapse of the Ottoman Empire in the early 20th century, much of the Islamic world fell under European colonial rule. Major colonial powers—such as Britain, France, and Italy—divided and occupied vast Muslim territories. Britain took control of India, Egypt, and Sudan; France colonized Algeria, Tunisia, and Morocco; while Italy occupied Libya. This colonial dominance persisted until the mid-20th century, when national liberation movements began to reclaim independence across the region.

Today, the Islamic world consists of 57 member states of the Organization of Islamic Cooperation (OIC), which was established in 1969 and is now the second-largest intergovernmental organization after the United Nations. In addition to these member states, significant Muslim communities exist in non-member countries such as India and China, where millions of Muslims live. There are also Muslim-majority countries not affiliated with the OIC, including Bosnia and Herzegovina and Eritrea—highlighting the global diversity and widespread presence of Muslim populations worldwide (*Al Jazeera Media Network, 2025*).

Third: Pillars of the Islamic State

The foundations of an Islamic state rest upon four core principles: *consultation* (shura), *justice*, *allegiance* (bay‘ah), and *implementation of Sharia law*. These pillars shape the political structure of the state, ensuring a balanced relationship between rights and responsibilities and promoting collective participation in governance (*Al-Qarni, 2020*).

1. Shura (Consultation): A Model of Participatory Governance

Consultation is a cornerstone of Islamic political philosophy, deeply rooted in both the Qur’an and the Prophet Muhammad’s practice. The Qur’anic verse, “*Their affairs are conducted through mutual consultation*” (Ash-Shura: 38), illustrates the importance of shared decision-making. The Prophet himself regularly sought the counsel of his companions, as in the incident before the Battle of Uhud. While the specific mechanisms of shura are open to interpretation, its objective remains the realization of justice and the collective good based on contextual realities.

2. Justice: The Cornerstone of Good Governance

Justice is one of the most fundamental values in Islamic governance. It encompasses social, economic, and political dimensions and is integral to the realization of divine principles on earth. Historical examples, such as Caliph Umar ibn Al-Khattab's strict accountability to himself and the public, reflect the centrality of justice in early Islamic leadership. Justice in Islam is not merely a legal ideal but a lived obligation that serves as one of the higher aims of Sharia.

3. Bay‘ah (Pledge of Allegiance): A Binding Social Contract

Bay‘ah signifies the mutual covenant between the leader and the people. It goes beyond symbolic support to establish a binding commitment. Caliph Abu Bakr Al-Siddiq captured this principle when he declared, “*Obey me as long as I obey God in your affairs. If I disobey Him, then no obedience is due to me.*” This statement affirms that the legitimacy of leadership in Islam is

conditional upon adherence to divine commandments, and that leaders are subject to public accountability.

4. Implementation of Sharia: The Ultimate Legal Framework

Sharia, derived from the Qur'an and Sunnah, is the primary source of legislation in an Islamic state. As stated in the verse, "*Judge between them by what Allah has revealed*" (Al-Ma'idah: 49), the legal, political, constitutional, and judicial frameworks must all align with Islamic principles. Laws that contradict the spirit or objectives of Sharia are not permitted. The implementation of Sharia spans all aspects of life—from personal worship and financial dealings to political governance and societal order—making it a fundamental pillar of the state.

Fourth: Wael Hallaq

Wael Hallaq is a distinguished Palestinian-Canadian scholar, renowned for his contributions to Islamic legal studies and the intellectual history of Islam. Born in 1955 in the city of Nazareth, he completed his undergraduate education at the University of Haifa, followed by a master's and a doctorate from the University of Washington in the United States. Hallaq has held several prestigious academic positions, including a professorship at McGill University in Canada. He currently serves as a professor of social thought at Columbia University in the United States (Adel et al., 2024).

Major Works and Intellectual Contributions

1. **The Impossible State:** In this groundbreaking work, Hallaq argues that a modern Islamic state is inherently unachievable within the framework of the modern nation-state. He asserts that there exists a fundamental contradiction between Islamic Sharia principles and modern concepts such as sovereignty, law, and citizenship.
2. **Restating Orientalism:** In this book, Hallaq critiques Western Orientalist discourses that have distorted the understanding of Islam. He emphasizes the need to revisit and challenge these narratives to achieve a more accurate and nuanced comprehension of Islamic heritage.
3. **The Origins and Evolution of Islamic Law:** This work explores the historical development of Islamic jurisprudence, with particular attention to how it was shaped by political and social dynamics across various eras.
4. **Authority, Continuity, and Change in Islamic Law:** Hallaq examines the evolution of legal authority within Islamic thought and how it responded to sociopolitical transformations over time.

Fifth: The Modern Islamic State in Hallaq's thought

Hallaq approaches the concept of the state through critical theoretical frameworks, drawing on the works of thinkers such as Michel Foucault, Carl Schmitt, and Giorgio Agamben. Central to his analysis is Schmitt's concept of the "central domain," which posits that resolving issues in peripheral domains requires first addressing the central one. Hallaq contends that modernity's project has designated rationality and secular ethics as the central domain, shaping liberalism, Marxism, and various facets of modern life.

In contrast, Hallaq argues that Sharia fulfills this central role in Islamic governance. He integrates theories from a diverse range of scholars—including Max Weber, Hans Kelsen, Carl

Schmitt, Karl Marx, Antonio Gramsci, and Foucault—to construct a comprehensive and cohesive vision of the state (Hallaq, 2015).

Hallaq’s Concept of the State

Hallaq maintains that a proper understanding of the modern state necessitates a return to its historical formation. He emphasizes that the modern state is not merely a theoretical construct but the product of specific historical practices and developments. According to Hallaq, the modern state is defined by five key characteristics: its emergence as a uniquely European phenomenon, the principle of sovereignty linked to the will of representation, the monopoly on legislation and legitimate violence, a complex bureaucratic structure, and cultural hegemony—particularly through the shaping of national identity and educational institutions. These elements form the backbone of the modern state and its mechanisms of societal control (Hallaq, 2015).

The State as a European Product

According to Wael Hallaq, the modern state originated in Europe during the 15th century because of specific political, economic, and social transformations. These included the collapse of the feudal system, the rise of absolute monarchy, and the emergence of bureaucracies and modern cities. The state arose as a response to the excesses of both church and monarchy, leading to the establishment of a secular system designed to curtail their powers. Hallaq emphasizes that the modern state, at its core, is a secular extension of Christian theological concepts, as noted by Carl Schmitt. Thus, a European experience does not align with Islamic contexts and carries deep-rooted colonial characteristics.

The Principle of Sovereignty

Sovereignty, in Hallaq’s analysis, is a central element of the modern state. It is based on the imagined notion that the state embodies and represents the will of the nation. Domestically, sovereignty is exercised through a constitution that legitimizes the use of force. This system can only be changed through a revolution or a radical constitutional transformation. Internationally, sovereignty depends on external recognition, which grants the state legitimacy to represent its people—even if the ruling regime is authoritarian. This imagined construct has allowed repressive regimes to gain legal and international legitimacy under the guise of sovereignty.

Legislation and Violence in the Modern State

Hallaq argues that the modern state monopolizes legislative authority and imposes the law as an extension of its sovereign will. This will is not considered a true authority unless supported by coercive mechanisms. The state determines when and how violence is exercised—even when such violence is justified by religious doctrine; it is authorized by the state, not by divine command. In this sense, the state becomes a "new god," as it monopolizes the legitimacy of violence and enforces it in the name of the law.

Bureaucracy and Its Structural Role

Drawing on Max Weber, Hallaq describes the modern state as one that relies on a rational, impersonal bureaucratic apparatus that assumes equality among citizens. However, Hallaq comments on this conception by arguing—through the lens of Michel Foucault—that bureaucracy not only manages public affairs but also reshapes society and individuals by regulating daily life in areas such as education and taxation. In doing so, it creates what he calls a “state society.”

Cultural Hegemony

Hallaq notes that the state does not rely solely on legal control but also seeks cultural dominance. It systematically dismantles traditional entities with independent authority and reconstructs society to ensure cultural subordination to the state. This is achieved through instruments such as formal education, which produces elites aligned with the state's vision. As a result, loyalty to the nation is prioritized over traditional affiliations.

The State and Sharia

Hallaq conceives of Islamic Sharia as a complex amalgamation of social and economic relations closely tied to the socio-political order. Sharia historically included diverse institutions that either collaborated or competed, such as teaching, legal documentation, and political representation in the name of "law." It aimed to protect itself from political exploitation and functioned as a comprehensive life system that integrated culture, ethics, and law. Sharia was accessible to all and deeply embedded in everyday life.

In contrast, law in the modern state is isolated from society, implemented through bureaucratic offices that interact with citizens impersonally and procedurally. This creates a sense of alienation from the law (Hallaq, 2016). Hallaq contends that Sharia and the modern state are fundamentally incompatible. While both aim to regulate society, they do so in entirely different ways. Sharia originates from within the community and seeks to preserve moral values and social cohesion. The modern state, however, imposes strict surveillance and strives for total integration of citizens into its centralized system. Sharia was "popular" and community-based, whereas the modern state leans toward centralization and coercion.

With the advent of colonial modernity, Sharia was systematically dismantled and replaced with a European legal model. This made any reconciliation between the two systems impossible (Abdel Nasser et al., 2025).

Conclusion

Wael Hallaq's analysis of the Islamic state in contemporary thought offers a profound critique of the relationship between Islamic Sharia and the modern nation-state. He presents an alternative framework for understanding the interaction between Islam and modernity, emphasizing the deep contradiction between modern state structures and Islamic legal traditions. This contradiction is reflected in the divergent approaches to societal organization and governance. Hallaq demonstrates that attempts to merge the modern state with Sharia in the Muslim world are not only challenging but also inherently impossible due to fundamental structural and philosophical differences. While Sharia represents a socially embedded legal and ethical system, the modern state asserts centralized control through imposed laws and bureaucratic instruments, thereby clashing with communal religious and cultural identities.

Findings of the Study

- The study concludes that there is a fundamental contradiction between the social organizational philosophy of the modern state and that of Sharia. While the former is characterized by centralization and coercion, the latter emerges organically from the community and reflects its cultural and religious specificities.
- It reveals the impossibility of reconciling Sharia with the modern state, as each system requires an independent legislative authority and operates within entirely different frameworks.

- The study finds that colonial modernity contributed to the cultural hegemony of the modern state by replacing traditional judicial systems with European legal models, thereby severing Sharia from its social and cultural foundations.
- It also shows that Sharia functioned as a populist and community-based legal system. It was practiced in markets, mosques, and homes, allowing for more direct interaction with people's everyday lives than the modern state, which relies on bureaucratic institutions.

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