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Constructing the Architectonics and Formulating the Articulation of Islamic Governance: A Discursive Attempt in Islamic Epistemology

Maszlee Malik

Abstract:

International institutions have promoted a 'good governance' agenda as an archetypal model to achieve development for underdeveloped and developing countries. However, closer scrutiny can trace the root of this agenda back to the hegemonic nature of modernity that proposes a specific meta-narrative upon others, as part of Eurocentrism. Many, however, have criticized this Eurocentric paradigm, since the non-Western communities with their own constructed version of 'good' in governance have also proven their ability to develop and prosper in the present or in the past. Thus, the cultural and value-laden nature of such vernacular concepts provides the rationale for the existence and practice of other paradigms. In line with this argument, Islam, with its long history of governance and richness of its values can be considered as another alternative, which should be thoroughly examined to disclose and depict its conceptualization and paradigm of 'good governance'.

The aim of this research, thus, is to explore and analyze the Islamic axioms, foundation principles and values underpinning the field of governance in an attempt to construct the architectonics of a new systemic and dynamic theory and formulate the articulation of 'Islamic governance'. This discursive and abstract, rather than being an empirical exercise, assumes to produce a 'good governance' framework within its own formulation through a value-shaped dynamic model according to *maqāṣid al-Sharīʿah* (higher objective of *Sharīʿah*) by going beyond the narrow remit of classical and contemporary discussions produced on the topic, which propose a certain institutional model of governance based on the classical juristic (*fiqh*) method. In this new dynamic paradigm, a discourse-oriented approach is taken to establish the philosophical foundation of the model by deriving it from Islamic ontology, which is then articulated using the Islamic epistemological sources to develop and formulate the discursive foundations of this new theoretical framework. A deductive method is applied to the ontological sources and epistemological principles to explain the architectonics of this new theory, which are represented by the constructed axioms, which later help to articulate the working mechanism of the proposed 'Islamic good governance' framework through a specifically formulated typology to function as an alternative conceptualization of 'good governance'.

This study, through an exclusive analytical discursive approach, finds that Islam as one of the major religions in the contemporary world with the claim of promising the underpinning principles and philosophical foundations of worldly affairs and institutions through a micro method of producing *homoIslamicus* could contribute towards development of societies by establishing a unique model of governance from its explicit ontological worldview through a directed descriptive epistemology. Thus, the research on governance in this study does not only focus on the positivistic materialist components such as institutions or mechanisms or growth *per se*, but it encompasses the value-laden holistic nature of human life in accordance with the Islamic worldview as an important contribution. In doing so, it formulates the 'good governance' in Islam in relation to the conceptualized '*iḥsānī* social capital', which constitutes the main thrust of the constructed model. Nonetheless, this generative (non-cumulative) paradigm of looking into the governance issue should be viewed as an incomplete certainty as production of the continuous *ijtihād* (reasoning) progression will continue to reveal ways through which its working mechanism can be expanded along with potential developments in its philosophical formation.

Dedication

To my beloved parents (my mother and my late father),

To my dearest wife and lovely children,

To my respected teachers, gurus and *masyaekh*,

To my brothers and sisters,

To my fellow comrades and friends,

To my students and fans,

To my compatriots,

To my community,

To my *ummah*,

I dedicate this humble Opus…

DECLARATION

"This thesis is the result of my own original work, conducted under the supervision of Dr Mehmet Asutay. All material quoted in this thesis from other published and unpublished works have been specifically acknowledged and credited to the author in question in the text. None of the materials in this thesis have been submitted in support of an application for another degree qualification in this or any other university."

Maszlee Malik

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I would also like to acknowledge and thank my supervisor, Dr Mehmet Asutay, of the School of Government and International Affairs for his relentlessly guidance in 'showing me the light'.

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TRANSLITERATION SCHEME

The transliteration system applied in this thesis is based on the ALA LC Romanization method.

Arabic Letters	Transliteration
ء	ʼ
ب	b
ت	t
ث	th
ج	j
ح	*ḥ*
خ	kh
د	d
ذ	dh
ر	r
ز	z

س	s
ش	sh
ص	*ṣ*
ض	*ḍ*
ط	*ṭ*
ظ	*ẓ*
ع	ʿ
غ	gh
ف	f
ق	q
ك	k
ل	l
م	m
ن	n

ه	h
و	w
ي	y
ة	t̲
ـَا	*ā*
ـِيْ	*ī*
ـُوْ	*ū*
اَيْ	ay
اَوْ	aw
يّ	yy

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Abbreviations

AHDR	Arab Human Development Report
CIPFA	Chartered Institute of Public Finance and Accountancy EU European Union
E-HDI	Ethics-augmented Human Development Index
GDP	Gross Domestic Product
GNP	Gross-National Product
GWG IIAS	Governance working Group of the International Institute of Administrative Sciences
FBO	Faith-based organisations
HDI	Human Development Index
HIC	High-income category
IDB	Islamic Development Bank
IFI	International Financial Institutions
IGI	Islamic Governance Index
IMF	International Monetary Fund
ISI	import-substitution industrialization strategy
LIC	Low-income category
LMC	Low middle-income category
MDGR	Millennium Development Goals Report for the Arab Region
MDGs	Millennium Development Goals
NPM	New Public Management
NGO	Non-Governmental Organisation
NPE	New Political Economy
OECD	Organisation for Economic Co-operation and Development

OIC	Organization of the Islamic Conference
PPP	Purchasing Power Parity
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UMC	Upper middle income
UN	United Nations
UNDP	United Nations Development Program
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNESCO	United Nations Educational, Scientific and Cultural Organisations
USA	United States of America
USAID	Unites States Agency for International Development
WFDD	World Faiths Development Dialogue
WGI	World Governance Index

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Chapter One

PROLEGOMENA

"There are other nations, among them are sinners also
There are modest people and arrogant ones also
Among them are slothful, indolent as well as clever people
There are also hundreds who are disguised with Thy name
Thy graces descend on the other people's abodes
Lightning strikes only the poor Muslims' abodes

The idols in temples say 'The Muslims are gone'
They are glad that the Ka'bah's sentinels are gone
From the world's stage the Khudi singers are gone
They, with the Quran in their armpits, are gone.
Infidelity is mocking, hast Thou some feeling or not?
Dost Thou have any regard for Thy own Tawhid or not?

Now the world is the lover of others
For us it is only an imaginary world
We have departed, others have taken over the world
Do not complain now that the world has become devoid of Tawhid
We live with the object of spreading Thy fame in the world
Can the wine cup exist if the cup bearer does not live?"

Allama Iqbal, *Shikwah* (1911)

1.1. OVERTURE

In his controversial poem '*Shikwah*', Allama Iqbal of Lahore lodged his complaint to God (*Khoda*) about the poor conditions of Muslim nations of the time. In his reply to the complaint in the form of a supposed answer he would receive from God, Iqbal (in God's words) repudiated the *Shikwah* by asking the Muslims to look at their own wrongdoings which had led to those conditions. In reflecting on the poetic wisdom, and considering the state of the Muslim *ummah* (nation) we can see that nearly a century later, despite some changes having taken place in the Geopolitics of the independent Muslim countries, the majority of them have still not achieved a proper standard of 'development'. Underdevelopment, corruption, famine in some cases, lack of education, a non-sustainable environment, dictatorships and other socio-political and economical calamities are synonymous with and have plagued the Muslim *ummah*.

The available statistics and literature depict that most human rights, life quality and development, governance and transparency or accountability indices show that Muslim countries always score the lowest (Chapra, 2008: 156-162). On the other hand, most of the corruption indices, rights abuse, power abuse and the like indicate that these countries have the highest scores. International studies demonstrate that only 13 countries, which constitute less than 23%, of the 57 member-countries of the Organization of the Islamic Conference (OIC) are democracies (see: 'www.Electionworld.org' for its 2002 report). Of the remaining 44 undemocratic countries, 31 are pseudo-democracies, five are absolute monarchies, three are dictatorships and five are in transition. Although the concept of democracy is understood in these countries it is mostly relegated to the structure or mechanism of democracy in the sense of electoral system and superficial democratic structures for the altering of power without the real meaning of democratic institutions that ensure all aspects of freedom to the citizen (Siddique, 2000). In most cases, the same regime continues to rule for the control of resources and the manipulation of power which they regain continuously with the help of draconian laws and which curb people's freedom, especially the freedom of media and expression (Nasr, 1995). The lack of freedom in Muslim countries is quite apparent in the data rendered by the 'Freedom of Press 2008' report by Freedom House, in which only one Muslim country (Mali) has been categorised as free, while 17 others are listed as partly free, and the remaining 40 are not free.[1]

The powerful control of regimes over the media and the absence of feasible accountability processes and transparency contribute to poor governance in Muslim countries. Regimes become infallible and resistant to any criticism of the policies they produce. Any country operating under such a climate will ultimately find itself immersed in corruption and will witness the marginalisation of the majority of its mainly poor citizens. A myriad of empirical studies have proven that corruption and poor governance, which are the results of lack of freedom, have a substantial adverse effect on development (Kauffman *et al.* 1999). The correlation between corruption and lack of freedom in Muslim countries is clearly seen in the 'Corruption Perception Index' for the year 2008 (prepared by the Berlin-based Transparency International),

[1] http://www.freedomhouse.org/uploads/fop08/FOTP2008_WorldRankings.pdf. (Retrieved on 18th July 2009)

which lists 133 countries with a score ranging from 10 (least corrupt) to zero (most corrupt); a score of 5 on this index indicates a borderline country. Only six Muslim countries are above this borderline with scores ranging from 5.1 to 6.5, while 44 countries fall below it[2].

The effect of corruption on the economic growth of the Muslim countries can also be clearly identified from their Gross National Product (GNP). Even though the total population of the 57 Muslim countries is approximately 1.194 million (Kettani, 2010) and constitutes a little over 21% of the world population of approximately 6.827 million[3], their total Purchasing Power Parity (PPP) adjusted GNP is only USD 7,882 billion[4] which is only (7.3%) of the world PPP adjusted GNP of USD 57,937 billion (IMF, 2010). Only four Muslim countries, all of which happen to be oil producing countries, are included the high-income category (HIC) and only six in the upper-middle income (UMC) category. Eighteen fall into the low-middle-income category (LMC) and 29 fall into the low-income category (LIC) (World Bank, 2004: 251).

In terms of social development, the standard of education in the Muslim countries, which is another indicator for development apart from economic growth, also gives an adverse indication of the situation in those countries. Education, which received high priority in the early history of Islam and which was one of the causes of the rise of the Muslim people, has not received the due importance it is associated with from government budgets. Expenditure on arms and the survival of the regime and bureaucratic surplus enjoy higher priority in budgeting over people's education, which in most of these countries is dependent on international aid. According to the Islamic Development Bank (IDB) (2005: 13) report for the year 2005, the average adult illiteracy rate in Muslim countries was 32% in 2002. This means that around 426 million people are illiterate and unable to contribute to development according to their full potential. As evidence of this, the total number of universities in all the Muslim countries is only 600 whereas in the US alone there are 1,975 universities, or more than three times as many, when its population is less than one-fourth (Chapra, 2008). Comparing the quality of those 600 universities to the 1,975 of the US would

[2] http://www.transparency.org/policy_research/surveys_indices/cpi/2008. (Retrieved on 19th July 2009)
[3] http://www.census.gov/ipc/www/popclockworld.html (retrieved from US consensus bureau website on 1st June 2010)
[4] https://www.cia.gov/library/publications/the-world-factbook/fields/2001.html (retrieved from CIA, The World Fact book on 1st June 2010)

provide another negative indication of the underdevelopment of the Muslim countries.

According to human, social and economic indicators, most countries in the Middle East are performing badly in terms of development. The *Millennium Development Goals Report for the Arab Region* (MDGR) issued by the UN Economic and Social Commission for Western Asia in 2005 states that "31.5 percent of people in the Middle East and North Africa subsist on less than $2 per day; moreover, 23.6 percent of them lack basic health and education services and a decent standard of living". Furthermore, the United Nations Development Program (UNDP) issued the 2002 *Arab Human Development Report* (AHDR) which states that three major challenges to socioeconomic growth in the Arab nations are: the repression of women's empowerment, insufficient competent professionals/technocrats relative to income and the overall lack of freedom. AHDR mentions that the growing number of illiterate people in Arab countries (mostly women) also contributes to developmental issues in those regions (Abdel Samad, 2008).

Nevertheless, a contemporary remedy proposed for the above problems by the international financial institutions as part of the Breton Woods process was 'good governance'. The 'good governance' phenomenon was first introduced as a panacea for underdevelopment and poverty in the early 1980s as part of the Washington Consensus process, and was proposed as a remedy for many other problems and challenges. Since the World Bank's report on Sub-Saharan Africa in 1989, the term 'good governance' has become a consensus-agreed programme to tackle the developmentalist problems, not only in Muslim countries but also in other underdeveloped countries all over the world. Consequently, since the early 1990s, the topic of 'good governance' has attracted the attention of many researchers, politicians and economists. This research focuses on the concept through Islamic ontology and episteme.

1.2. GOOD GOVERNANCE AS THE FOCAL ISSUE

Governance is both a very new and very old subject in political science. It marks a return to the conception of political study organized around key words like constitution, government, polity, politics and other related themes. It has also been

used to describe decision-making processes and ensuing implementation, frequently being associated merely with government and public administration. However, recent developments in Western democracies have shaped a new discourse of governance and aroused interest in the detailed knowledge of mechanisms and actors of governance. As a result, there have been attempts at measuring the quality of governance and – last but not least – reforms of the public sector have been directly or indirectly influenced by these "reinvented" concepts of governance. At present, governance predominantly refers to the co-ordination of social systems, public-private relations, increasing reliance on informal authority (Pierre and Peters, 2000).

'Good Governance' agenda as introduced by Bretton Woods' institutions according to the Washington Consensus is a result of conventional developmental theories, and represents the contemporary kernel of truth on how to develop (Mehmet, 1997: 127; Van Dok, 1999: 11). It was promoted within the spirit of neo-liberal discourse during the 1990s, as the major prerequisite of development according to its proponents, and, in a way, articulated the ideas of 'The End of History' thesis developed by Fukayama (1992) in a rather Hegelian understanding. Equally, it also refers to a political regime based on a liberal-democratic polity model, which protects human and civil rights, combined with component, non-corrupt and accountable public administration (Blunt, 1995; Leftwich, 1993; Neumayer, 2003). In the same way, 'good governance' is defined as any system in any country which has the elements of: (all parties) participation, consensus oriented (policies), accountability, transparency, responsiveness, effectiveness and efficiency, fairness and inclusiveness, and rule of law (World Bank, 1992; UNDP, 1997). Accordingly, the term would also imply to the sets of rules (*system*) governing the actions of individuals and organizations (*society*) and the negotiations of differences between them that could only be crystallized through proper institutions (Van Dok, 1999).

Despite its aspirations to determine the ideal way of developing, 'good governance' as a policy imperative has also received criticism from various parties. As an agenda promoted by developed Western countries to underdeveloped or developing countries (Third World), 'good governance' has been perceived by some as an expansion of neo-liberalism hegemony (Leftwich, 1993; Moore, 1993; Burnell, 1994; Tetzlaff, 1995; Mehmet, 1997: 126; Pagden, 1998; Jreisat, 2004; Kothari, 2005); while some have viewed it as neo-colonialism by developed countries (Tetzlaff, 1995; Moore,

1996; Pagden, 1998; Anghie, 2000), and some believe it to be a part of a Western project to undermine the 'other' way of life (Mehmet, 1997; Anghie, 2000). By the same token, some accuse the agenda as being part of 'developmental supremacy' of developed countries over the Third World (Escobar, 1995; Mehmet, 1997; Rahnema, 1997). On the other hand, many researchers have launched their criticism of the concept from its technical failure based on the empirical results of its operations in Latin America, African countries and the Balkans (George and Sabelli, 1994: 142-61; CAFOD, 1998; Goldstein, 2000; Stewart, 2000; El-Said, 2002; Stiglitz, 2002).

A deconstruction of the critiques and the concept itself, however, lead to the root of the problem, as the concept can be located within the Eurocentric worldview. Neo-liberal agenda, neo-colonialism, Western values and developmentalist domination all refer to one main source: enlightenment originated Western modernity's conception of the other by influence on the ideological, political and economic discourse of governance and development with the objective of coercing them to embrace its own ideals. Eurocentrism, thus, as coined by many, is rooted strongly in the very realm of modernity (Mehmet, 1997; Mazrui, 2001; Schech and Haggis, 2000: xii). In other words, liberal values, as the core foundation of the 'good governance' reform agenda, is accused of being another product of modernity, which was the zenith of achievement of post-Enlightenment Europe.

1.3. IDENTIFYING THE GAPS

The post-Enlightenment occidental world has imposed itself as the centre of the future life of the human species. Enlightenment, as a landmark of 'modern' civilisation, should not only be defined as a period of time, but should also be understood as "a set of interconnected ideas, values, principles and facts which provide both an image of the natural and social world, and a way of thinking about it" (Hamilton, 1992:21), and hence as a project. This 'modernity' discourse proves that religions and beliefs are the major impediment to human development and progress. Instead, reason and science have the ability to change and improve the nature and social condition of human beings. This concept is believed to have awakened the Western people from their dependency on metaphysics in searching for the well-being of life (Hamilton, 1992; Porter, 1990). At the same time, science has allowed humans to determine their life, control nature instead of being controlled by

it and make her more productive to serve the purpose of their lives through the invention of machinery through utilitarianism, which would abolish drudgery, and free humans from illness and famine (Shanin, 1997). Religion and superstition, upon which people were once heavily depended to face those calamities, were now being denied and cursed for their failure and irrationality. Thus, rationality was seen to prevail against the irrational traditions and religious ways of doing things and it was expected that a convergence should take place in a hierarchical order to lead all the uncivilized and underdeveloped, namely un-modernity projects, towards the Western ideals.

The whole process of transformation, as a ramification of Enlightenment in Western terms, leans towards a generic term of 'modernity' (Porter, 2001; Wegner, 1994). This modernity, which represents 'Western civilisation and culture', is glorified as the model of absolute truth and value, hence the 'universal model of progress and development' (Bennett, 2005: 25). Modernity as a project can be summarised in a number of specific central ideas such as:

a) '*Reason or rationality*' as the way of organising knowledge;
b) '*Empiricism*' as the only way to determine the validity of any idea solely through empirical facts as a result of experiments and scientific explorations;
c) '*Scientific*' knowledge as the only key to expand all human knowledge;
d) Scientific knowledge bearing '*universalism*' reason and science to produce general principles and laws to be applied to all situations;
e) This will lead to '*progress*' by improving the nature and social conditions of human beings;
f) The progress must preserve the principle of '*individualism*' through the eradication of any domination of the authority over individuals.
g) In order to safeguard those principles, '*secularism*' as a worldview must dominate the realm of knowledge and structures to replace traditional religious authority;
h) This will entail '*toleration*' as the major theme of humanity and modern life;
i) The concept of '*uniformity of human nature*', which teaches the concept of equality amongst the human race according to their rights;
j) All the concepts can only be implemented with the existence of a viable '*freedom*' in individuals' lives with the absence of any barriers for one's

belief, trade, communication, social interaction, sexuality, ownership of property and voicing opinions and thoughts.

k) All societies are expected to converge towards the West's modernity project in a hierarchical manner. (Hamilton, 1992:21-2; Porter, 2001)

Hence, the issue of governance as a Western model is strongly derived from and rooted in this worldview. This paradigm promotes that the meta-narrative or meta-theory of this Western worldview can explain the world. Modernisation is presented as 'the rational' and 'the universal' social project to be achieved by the irrational, passive and 'non-modern' others (Hall, 1992: 312-13; Porter, 2001). European culture, lifestyles, systems and knowledge as the main image of the 'West' and 'modernity' has been put at the centre of human life in modern times (Roberts, 1985; Mann, 1988; Hall, 1992). This Eurocentrism, which represents Western civilisation, in such a manner, has been declared as the 'end' to world history (Fukuyama, 1992).

Accordingly, Western discourses of governance, deeply rooted in this worldview, neglect the elements of culture and values, which are considered as inadequate with the 'universal' barometer of modernity and development. The critics of 'good governance' describe the situation as a 'new-colonialism' agenda imposed by liberal, Western-dominated international institutions. It represents the 'hegemony of Eurocentric culture', which is characterized by the larger picture of economic stratification, military inequality, a disproportionate emphasis on European ideologies, the proliferation of Western-derived systems of education, consumerism and life style (Mazrui, 2001). In fact, modernity as a political and intellectual project, has a long tradition of dominating, excluding and misunderstanding the non-West. This stance seems to imply that modernisation is not merely a structural transformation but also a practice based on discursive formations such as, *e.g.,* the culture, knowledge and economic and political superiority of the West. Western values and beliefs were imposed and forced upon others, specifically the Third World as a means of saving them from their underdevelopment and backwardness (Schech and Haggis, 2000: xii).

In the same manner, within the framework of the 'good governance' agenda, 'governance' is 'good' if it suits the philosophy designed mainly by the Bretton Woods institutions according to the values they believe in. Those values might not

suit the nature of some underdeveloped societies or states to improve their performance in social, political and economical fields. Some reports suggest that certain programmes imposed on those countries not only worsened their situation but also resulted in new problems (George and Sabelli, 1994: 142-61). Lack of 'indigenity' and culture characteristics in tackling underdevelopment issues has been identified amongst the lacunae within current good governance projection by other outstanding researchers and international reports (Hofstede, 1993; UNDP, 1994; Blunt, 1995; Dwivedi, 2001 and 2002; Schech and Haggis, 2002). Hence, an exploration of the panacea based on the values of the society is justified for its possible potential to cure the aforesaid situation.

As per the argument of the critics, the post-modernity world demands a fresh look into the narratives of different civilisations, cultures and ideologies rather than imposed meta-narratives of modernity. Hence, explorations of religion and faith to develop an alternative notion of 'good governance' from 'other's' worldview is also necessary. Much could be learned from cultures, religions and faiths in the realm of governance studies from the phenomenological perspective. These elements give the human race a 'sacred canopy' against the threat of the lack of meaning (*anomie*) of the world and accordingly will lead the society to appreciate the innate precariousness of the *nomos* (meaningful order) (Berger, 1967: 28). As an example, the relation between Islamic values and the issue of governance that is the product of the worldview has a great deal of historical experience that is worth exploring. The same can be applied to the rich Confucianism-oriented Chinese culture and philosophy derived from the teachings of Confucius and Mencius. Similarly, the Dharma-based Indian values articulated from Kautilya and Ashoka wisdoms regarding political and administrational affairs are another invaluable source by which to enhance the ideal. The list goes on to include other cultures and faiths (Harris, 1990; Sen, 1998; Frederickson, 2002; Inayatullah & Boxwell, 2003: 14; Dellios, 2005).

1.4. MOTIVATION OF THE RESEARCH

In post-modern times there has been much empirical evidence to indicate that religions and faiths also play a pro-active role in the field of civil society but more importantly in the development of societies, which is a major factor in political

economic life for the development of a country, as well its governance (Gaush-Pasha, 2005). For example, Hofstede's studies (1984 and 1991) provide rationale as to why cultural and traditional differences should be appreciated for effective management. The richness of human civilisations should never be neglected due to the deluge of Eurocentrism. Values, morals and wisdom produced by the 'others' through their cognitive rationality together with the Western cognitive rationality are the colours that will render the universe more positive and joyful. It is these elements that will bring a new aspect to the way studies on governance should be conducted. However, the failure to appreciate their role in forming comprehensive ideals for governance will turn the discourse of governance into a monotonous authoritarian paradigm in viewing human life, which is the case in its origin and proposal.

After establishing that such concepts, including the Eurocentric concept, are not value-free, religion as a form of ethical doctrine could potentially provide the 'internal good' for development through its doctrines on social cohesion, mutual co-operation and virtue-based community. In practice, the process of development is not an axiological neutral human activity, but like other activities it is impregnated with values and ethics (Cortina, 2007). In consequence, apart from mainstream liberal economic ethics (i.e. efficiency, competitiveness, economic growth, human rights, etc.) there are other traditional, culturally-constructed and religious ethics that are worth incorporating into the discourse in order to respond to the realities of each society for it to reach an acceptable and efficient solution for itself. It is through this premise that the Aristotelian concept of *praxis* is worth employing to explain how ethics and tradition can encourage a society to cooperate to attain the *telos* (the *internal goods*)[5].

Stiglitz (1998) argues that cultural values should be preserved due to their essential function as a cohesive force for development at a time when many other values are weakening. Rationally, culture and values that enhance both human and social capital will generate public order through the production of good citizens who live in mutual

[5] By applying MacIntyre's Aristotelian insight into the role of tradition in human life, Cortina (2007: 5-6) concludes that traditional bond can motivate the work of development by motivating the society to attain the *internal goods* within certain *ethical and moral frameworks* through the cultivation of *virtues* by *different social agents* according to certain *models* facilitated by political, economic, and citizens' *institutions* based on specific *philosophical foundation*. With such a framework, she claims that people are not means for other ends, but are valuable in them.

cooperation and mutual assistance, transcending conflicts that mount up to establish social stability (James Coleman, 1990; Kenneth Newton, 1997). Casson (1993) points out that culture as 'collective subjectivity' will enhance efficiency through good behaviour, integrity, honesty, trust and cooperation that will have a great impact on economic performance. In the same way, Throsby (2001) suggests that culture will provide objectives for group development through certain worldviews, values and beliefs, and it will also affect economic efficiency by affecting behaviour, innovation, group dynamics and decision-making processes.

It is according to this reason that UNESCO (1997) suggested in its 29th General Conference Report that culture (if it is being strengthened and supported) could be an enormous potential key element, as a social capital, in the struggle against poverty. The same concern was voiced by the then President of the World Bank, James Wolfensohn, (Kliksberg, 2000: 12) who emphasised the essentiality the independency of growth and social development and further suggests that: "Without parallel social development there will be no satisfactory economic development". While on another occasion, the President of the World Bank also stressed the significance of social development through social justice and equality to complement the institutional and structural reform for political economic growth and human prosperity. Social capital and culture, thus, are key components of these interactions (Kliksberg, 2000: 12). It should be noted that these differences also highlight the distinction between 'economic growth and development'.

Recent global religious uprisings in many areas have demanded a restructuring of faiths and values in the fields from which they were once banished (Casanova, 1994; Berger, 1999; Falk, 2001). As a result, exploration of the possibility of incorporating culture or religion specifically into the public sphere is no longer taboo. However, this new uprising, or what is termed by Micklethwait and Wooldridge (2010) as the return of God or 'God is back', emerges in a different form from that it took during the pre-Enlightenment periods. This global phenomenon is represented by the re-appearance of religions in the form of ethics, values and many other functioning forms rather than the previous institutional structure. This new form of religion usurps the realm of politics, economy, education, international affairs and governance without diminishing the existing structures. Religions from this new

perspective are no longer mere beliefs in miraculous rescue from above (*deus ex machina*) but rather a vehicle for human betterment (Falk, 2001: 32).

Similarly, various researchers have dedicated their studies to the new role that religions can play in development (Haynes, 2007; Khan and Bashar, 2008). Many empirical studies have been undertaken on these topics and most of them indicate that religions, through faith-based or faith-inspired organisations and movements, have not contributed significantly to development. Amongst their outstanding contributions, those often quoted by many researchers have mainly tackled poverty, improved education, provided welfare services to the community, enhanced humanitarian works, and encouraged political participation in the struggle against corruption and misadministration (Gutiérrez, 1988; Akhtar, 1991; Casanova, 1994; Rowland, 1999; Phongphit, 1988; Gillingham, 2005; Marshall, 2005: 8-12; Bayat, 2007; Harrigan and El-Said, 2009; Deneulin, 2009). Therefore, the appreciation of values derived from other civilisations, faiths or cultures must be accompanied by an investigation of their meaning and origin. Furthermore, such endeavour necessitates a deep scrutiny of the worldview that determines how governance should be interpreted and conducted.

1.5. ISLAMIC GOVERNANCE: AN ALTERNATIVE

Likewise, the present evolving good governance paradigm Eurocentricity despite it sharing outcomes which can be seen to "universalistic", can be seen through the deconstruction of the agenda from its anti-religious / anti-cultural ethos that underpin its discourse by neglecting any indigenous factors for development. Furthermore, the current discourse of development as proposed by the good governance project is solely measured by materialistic achievement through growth and the perceived 'universalistic' values per se, without allowing any room for other's interpretations to fairly defining the development. The role of religious ethos, as will be discussed in this research will prove that cultural matters do matters in development, and thus the need for an independent discourse, particularly for Muslim. For such reason, this research will be developed in replying to the need for a separate and unique paradigm for good governance for Muslim societies needs. This aim will be the central working hypothesis of this research.

It is according to this rationale that the quest for Islamic governance, as another

attempt to explore 'cultural-based' governance through the endogenising framework, is justified. Islam, as a belief system and a way of life as perceived by Muslims, in some relative manner is unable to fit within the rather narrow framework of the post-Enlightenment concept of religion[6]. The element of ideology might accommodate some characteristics of Islamic teaching but this still does not fully incorporate the comprehensive meaning of Islam as perceived and acknowledged by Muslims. As Iqbal (2008) suggested, the essence of Islam comprises the matter of faith, feeling, and intellectual, doctrinal, philosophical and other spheres of human life. Furthermore, the studies of Islamic orientation in various fields, such as Islamic banking and finance, Islamic economics, Islamic education, Islamic management, Islamic administrative development, Islamic political theories, *etc* are not new. In spite of this, the Islamic contribution to the field of good governance (macro governance) has yet to be explored.

The common perception of Islamic governance is a dark image of a non-democratic and autocratic system, or a dictatorship with iron claws, or the governance of the cleric elite with the infringement of people's freedom under the banner of religion. All of these elements (which unfortunately resemble the reality in some contemporary Muslim countries) are known and accepted as major impediments to development. Moreover, current representations of Muslim reality by most of the regimes simply add more fuel to the stereotyping by Western sceptics of the presence of religion in the political sphere. The amalgam of religion and governance according to this paradigm indicates taking a step backward to the Dark Ages when injustice dominated human life under the shade of the Church and God's word. Such a conception was not only echoed by people like Weber (2003 [1958]), but also

[6] Religion is translated as '*al-dīn*' in Arabic. The term connotes two different definitions due to its usage and context. The general definition for '*al-din*' refers to the way of life and all manners that relate to conducts from both ritual-spiritual aspects and the secular. This comprehensive meaning of '*al-dīn*' was acknowledged by al-Shatibi through his saying: "(*al-dīn* as the way of conduct) is but an act of worship that encompasses rituals (*'ibādāt*), customs (*'ādāt*) and human relation (*mu'āmalāt*)", and his remarks on another occasion, "All the human conducts that are recognized by the *Sharī'ah* is but an act of worship". Such a wide scope for the meaning of '*al-din*' comprises every action and conduct of humans which will find its general and moral guidance in al-Quran and *sunnah* (Prophet Muhammad's traditions), implicitly and explicitly. While the specific meaning of '*al-dīn*' refers to the 'ritual-spiritual context' which the Muslim scholars define '*al-umur al-dīniyyah al-ta'abuddiyyah*' and does not involve any other human conduct such as economics, politics, education, culture and etc. (al-Uthmani, 2009: 86-105). In our discussion, the main concern will focus on the general meaning of '*al-dīn*' as the way of life as perceived and believed in strongly by many Muslims. It is from such a worldview that the epistemological issues regarding the subject of governance can be explored and derived.

became a major trend in explaining the incompatibility between Islam and the modern liberal world (Toynbee, 1935; Hitti, 1958; Hodgson, 1977; Baeck, 1994 and Lewis, 1995).

In responding to the sceptics, Maxime Rodinson's (1973) characterization of Islam as an *ideologie mobilisatrice*, that is, an ideology that facilitates social and political mobilization might be a good answer. As Rodinson articulated in his widely-known piece, Islam is not only compatible with capitalism, but it has its own inner foundational aim to drive Muslims toward development. A similar assertion on the compatibility between Islamic doctrine of economy and capitalism, which will eventually lead to social change and economic development, can also be found in Turner (1984). In the same vein, Chapra (2008: 846) also challenges the claims of the cynics by applying Ibn Khaldun's theory of rise and fall of civilisation. According to this theory, Islam has activated all the developmental factors in a positive discretion through a multidisciplinary approach to development. The approach encompasses all-important socio-economic and political variables, including the sovereign or political authority, beliefs and rules of behaviour (*Shari'ah*), people, wealth or stock of resources, development, and justice, in a circular and interdependent manner.

Ibn Khaldun (Rosenthal, 1967: 19) concludes that the rise and fall of civilizations is closely dependent on the well-being or misery of the people. Therefore the fall of any civilisation (as well as the current underdevelopment climate in Muslim countries) is not only dependent on economic variables but is also derived from the combined roles of moral, institutional, psychological, political, social and demographic factors (Chapra, 2008: 840). As a remedy, Ibn Khaldun proposes the activation of Islamic creed, spirituality and horizontal-vertical moral values to contribute to the moral and material uplifting of individuals, which is the central factor behind the rise or fall of civilisations and countries.

However, totally denying the theory of the sceptics as might be argued by some apologists will never shed any new light on the subject, nor will totally accepting it. To maintain an objectivity of research, we have to admit that Islamic texts could be manipulated (or are being manipulated) by some who might wish to legitimise undemocratic governance. Hence, a fresh way of exploring and at the same time revealing the new dimension of governance from Islamic epistemology, by taking

into account human experience and justice and fairness factors, is essential. Thus, a new *ijtihād* (reasoning) in dealing with the subject is absolutely mandatory. Humanistic governance based on the preservation of the dignity of human beings, which has been the focal point in Islamic tenets, the inviolability of life, and responsible freedom should be explored and promoted as another alternative voice of current modernity hegemony.

In sum, if economic and policy-oriented issues are all but value-laden, it is therefore rational that an Islamic conception of 'governance' should be developed to fit into its own vision. This, as explained above, could increase the efficiency of development efforts in the Muslim world by directly appealing to people's values. This suggestion assumes that the developmentalist failures in the Muslim world are perhaps partially due to the imposed developmentalist agendas which are not rooted in the aspirational worldview of the people whose lives are expected to be affected for the better.

1.6. AIMS OF THE RESEARCH

The aim of this research, thus, is to explore and analyse the Islamic axioms, foundation principles and values underpinning the field of governance in an attempt to construct the architectonics of a new systemic and dynamic theory and formulate the articulation of 'Islamic governance', in the hope of discovering a remedy for the cases of 'bad governance' and underdevelopment in Muslim countries. Rationally, religion that predominantly became the centre of Muslim life could probably play an efficient role in overcoming such problems. In fact, the long history of Muslim politics has proven that Islamic values managed to bring about efficiency of governance and administration in certain periods of time. Despite the universal and common meanings of those values, Muslims value them more according to their own terms and meanings. The *persona-religiousus* (Ibrahim, 1996) tendency within the heart of most Muslim individuals would provide a ground for the implementation of those ideals.

However, to present an 'out-of-the-box' proposal which differs from the mainstream analysis, advocacy and action for major social change is indeed a kind of paradigm shift. Paradigm shift stipulates a critical deconstructive method of representing the proposal of an exploration of new dimensions and activities that crosscut subjects and

contexts. These dimensions and activities, however, should emerge primarily with a certain worldview to give a strong foundation on which they will interact with the reality. The foundation should be able to produce certain specific principles for the new paradigm rooted strongly in its epistemology. It is from those principles that a new approach will be developed as an articulation of their ideals.

The formulation of the foundation should be based firmly on Islamic tenet, which al-Faruqi (1992) termed *tawḥīd*. *Tawḥīd* is considered as *a priori*, and believed to explain the 'truth'. It is from this *a priori* 'truth' that the reality of life and the world are explained. This worldview illuminates the ideal of Islam and conceptualises an epistemological paradigm from which Muslims derive their knowledge. Accordingly, the attempt to explore Islamic ideals to fit as an alternative means to the conventional governance set-up must embark from this starting point. Therefore, a new method is to be formulated to crystallize Islamic principles of governance by constructing a new alternative within the magnitude of value-laden, ontology-determined epistemology. It is expected that this new approach must transcend the current (nature-matter) materialistic monism of governance by replacing the ends of its process with transcendental values, and by making humans as a starting point of the subject and not as mere commodities. Furthermore, it must fit into the framework of comprehensive contemporary usage of 'good' governance from the ontological-determined Islamic epistemology through deductive method.

As far as the term epistemology is concerned, the exploration also involves Islamic traditions and previous contributions to the subject, but without literal transcriptions. They will only represent the ongoing, creative attempt to comprehend the paradigm implicit in different Islamic texts and phenomena. On the other hand, due to the new nature of the recent description of 'governance', a new distinctive approach that advocates modern political economic issues should apply modern socio-economic analysis with new presupposition established from Islamic epistemology (Choudhury, 1992, 1995, 1999, *etc*). This kind of approach suggests that theoretical foundation of Islamic Political Economy should emanate from the complete substitution of the neo-classical idea of replacement and its later variations by the '*Principle of Universal Complementarity*' (Choudhury 1994). This approach is essential to this research which looks at the Islamic ontological-determined

epistemological role on ethico-economic and political systems with governance as its grand subsystem as a new emerging theory.

Finally, this research aims to explore the principles of governance within Islamic discourse through the epistemological sources of Islam, namely the Qur'an, the Prophet Muhammad's traditions (*Sunnah*), the pious Caliphs' experiences and the *maqāṣid al-Sharīʿah*. It adopts the framework of modern good governance theories and applications to explore the ideal concepts and principles of governance within the Islamic epistemology. The concepts of Islamic governance should be understood from the political and economic ethos that could emerge from the aforementioned sources. This aim confirms al-Badawi's assertion (2002: 21) that an ideal civilisation requires divine guidance to give it a firm foundation, an incentive and a framework, which gives progress a sense of direction and an ethical orientation. Accordingly, the exploration of values from Islamic sources and history will be applied in the field of governance. Instead of dealing with the forms and structures, this thesis will derive the core principles of governance from Islamic epistemological sources.

1.7. RESEARCH METHODOLOGY

In attempting to construct something which is not new but requires a new dimension in looking into it, we are reminded of the words of Milan Kundera (1986). In his *L'Art du roman*, Kundera comments: "To write, means for the poet to crush the wall behind which something that 'was always there'". In this respect, the task of a researcher is no different from the poet's. The most challenging task is to discover what 'was always there' and to represent it from a holistic view with a new interpretation. In dealing with such a situation, an inductive research strategy is the best means of achieving such a goal. With it a researcher is just like a poet, uncovering, in ever-new situations, facts previously hidden.

Discursive analysis is the major method of data collection of this thesis since the research is mainly theoretical and discursive in nature. This method, as part of the qualitative research methodology, is used to identify specific characteristics in textual messages (Morris, 1994). Similarly, textual analysis as an additional research method is needed to critically analyse the text as part of the deconstruction of discourse. This textual analysis method has been employed by humanities researchers to "describe and interpret the characteristics of a recorded or visual message" within certain text

(Denzin and Lincoln, 1994: 225). In the same way, this method is also essential to describe the content, structure, and functions of messages contained in texts. The 'purpose' as described by Hirsch (1967), is to ascertain the meaning intended by the producer of a text.

The inductive method is presented as an architectural scheme for the reconstruction of the processes of gaining reliable scientific knowledge needed in this research. This method combines the explorations of 'context of discovery' with the efforts of presenting the results or 'context of justification'. It combines the heuristic and the inductive side of knowledge production. The heuristic side is represented by the creative methods to find hypotheses to create axiomatic systems. The inductive side consists of the production of grounded theory. This combination leads to a clear hierarchy: the heuristic side provides the basic propositions from which the deduction begins. It is used to make deductions possible.

In developing the model of Islamic governance as a concept, this study maintains the exploratory and formulative approach. Hence, the ontological issues are emphasized to develop its epistemology in order to establish an ideal Islamic model of governance theory. This approach contradicts the mainstream positivist methodological frameworks such as classical empiricism or empirical realism, which are described by Bhaskar (2008 [1975]) as an epistemic fallacy. Ontology (*tawḥīd*) is *a priori* for Muslims' acts as an *imago mundi* for the theory developed in this thesis. In tandem, the ontology and epistemology of Islamic governance helps to further formulate an axiomatic framework for the model. The developed axioms present a philosophical foundation for the aforesaid model. Consequently, to enable the articulation of those axioms thus bringing them into reality, a framework is considered necessary to complete the big picture of the grounded theory.

As for this thesis, this inquiry will be under the comprehensive worldview of 'Islamic' ontology (*Tawḥīdic* reality). Islamic epistemology, which is the result of this inquiry, will enable us to provide the foundations for liberatory philosophy that will bring a new dimension to the investigation of 'Islamic governance' as an alternative for current good governance. Accordingly, this method contrasts with the Western humanist positivistic method of current governance paradigm. It is also to be set as an alternative to Western epistemology, which negates the transcendental and

metaphysical elements and other sources of knowledge, which constitute the knowledge base of 'other societies', but yet glorifies the universal epistemology of knowledge[7]. This Eurocentric modernity only gives the value of knowledge to any presuppositions that confirm these epistemologies. El-Messiri (1994) argues that such materialistic and humanistic epistemologies ignite the very idea of imperialism, which is the continuation of physical colonialism[8]. The internationalization or universalization of this humanistic worldview leads to the exclusion of 'others'' worldview, which entails the denial of others' values, beliefs, faiths and norms in the field of knowledge. Others' knowledge was merely considered as myth, non-valuable, useless and tales before the Westerners.

Appropriately, the method adopted in this research crystallizes al-Alwani's proposal on the systematic and distinguishes the methodological approach to formulate a new field of Islamic knowledge through his remarks (1991:233):

> The *Fiqh* of Politics and government, which is needed by the *ummah* at present, must turn to the goals and purposes of Islam, its general principles, and its precepts. In this way, a complete system of political thought may be developed, one that can interact with contemporary realities in order to realize Islam's greater purposes. In this endeavour, all theories must be derived from the basis of accepted Shari'ah source-evidence, while drawing upon humanity's historical and contemporary experience.

In light of previous discussions, the establishment of a separate 'Islamic epistemology' will be the prerequisite to developing a new theory of governance. Only by allowing the foundations of the governance theory to re-emerge from its own ontology, can they be formulated as 'knowledge' of its kind. Khan (1999: 109) maintains that the establishment of 'Islamic epistemology' will enable Muslims to establish the foundations that will bring them out of the darkness of non-Godliness into the light (Islam) of *hikmah* (wisdom). This confirms what Nandy *et al.* (1988) assert, that any effort to establish a non-modernist or non-Western knowledge in the

[7] This rejection of 'God' interference in the field of knowledge flourished the Western scholars' inquiry of reason and rationality in defining the reality, hence formulating the 'humanistic' episteme. This humanistic episteme is literally based solely on the metaphysic negation ontology, and being coined by Davutoglu (1994) as *ontological proximity*.

[8] Consequently, this Imperialistic epistemological vision according to el-Messiri, stood upon certain 'Eurocentric' pillars such as rationalisation, secularisation, expansion and invasion, which lead to the centricity of Western sciences upon the others. This worldview has lead to the calamities and genocides on the non-Western soils by the Westerner colonial powers under the banner of secular imperialism based on materialistic, utilitarian and rational view. He even insists that the historical baggage of this imperialistic epistemology vision also encompasses the disaster perpetrated by the Nazis on European soil itself (El-Messiri, 1994).

world must first claim its own epistemological primacy by de-centring the 'Western notion of knowledge'.

If this research is to be categorized according to its orientation, it comes closest to being a form of *reconstructive post-colonialism*; that is a post-Washington Consensus perspective of development informed by ethical and spiritual virtues. However, this research does not emerge from ground zero, but it is rather a continuation of previous explorations with different themes and methods. As the field of governance encompasses various issues in politics, economics, legal and constitutional, the research benefited from the existing literature on those subjects, in particular, those involved with political, economic and political economy issues.

1.8. LIMITATIONS OF THE STUDY

Recent discourse on good governance employs far-reaching discussion on political, economic, constitutional and legal issues. However, the main concern in order for those fields to get together within the radius of governance is the '*way to achieve development*'. Within this parameter, the exploration of this research only focuses on the discussion of governance within the current framework of good governance. This rather limited approach to the subject area detaches itself from the conventional approach to Islamic political thought that comprises all the discussions on the issue of sovereignty of *Sharīʿah*, the Caliphate, the Caliphs, the relation between Islamic ideology and democracy or *vice versa* and the modern rulings of political participation. Perhaps those issues suit the interest of Islamic political thought researchers better than researchers of governance.

Similarly, the details of Islamic juristic rulings on Islamic polity are only addressed when they are needed in this research and not at length. The classical approach of the jurists in dealing with topics similar to governance is not a preferred method, but the outcome of this method is part of the discourse references which will be critically and analytically discussed and examined in order to offer a broader exploration of Islamic ontological-directed epistemology. Nonetheless, the epistemological sources are the main discourse which will be analysed and deconstructed. For this reason, this research only employs discursive analysis research approach based on deductive method and deconstructed concepts to establish a new alternative model.

This generative (non-cumulative) paradigm in looking into the topic of governance is to be viewed as an incomplete, non-imperative model and a production of continuous *ijtihād* progression, and would not aim at imperialist control of reality as modernity is claimed to do. In tandem, in establishing this '*Islamic*' foundation and paradigm, the new framework proposed in this research never negates the 'others'' values and wisdom. Taylor's *multiple modernity* (1999) approach enshrines the similar suggested Islamic message that by its nature promotes '*epistemic humility*' in forming a universal value through the hybridism of cultures and orientations.

Lastly, this limited research does not engage in the empirical issues of governance due to its purely theoretical nature. However, it is expected that it should constitute a base for future empirical research. Equally, it also limits itself to the aforementioned subject and will not expand itself to engage with any additional discussions in detailing the technical aspects of the governance system in recent times. Hence, the result of this research inevitably leaves much room for further investigation on these topics.

1.9. STRUCTURE OF THE THESIS (CHAPTERS)

After this introductory chapter, the **second chapter** explains the nature of good governance in an overview of the main subject of the thesis. It begins with the deconstruction of the term 'governance' and its multiple usages in recent times. Accordingly, a conceptual analysis of the term 'good governance' as an agenda by the Bretton Woods institutions is explained, along with a brief history of its beginnings. The philosophy and content of 'good governance' is explored and discussed at length to prepare a general overture in order to establish an alternative framework to it.

Subsequently, the **third chapter** deals with critiques of the concept of good governance, focussing specifically on the instrumental issues rather than mechanical or technical matters. It is from this angle that the issue of modernity, which is the core foundation of recent governance discourse, is discussed, thus allocating lacunae that will be used as a launching pad for this research. Culture as the main element of human life that has been ignored by the good governance project is the starting point for the research.

In **Chapter Four**, a lengthy discussion on how culture could contribute to the field of governance hence achieving its main purpose, **namely** development, is the main theme. From the far-reaching definition of culture, religion as another source of values is also examined for the same purpose. Both theoretical and empirical arguments are presented to determine the practical role religion could play in achieving the governance goal. The discussion of the chapter is a pretext to further exploration into how Islam could be an alternative model for governance. Consequently, the exploration to establish an Islamic model for governance is preceded by the foundational issue to build a new framework to replace the conventional one. Islamic worldview through its ontology and its articulation by the epistemology is the main topic in **Chapter Five**. This chapter presents a debate on what is the 'reality' as perceived through Islamic tenets and how it can be articulated in the field of governance through specific methodological application of its epistemology.

Chapter Six presents the new paradigm of governance from Islamic epistemology through the axiomatic approach. The axioms, which have been deducted from the epistemological sources of Islam, present an ontologically-determined realm of governance to be practised by Muslims in their political and economic life. However, the axioms require a framework of articulation to bring it from utopia to reality.

The **final chapter** engages with the articulation of the axioms through '*Khalifah* typology' that consist of certain elements essential to enable the axioms to be workable. In this final chapter, a comparison between this new model of governance and the existing 'good governance' is made to prove the relative similarity of the outcomes of both paradigms despite the differences in their philosophy and applications.

1.10 CONCLUSION

This study attempts to deconstruct the available knowledge, including Islamic knowledge, with the objective of constructing an Islamic ideal or aspirational governance concept from the richness of experience and experiments of Muslims throughout history. Nonetheless, the journey should be preceded by a thorough examination of both ontological and epistemological issues concerning the topic, using the available knowledge including Islamic heritage. However, this exploration

is not a mere process of 'patching up' as adopted by researchers and scholars for various reasons. Such a process exemplifies a retroactive Westernisation and will lead to a wholesale adoption of Western epistemological paradigms, through the alteration of terminologies and rationale (El-Messiri, 2006: 50). Through this 'patching up' method, Western Euro-centrism remains eminent as natural, universal and ultimate, and accordingly all that is needed is to embellish it, or perhaps rearrange some of its components.

Exploring new territories with new methods by leaving *chez soi* is similar to what Jaques Derrida in *Contre-allée* terms 'departing towards the unknown', risking all the risks, pleasures and dangers that the 'unknown' has in store. Moreover, this unknown is about exploring a territory which is unpopular and considered an imagined 'picture'. For many, imagining a future that is beneficial for humanity is equal to dreaming. But hopefully the journey that this research has taken is not as bad as the tone of some lines from Orhan Pamuk's novel 'The Black Book' (*Kara Kitap*): "We live but for a short time, we see but very little, and we know almost nothing; so, at least, let's do some dreaming" (Pamuk, 1994: 183).

Chapter 2

GOVERNANCE: A CONCEPTUAL INQUIRY

> *"Big ideas, attempts at grasping the whole world in thought, are renowned for breeding discontent and raising future expectations. Big ideas are also well-known sources of fear and contempt among their proponents, who accuse them of oversimplified descriptions of the world, often suspecting them as well of serving as ideological alibis for power groups bent on dominating others.*
>
> John Keane, Global Civil Society (2005: ix)

2.1 DEFINITIONS AND CONCEPTUAL FRAMEWORK

The 'governance' phenomenon indeed is another big idea that has re-emerged in the past decade. The term was first introduced as a panacea for underdevelopment and poverty in the early 1980s, and was suggested as a remedy for many other problems and challenges, as well as being viewed as another ideological excuse for certain power groups to dominate others. At the same time, the term 'governance' currently connotes a myriad of meanings depending on the context in which it is being used and what adjectives are added to it. The term undeniably has its significance and philosophy, so it became very popular and a favourite term of many. Hence, this introductory chapter attempts to locate the origin of the term, its meaning, framework and philosophy. An unambiguous understanding of the concept is crucial in order to comprehend its implications for the framework of this research.

2.1.1 Defining the Concept

After the World Bank's report on the underdevelopment of Sub-Saharan Africa in 1989, the term governance took on a new dimension. It has since become a multi-usage phrase in diverse fields and areas beyond semantic variations. The term which was once firmly linked to the political setting of government has now become common in the fields of political economy and development. The definitions of governance, therefore, are manifold.

To begin with, the term governance is etymologically connected to the Greek verb *kubernân* which means 'to pilot or steer'. Plato used the verb regarding how to design a system of rule.

While the Greek term gave rise to the Medieval Latin *gubernare*, it bears the same connotation of piloting, rule making or steering (Kjær, 2004: 3).

Lexicographically, governance is derived from the Latin '*cybern*' which means 'steering', the same root as in 'cybernetics' (the science of control). Cadbury (2002: 1) relates this meaning to Cicero (106 B.C. – 43 B.C.) who in his *De Senectute* (On Old Age) states "[h]e that governs sits quietly at the stern and scarce is seen to stir".

Later, the term evolved to be used in French (*gouvernance*) in the fourteenth century to refer to 'seat of government' or the royal officers rather than to the process of governing or 'steering' (Pierre, 2000: 23). It was also used by Chaucer (c. 1343 A.D. -1400 A.D.), with a very different connotation, that of wise and responsible (Mandel, 1992: 66-70).

The term 'governance' was used extensively in the earlier modern day to mean the act of governing, as in the function and performance of 'government' and the word 'government' was defined as the "form of organization of State" or a "body or successive bodies of persons governing a State; ... and administration or Ministry" (*Concise Oxford Dictionary*, 2009). The term governance denotes the performance or conduct of governing; the office of function of governing; sway, control. Hence, to govern is to "rule or control with authority; to be in government" and also refers to the relationship between the governors and the governed, such as that between the government and the people, and has at its basis the decision-making powers ceded by individuals to those in authority so that the common interests of society can be served (Iqbal and Lewis, 2009: 2). For a long time, the usage of the term was mainly limited to constitutional and legal issues concerning the conduct of 'affairs of the state' and/or to the direction of specific institutions or professions with multiple stakeholders (Jessop, 1998:30).

Within this framework, the words governance and government differ from each other, since government in its technical usage focuses on the political system with its institutions (electoral system, type of government, political parties, bureaucratic, *etc.*), while governance implies "general conduct of which power is exercised by governments and authorities at national, regional and local levels, and the way in which they fulfil their duties of care and accountability in managing and dealing with the economic, social, ecological and cultural resources and institutions for which they are responsible" (Van Dok, 1999: 10). Perhaps the redefinition by the Canadian Institute on Governance of the term will give a clearer picture of this demarcation: "Governance comprises the traditions, institutions and process that

determine how power is exercised, how citizens are given a voice, and how decisions are made on issues of public concern."[1]

The current use, however, no longer deals with the term governance as a synonym for government. Rather, it refers to a new process of governing; or a changed condition of ordered rule; or the new method by which society is governed (Rhodes, 2003: 46), or it might also signify the modes and manner of governing, of the institutions and agents in charge of governing. This new broader dimension of the recent use of the term still engulfs its literal meaning of "the art of steering societies and organizations" (Graham, *et al.*, 2003: 2). The new use of the term 'governance', hence, departs from its original meaning, which exclusively connotes the political guidance or steering to the non-hierarchical control model focusing on cooperation between state and non-state actors, and the participation of larger actors. This new understanding of 'governance' is broader than that of 'government'.

A very detailed concept of governance, produced by the Commission on Global Governance (1995: 2), clarifies the term as: "The sum of the many ways individuals and institutions, public and private, manage their common affairs. It is the continuing process through which conflicting or diverse interests may be accommodated and co-operative action may be taken". Consequently, this new paradigm also represents an alternative for the old framework of government for hierarchical control, on the level of national, inter-state policy (*i.e.* EU policy) and in international relations (Kooiman, 1993; Rosenau and Czempiel, 1992).

However, a thorough investigation of the contemporary utilisation of the term governance indicates that it has shifted enormously from its initial usage. Not only has the separation between governance and government become exacerbated, governance is also no longer confined to the political realm. The term has become a concept that differs in terms of usage from one context to another (Williamson, 1996: 11). These differences are elaborated further in the following sections. However, despite the multiple usages of the term, or concept, this research is only concerned with the specific meaning of governance as a foundational layer for its exploration.

[1] Canadian Institute on Governance, (www.iog.ca)

2.1.2 Conceptual Framework

Although governance has only recently entered the standard Anglophone social science lexicon, it has become a buzzword in various circles. A closer look at the subject will uncover the diverse usage of the term, which is applied to different contexts and different connotations. However, the semantic meaning of governance as 'steering' is still present in all the usages despite the differences. The following sections deal with those different usages based on the diverse definitions. The definitions imply clearly that the concept of 'governance' is not an exclusive terminology but rather can be applied to a variety of organizations and institutions, and is thus not limited to politics or economics as might be expected (Rhodes, 1997: 47-56; Rhodes, 2000: 55-63; Hirst, 2000: 14-9):

(i) Governance as Policy Instrument

Despite its various and inconsistent usage, the term governance as defined by political scientists refers to two of the most basic questions: 'Who governs?' and 'How well?' The former refers to the issue of power, its distribution and resources in the community and political structure, while the latter, referring to the issue of 'good governance', focuses on effective institutions, efficient methods of operation and equitable policy outcomes (Jreisat, 2004: 1004). This basic understanding of governance deconstructs the very fundamental concept of the use of the term governance, which can be found in Hyden's (2001) definition:

> Governance is the stewardship of formal and informal political rules of the game [which] refer to those measures that involve setting the rules for the exercise of power and settling conflicts over such rules.

This definition is similar to the classical meaning and the general understanding of the term governance, which implies the framework of government and the discussion about instruments involved in governing the state. This is also the general definition given by the World Bank to the term, of governance as: "The exercise of political power to manage a nation's affair" (World Bank Report, 1989: 60). The focus of discussion in this type of governance is about power, the distribution of power, and other issues related to government.

This definition is similar to that of Landell-Mills and Serageldin (1992: 304), who maintain that governance denotes how people are ruled and how the affairs of a state are administered and regulated. It refers to a nation's system of politics and how it functions in relation to public administration and law. Thus, the concept of governance goes beyond that of 'government' to include a political and politically-constructed administration dimension.

Kooiman (1993: 258) defines governance as:

> The pattern or structure that emerges in a socio-political system as a 'common result or outcome of the interacting intervention efforts of all involved actors'. This pattern cannot be reduced to [the outcome produced by] one actor or groups of actors in particular.

This definition does not impose a structure but states that political culture produces its own style and structure of governance out of its political culture in an inductive manner, which, however, may not be good governance. Graham *et al.* (2003: 2), in contrast, state that the core meaning of governance emphasises the fundamental principle of governance which is about power, relationships and accountability: who has influence, who decides, and how decision makers are held accountable. Thus, governance according to them is:

> ...The interactions among structures, processes and traditions that determine how power and responsibilities are exercised, how decisions are taken, and how citizens or other stakeholders have their say.

(ii) Governance as minimal state

Discourse of minimal state has been a heated debate in the political economy field for many years, and as an important feature of the neo-classical-based new public administration, it refers to the extent and form of public intervention and the use of markets and quasi-markets to deliver 'public service' (Rhodes, 2003: 47). Referring to this neo-classical position, Stoker (1998: 18) suggests that: "Governance is the acceptable face of spending cuts". However, the concept refers to more than the 'cuts', it refers to the nature and the shape of public administration or the operation of governance. Governance as the minimal state encapsulates, therefore, the preference for 'less government' but also 'small yet efficient government'. By referring to such notions of governance, governance can best be described as: "… self-organizing, inter organizational networks characterized by interdependence, resource-exchange, rules of the game, and significant autonomy from the state" (Rhodes, 2003: 15).

It should be mentioned that the very idea of minimal state though is not new. From the emergence of Smith's *laissez-faire* up to Hayek's view on the limited authority of the state, the idea has aimed at preserving the individual's rights from being infringed by 'the state' (Hayek, 2007 [1944]), as the minimal state was the theme of the 19th century liberals and was the core part of their ideology of 'liberties'. State as perceived by the liberals is only

responsible for traditional duties such as security, welfare and the rule of law (Hayek, 2007 [1944]). Accordingly, the market is to be free from the tyranny of the state. However, this notion of less-state control must not be confused with the anarchist idea of state-nihilism. The extreme idea of Rand (1967), Rothbard (1961) and Friedman (2002) known as the anarcho-capitalism which emphasizes the ultimate free-market and the non-interference of the state is not what governance means by minimal state. Similarly, according to the proponent of good governance, minimal state is highlighted as an important tool in achieving efficiency for development. Even the market's efficiency depends heavily on the governance issue and minimal state interference. However, in the later stage, due to the failure of the market in some cases, some experts are calling for state interference for regulation and for efficiency of the economy (World Bank, 1997).

(iii) Governance as corporate governance

As can be seen from the two previous technical definitions of the term governance referring to its usage in the macro governance issues (public policy and state), the word governance has also been employed widely at the micro level, specifically in the public sector. At this micro level, the term governance is strongly associated with the concept of 'corporate governance', which deals with business, finance, management and organizational affairs. In this framework, corporate governance, also occasionally referred to as 'good governance' at the micro level refers to the way in which business corporations are directed and controlled (Jones and Michael, 2004; see Cadbury Report 1992:15).

The Committee on the Financial Aspects of Corporate Governance (Cadbury, 2002: 1) defines corporate governance as: "The system by which companies are directed and controlled". This framework indentifies the principles of good governance as being a stakeholder decision-making process aimed at efficiency through integrity, openness and accountability. Such a concept, as elaborated by Demb and Neubauer (1992:187) in their classic work, *The Corporate Board: Confronting the Paradoxes*, was termed: "The process by which corporations are made responsive to the rights and wishes of stakeholders".

In explaining the genealogy of the concept, Aguilera and Alvaro (2004: 418) suggest that the concept was triggered by certain events, mainly from the period of transition of the conglomerate merger movement in the 1960s in the USA to refer to the empire-building behaviour by management through hostile takeovers, and then to the shareholder rights movement of the late 1980s up to the early 1990s. Initially, the first code of governance in

the business sector came into being in the late 1970s in the USA amid the great corporate fervour of business, legal, academic, and political constituencies (Aguilera and Alvaro, 2004: 418). The other event that led to the emergence of the corporate governance issue was the 1990 British recession and the series of high-profile corporate failures, which resulted from the weakness of internal corporate control. The events raised the issue of corporate accountability both in the public mind and in the House of Commons (Monks and Minow, 1995).

However, numerous scholars and researchers agree that it was the 1992 '*Cadbury Committee Report: Financial Aspects of Corporate Governance in the UK*' (also known as the *Cadbury Report*), the first of several reports on corporate governance which led to the strong emergence of the concept in the private sector. It became the flagship guideline that deliberately challenged the effectiveness of voluntary regulation and British corporate democracy (Aguilera and Alvaro, 2004: 419). The report was concerned with "the perceived low levels of confidence both in financial reporting and in the ability of auditors to provide the safeguards which the users of the company reports sought and expected" (Cadbury Commission, 1992). To overcome this, the report strongly promotes the need for the independence of directors, greater shareholder involvement, and the establishment of board committees. These elements of procedures and mechanisms are what are still known as the corporate governance or good governance of organizations.

Consequently, since the report, 'corporate governance' as a guiding concept of management of business and organizations has been introduced globally and adopted by many as 'good practice' to ensure the efficiency in the management and operation of organizations; in the latter stages of the 20th century corporate governance was widely implemented in the public sector after being 'translated' by the Chartered Institute of Public Finance and Accountancy (CIPFA, 1994: 6). The aim of promoting the concept to the public sector is to ensure efficiency of governance in the public sector (Rhodes, 2000: 56). The report also urges the need to change the culture and the climate of public services towards a more commercial style of management. It also points out the need for public service to establish a sound system of corporate governance and exercise work practices based on three principles: the openness or the disclosure of information; integrity or straightforward dealing and completeness; and accountability or holding individuals responsible for their actions by a clear allocation of responsibilities and clearly defined roles (Rhodes, 2000: 56). This led to the emergence of what became known later as New Public Management (NPM).

(iv) Governance as New Public Management

The 1980s and 1990s witnessed drastic reformation movements in the area of public service according to the global structural adjustment programmes towards efficiency. 'New Public Management' (NPM) as the new institutional economics[2] movement helped to generate a set of administrative reform doctrines built on ideas of *contestability, user choice, transparency* and close concentration on *incentive structures* (Mc Laughlin, *et al.* 2003).

NPM is derived from two major ideas: (a) the 'public policy' schools developed in the 1970s which became famous in the 1980s; and (b) the 'managerialist' movement around the globe (Hood, 1991: 6; Lynn, 2003:14; Pollitt and Bouckaert, 2005: 8-10).

This model offered a new approach based on two concepts: the *corporate management* and the *marketisation* of the public sector operating within the framework of the private sector's model of business and market-driven values. It was also part of the reform influenced by the aforesaid 'corporate governance' phenomenon that caused a tsunami of reforms in the way private sectors were managed or governed.

Technically, the term 'corporate management' refers to the implementation of 'private sector management methods' to the public sector through performance measures, managing by results and value for money and closeness to the customer (Hood and Jackson, 1991). Such a corporatisation approach was part of the crude NPM reform package that led it to also be known as *managerialism*. By the same token, the other part of the reform, the *marketisation* refers to "introducing incentive structures into public service provision through contracting-out, quasi-markets, and consumer choice" or in other words 'new institutional economics' as it has come to be known (Hood and Jackson, 1991: 5; Rhodes, 2003:48).

The public management framework implies a diversion from government service delivery (rowing) to more of a governance style of service, which involves stakeholders' involvement in 'policy decisions' (steering) in public management that has put NPM into a wider connotation of the 'governance' concept (Rhodes, 1997:49). In the meantime, Osborne and Gaebler (1992:20) criticised the traditional way of public service provision, proposing a paradigm shift reform ideal into the sector with more elements of governance. They argued

[2] The new institutional economics also refers to introducing incentive structures (such as market competition) into public service provision. The bureaucracies' disaggregation and greater competition through contracting out and quasi-markets; and consumer choice are the things stressed by this new trend of economics (Barzelay, 2002: 15; Gray and Jenkins: 1995).

that bureaucracy is a redundant tool for rowing (service delivery) and came up with a unique 'entrepreneurial government model' based on ten principles:

a) The promotion of competition between service providers;
b) Empowering citizens by de-centralising bureaucracy into the community;
c) Measuring the performance of agencies through outcomes;
d) Goals and missions must drive them;
e) Clients are defined as customers and deserve choices;
f) Problem prevention rather than problem-solving services;
g) More effort in earning money rather than spending it;
h) Decentralising authority by embracing participatory management;
i) Market mechanism operation rather than bureaucratic;
j) Solving community problems by mobilising the private, public and voluntary sectors.

In conclusion, within such a framework, the concept of governance operating in the field of public service transforms the public sector from its conventional state into a new realm of a more efficient operational structure based on corporatisation. Within such a sphere, the public sector no longer acts as a service delivery department *per se*, but rather a corporate entity that aims to serve the people as clients with more efficiency based on the market values of competition, markets, customers and outcomes (and not only rules and regulations). This transformation of the public sector according to Osborne and Gaebler (1992:34) promotes less government (or less rowing) and more governance (more steering).

In tandem, the efficiency of public services is one of the characteristics of good governance proposed by the World Bank which defines efficiency in the public services (according to their notion of good governance) as: "Competitive and market-oriented; privatisation of public enterprises; reformation of civil service through the reduction of over-staffing; introducing the budget discipline; decentralisation of administration; and make the greater use of non-governmental organizations through the networking framework" (Williams and Young, 1994: 87). The presence of all these elements as perceived by the World Bank, as well as other international financial institutions is expected to enhance public management thus leading to the end of poverty, corruption and all the elements that create hurdles in the process of development (Smith, 2003:202-48; Blunt, 2006: 5-8).

(v) Governance as Socio-cybernetic system

In the process of reform, by minimising the state and the efficiency of the public service, the decision-making process no longer became the exclusive right of a single central authority. The new concept of 'governance' in its macro realm implies that stakeholders within the macro governance system should have their share in the decision-making process. This phenomenon has led to what is known as the socio-cybernetic system (Rhodes, 2003: 50). The 'Socio-cybernetic' approach entails the end of single sovereign authority in making decisions within the state by introducing the limits to governing by a central actor. In other words, policy outcomes are not solely the product of actions by central government. Within this new framework, various actors specific to each policy area replace government as the single actor. These social-political-administrative actors interdependently formulate decisions, actions, intervention, and control with shared goals (Rhodes, 2003: 50).

Within this framework, 'governance' is the result of those interactive social-political forms of governing. Thus, the act of 'governing' (or goal directed interventions) becomes separated from the 'governance' process, which is the result of social-political-administrative interventions and interactions of government and other actors such as the private firms, NGOs, association of NGOs, the civil societies, and business entities (KeOhane and Nye, 2000: 12).

Kooiman (1993b: 258) states that "Governance ... can be seen as the pattern or structure that emerges in a social-political system as a 'common' result or outcome of the interacting intervention efforts of all involved actors. This pattern cannot be reduced to one actor or group of actors in particular." In the same vein, Governance International UK offers a similar view to this new framework of 'governance', which emphasizes the nature of the socio-cybernetic system by describing governance as: "The negotiation by multiple stakeholders of improved policy outcomes and agreed governance principles. To be sustainable, these have to be made operational on a regular basis"[3].

These interactive interventions and interactions make all the actors in a particular policy area interdependent. The order in the policy area thus, is not from the highest level but emerges from the negotiations of several involved and affected parties (Rhodes, 2003: 50). Kooiman (1993a: 4) suggests that: "These interactions are ... based on the recognition of (inter)

[3] Governance International United Kingdom (www.govint.org)

dependencies. No single actor, public or private, has all knowledge and information required to solve complex dynamic and diversified problems; no actor has sufficient overview to make the application of needed instruments effective; no single actor has sufficient action potential to dominate unilaterally in a particular governing model".

In conclusion, within the aforesaid approach, central government is no longer supreme, but is thus minimized. The political system is based on 'the centreless society' in the polycentric state characterized by multiple centres. Hence, the task of government is to enable socio-political interactions; to encourage many and varied arrangements for coping with problems and to distribute services among several actors (Rhodes, 2000:58). Consequently, the term 'governance' within such a framework does not only explain the system, but it also refers to the networks amongst the actors involved in the governance process. This can be seen in the following framework of the usage of the word governance.

(vi) Governance as self-organizing networks

In elucidating the implication of the term governance in its recent multiple usage, Rhodes (1996:660) relates it to '*self organizing'* or *'inter organizational networks*'. This realm of governance means the nature of a network that is autonomous and self-governing. An ideal structure of networks according to Rhodes (2000: 61) resists government steering, develops its own policies and moulds its environment based on mutual consensus. Furthermore, he asserts that the networks are characterised by four major features: interdependence between organizations; continuing interactions between network members; regulation by rules of the game negotiated and agreed by network participants, and a significant degree of autonomy from the state. The networks are not accountable to the state because of their self-organizing nature (Rhodes, 2000: 61).

In the same manner, Kickert (1993a: 275) states that government is no longer the sole actor of governance in the contemporary structure of the societal system. Other autonomous social institutions in modern countries also play their own role in shaping the policies and the future of the country. However, those institutions can only operate with a certain degree of freedom of autonomy and self-governance. Deregulation, government withdrawal and steering at a distance are all notions of less direct government regulation and control, which lead to more autonomy and self-governance for social institutions. This provides a broader dimension for governance; hence, it further distances itself from the old usage of the term, which refers only to the act of governing by the government. Rhodes (2000:63) suggests that

governance as networks is a ubiquitous and important form of governing structure in advanced industrial societies.

This usage of governance fits into the previous framework of governance, which is also inclusive. These new usages of frameworks necessitate the involvement of larger governance actors and a reduction in the monopoly of single central actors in the 'governance' process for efficiency and effectiveness. The idea of interconnection, networking and self-dependency as governance does not only apply at the macro-national level, it also expands towards the international and supra national. At the international level, the term governance is used to indicate the interdependent nature of global actors in achieving mutual goals and aims as described in brief in the following paragraphs.

(vii) Governance as International Interdependence

Recent studies on governance encompass the discussion on the role of governance in both international relations and the international political economy. The global networking of organizations and the governance of international agencies that manage to deliver many duties conventionally undertaken by the state are part of the discussions. The increasing emergence of non-state actors such as NGOs, civil society networks and 'anti-globalization movements' on the global level has seen these interdependent networking actors become more crucial. This interdependent networking structure of international actors has become known in recent times as 'global governance'. The application of the notion of governance was the natural result of mounting evidence that the international system was no longer composed simply of states, but rather the world was undergoing fundamental change (Weiss, 2000: 806).

Global governance involves shifting the location of authority in the context of integration and fragmentation. Rosenau (1992b: 13) defines governance as follows: "Global governance is conceived to include systems of rule at all levels of human activity – from the family to the international organization – in which the pursuit of goals through the exercise of control has transnational repercussions". In explaining the process of the concept, he maintains that global governance is "a pervasive tendency… in which major shifts in the location of authority and the site of control mechanisms are under way on every continent, shifts that are as pronounced in economic and social systems as they are in political systems" (Rosenau, 1992a: 18).

'Global Governance' is, thus, the result of globalization as a socio-economic and political fact. This definition implies the erudition of the state authority by international interdependencies (Rhodes, 2000: 57). Held (1991:151-7) suggests that under global forces four processes limit the autonomy of nation states: the internationalization of production and financial transactions; international organizations; international law; and hegemonic powers and power blocs. The limited autonomy of the nation state, thus, leads to their weakened governance capacities, though they remain as pivotal institutions (Rhodes, 2000: 57). The power of the nation state has been distributed to the international level upwards, and to the sub-national agencies downwards. The states then become the 'source of constitutional ordering', providing minimum standards in a world of interlocking networks of public powers. Rhodes (2000: 58) then points out how the European Union illustrates the transnational policy networks emerging by arguing that: "in the EU, multilevel governance posits links between the Commission, national ministries and local and regional authorities".

(viii) Governance as New Political Economy

On the other hand, the term governance is also commonly used in a new discipline known as the 'New Political Economy' (NPE). NPE is an approach to governance which re-examines the government of the economy and the interrelationships between civil society, state, and the market economy (Rhodes, 2000: 59). Within this tradition, Lindberg *et al*. (1991:3) describe governance as "the political and economic processes that coordinate activity among economic actors". Their research explores the transformation of the institutions involved in governing economic activities. The emergence and rearrangement of several institutional forms of governance is the main focus of the research.

A survey of the relevant survey indicates that six ideal types of governance mechanism can be identified within the new political economy ideals: markets, obligation networks, hierarchy, monitoring, promotional networks, and associations (Lindberg *et al.*, 1991:29). Subsequently, in contrast to the idea of 'hollowing' the state in the new realm of governance, the state in this framework is not just another governance mechanism, but it acts as the gatekeeper to sectoral governance and can facilitate or inhibit production and exchange. This approach in a way is also relevant to public administration because it explores the ways in which the state as actor and structure, constitutes the economy and influences the selection of governance regimes despite its minimal role which it shares with others, especially in decision-making.

Following the line of argument, Jessops (1995: 317, 324) points out that governance is "the complex art of steering multiple agencies, institutions and systems which are both operationally autonomous from one another and structurally coupled through various forms of reciprocal interdependence". He also asserts that the basis of hierarchical, top-down co-ordination is being undermined by the dramatic intensification of societal complexity, which stems from the growing functional differentiation of institutional orders within an increasingly global society. With this approach, he contrasts the governance as a 'new political economy' with the old Marxist political economy genealogy by segregating between governance (as steering the networks) and regulation, which is the core of the Marxist approach (Jessops, 1995: 323).

Jessop's analysis of governance draws on his strategic-relational approach with its focus on the complex dialectical interrelationships between structure, agency and strategy. Hence, this approach, according to Rhodes (2000:60), is relevant to the study of Public Administration because of the critical perspective it brings to the instrumental concern of governance with solving co-ordination problems, arguing that governance is not necessarily more efficient than markets and identifying several strategic dilemmas that make governance prone to fail. However, this framework of governance is not appealing in comparison with good governance.

(xi) Governance as 'good governance'

The initial idea of good governance as the antonym for bad governance was developed as a concept of governmental and political reform to be imposed on Third World countries in the interest of expanding the world market economy. However, after the World Bank 1989 report on the underdevelopment in Sub-Sahara Africa, the term took on a new dimension referring to the structural adjustment programmes of the neo-liberal market agenda of the Bretton Woods institutions to minimize the role of governments in favour of the market for what they claim as "successful economic development" (Van Dok, 1999: 11). Later in its 1992 report the World Bank published its ideas of good governance, which it claimed was a framework for "sound development management". The report contains the central elements believed to be the formulae for successful development: accountability, a legal framework, and information as well as transparency (World Bank, 1992).

The aim of the good governance concept or framework aimed to achieve responsible administration, rule of law receptive to development, and efficient management of the public

sector, that is good market economy, while at the same time exemplifying the conditions to remove the risks from strategies of globalization and internal lending policies (Bovaid, 2003: 163-64). Tetzlaff (1995: 113) defines the World Bank as the "inventor and proclaimer of the concept". The term good governance, thus, became widely used by international agencies. The philosophy behind such a policy is that it aims to provide international aid only to those who are eligible. Those countries with good governance in their state administration, therefore, will be entitled to receive the loan, while the countries which exercise 'bad governance' must abide by certain conditions stipulated by the bank and adopt certain reforms before they are eligible for the loan (OECD, 1996).

These motives have been clearly mentioned by the OECD (Organization for Economic Co-operation and Development), one of the most leading international organizations in promoting the idea of good governance along with the World Bank, in their definition of good governance. According to them the concept refers to: "the exercise of political, economic and administrative authority necessary to manage a nation's affairs" (OECD, 1995: 14). Within this framework, good governance as a reform agenda encourages competition and markets; privatization of public enterprise; reforming the civil service, introducing budgetary discipline; decentralizing administration; and making greater use of non-governmental organizations, in order to achieve efficiency in the public service (Williams and Young, 1994: 87)[4]. The word governance, thus, is closely associated with this definition.

To summarize, the term good governance, according to Leftwich (1993) is built upon three strands: systemic, political, and administrative. The systemic use of governance covers the 'distribution of both internal and external political and economic power'. In this sense, governance is broader than government. While the political use of governance refers to 'a state enjoying both legitimacy and authority, derived from a democratic mandate'. The administrative use of governance, however, refers to "an efficient, open accountable and audited public service" (Rhodes, 2000: 57). All these elements conclude the very essence of the good governance mechanism in achieving its goal for development.

[4] Rhodes (2000) suggests that: "good governance marries the new public management to the advocacy of liberal democracy".

2.1.2. Reflecting on the Definitions

In conclusion, technically 'good governance' as a comprehensive concept within such a paradigm engulfs the previous usages or frameworks of governance. Good governance according to this usage encompasses public policy in its political usage; it also encompasses corporate governance, the role of minimal state for market economy, and also the NPM for the public sector, and the socio-cybernatic system for non-governmental organizations, and it crystallises the ideal of the new political economy. The concept also prepares the foundation for global governance as an international interdependence. Further discussion on good governance within such a framework is the focal issue of the second part of this chapter. This theme is crucial due to its function as a prolegomena of the core issue to be debated in this thesis, which is the ideal model of Islamic governance.

In perspective, the multiple-usage of the term governance exemplifies how it encompasses various connotations beyond its initial semantically and literal usage. There is no precedent for any particular interpretation of the word, either in the academic realm or in popular language. Hence, the boundaries of the concept have been vague. It is used freely to convey users' ideas without been dictated by any set of semantic or methodological criteria shared by a community of users (Frischtak, 1994:11). As a result, it has been used abundantly to express different things which do not necessarily refer to the same problems or issues.

In dealing with such vagueness, a deconstruction of the concepts developed by the varying usages of the term 'governance' refers to certain values that reflect the main idea of steering, self-organizing and networking (Rhodes, 2003: 53). These values can be summarized by a number of characteristics and can be summarized as follows:

(i) Interdependent nature between organizations. Governance is broader than government, covering non-state actors. Changing the boundaries of the state meant the boundaries between public, private and voluntary sectors become shifting and opaque;

(ii) Continuing interactions between network members, caused by the need to exchange resources and negotiate shared purposes;

(iii) Game-like interactions, rooted in trust and regulated by rules of the game negotiated and agreed by network participants;

(iv) A significant degree of autonomy from the state. Networks are not accountable to the state; they are self-organizing. Although the state does not occupy a sovereign position, it can indirectly and imperfectly steer networks;

(v) Efficiency in reality is the major determining factor of governance debates. All the usage of the term 'governance' and all the application of concepts using the terminology aim to achieve efficiency.

In conclusion, despite the manifold usage of the term, this thesis will try to narrow the focus to 'good governance' as discussed above. Being the most prevailing connotation of the term governance, it will be the major underlying discourse in achieving the main objective of this research. In the following section, the characteristics and principles of good governance as developed by world institutions will be the main theme for scrutiny and examination. The philosophy of these principles is deconstructed to understand why they have been chosen and what their relevancy is. These foundational issues are pivotal in this thesis, since the establishment of an 'alternative' paradigm for good governance requires the understanding of the contemporary structure and philosophy of the current one.

2.2. GOOD GOVERNANCE: AN INTRODUCTION

> *"Good governance is perhaps the single most important factor in eradicating poverty and promoting development."*
>
> Kofi A. Annan, Former Secretary-General of the United Nations

Despite manifold usage of the term 'governance' in modern times, the 'good governance' that has been widely promoted by international institutions will be the focal point of this research. The concept is believed by many to be the modern way of ensuring development, harmony and peaceful atmosphere amongst the world's population in the future through reforming administration of delivery and services. 'Good Governance', as an international agenda, is closely related to the major factor in governance, the government, in comparison with other notions of 'governance'[5], as it combines ideas about political authority, the management of economic and social resources, and the capacity of governments to formulate

[5] Such a notion has clearly defined by the founder of the term in its modern usage -the World Bank- in its report which states that 'governance' refers to: "the exercise of political power to manage a nation's fair" (World Bank, 1989: 60).

sound policies and then perform their functions effectively, efficiently and equitably (Blunt, 1995), which imply a sets of rules (*system*) governing the actions of *individuals* and organizations (*society*) and the negotiations of differences between them that could only be crystallized through proper *institutions* (Van Dok, 1999).

To understand more about the concept, a brief look into the historical root of it is essential. Literally, the prolegomena of the 'good governance' agenda dates back to 1989 following the World Bank report on Sub-Saharan under-development. The post-cold war period witnessed the pro-active role by the Bank to assist the Third World countries in Africa and ex-communist countries, especially in Eastern Europe, to develop their economies. The World Bank policy during that particular period aimed to bring reform to the public sector with the objective of ensuring efficiency and economic growth. It continued this as its policy and its practice until a shift took place in the 1990s following a 1989 World Bank report that blamed a 'crisis of governance' in Sub-Saharan Africa for a lack of effective use of development aid in the region (World Bank, 1989). A World Bank Staff Paper in 1991 identified external agencies as "potentially key political players capable of exerting considerable influence in promoting good or bad governance. In raising the shortcomings of a country's governance, external agencies are calling into question its government's performance" (Landell-Mills and Serageldin, 1991: 13).

Nevertheless, looking back at the pre-good governance discourse, a number of other preceding events also played a role in preparing the ground for the trend. It might be possible to trace it back to the post-enlightenment period due to modernity and Eurocentrism, or maybe further to the pre-medieval period as far as the Greek and the Romans as discussed in the following chapter. However, the main periods for the advancement of good governance majorly come from the post-second World War atmosphere of the Cold War and the development of the Third World debate. In the following sections, the periods and events are discussed in brief regarding the events and factors which led to the emergence of the good governance fad.

2.2.1. The Genesis

A journey to the core philosophical foundation of 'Good Governance' as a concept is necessary to understand its comprehensive nature. The current liberal democratic values that shaped the contemporary notion of governance can be traced root back specifically to two major events: the American Revolution, and more significantly the French Revolution. These

two revolutions brought the idea of secularization and democratization of society as a final blow to the two great orders that used to dominate European and Western politics: the 'clergy' and 'the Noble polities'. As an alternative, two new forces emerged to form part of the class of plural societies, the organized 'labour' and 'organized capital' along with weaker roles of the clergy and the nobility (Finer, 1997, 3: 1567).

These liberal democratic values also led to the emergence of a few other phenomena that contributed to shaping the landscape of modern politics and hence governance. Amongst them are:

(i) Constitutionalism

Constitutionalism comprises the idea of *restricting the powers of the government*, to confirm the idea of limitation of arbitrary rules and to guarantee individual freedoms. It is based on the core principles of liberalism, namely; *upholding the ideal of the rule of law*, by defining the rules on written law or codified documents known as constitution; and *treating the constitution as the supreme law* of the land; *without any exclusion upon the citizens in abiding them* (Finer, 1997, 3: 1571). This idea was enshrined in the Western world after the French 'Declaration of the Rights of Man and the Citizen', and all other written constitutions that were to follow. Sartori (1962) describes the constitutions as "a frame of political society organized through and by the law for the purpose of restraining arbitrary power".

(ii) Nationalism

The Westphalia treaty was the foundation of the idea of nation state to flourish on European soil. However, it was French nationalism which provoked other countries to embrace nationalism ideals as the basis of their existence. Spain, Prussia and German-Austria, Ireland, Italy, the Rhineland, Poland and the Balkans embraced liberalism hand in hand until circa 1848, after which they found their paths veering towards Conservatism (Finer, 1997, 3:1573). Nationalism has in fact created the pushing factor towards economic survival and the struggle to protect the interest of the countries within their borders, which in the later period resulted in the emergence of radical ideas such as Fascism and Nazism.

(iii) Bureaucracy

The late nineteenth century witnessed a new wave of reforms of public administration. The pre-modern bureaucracies which were known as "personal, traditional, diffuse, ascriptive

and particularistic' were replaced by the modern bureaucracies which exemplified by Weber as 'impersonal, rational, specific, achievement-oriented and universalistic" (Hughes, 2003: 19). The reforms started in the UK after the 1854 Northcote-Trevelyan Report which criticized the patronage nature of the public offices. The report proposed merit-based appointments through examinations, leading to non-patisan and neutral administration.[6] The Report recommended an act of parliament, creating a Board of Public Administration (which later became the Civil Service Commission in 1870). The report became a landmark document in the development of European bureaucracy and became the guideline for UK public management agenda for 70 years (Lynn Jr., 2006: 69).

The reforms in the UK later influenced opinion in the United States. The assasination of President Garfield by a dissapointed civil servant job-seeker as a result of the corrupted system in the civil service sector led to the 1883 Civil Service Act (the Pendleton Act) (Gladden, 1972: 318). The Act contained four key points:

a) The selection of civil servants' positions must be through examinations;
b) Appointments should only be made from the highest-grade achievers in the examination;
c) The interposition of an effective probationary period before absolute appointment;
d) The apportionment of appointments in Washington according to the population of several states and other major areas.

The model was inspired by the ideas of Woodrow Wilson, who strongly believed in the view that politicians should be responsible for making policy, while the administration would be responsible for carrying it out. In Europe Max Weber formulated the theory of bureaucracy, the idea of distinct, professional public service, recruited and appointed by merit and the idea of political neutrality of public servants was the major icon of the reforms. From these two figures, the notion that administration could be technically and instrumentally removed from the political sphere was derived. Later, Frederick Taylor's theory of scientific management was adopted by many for the public sector (Hughes, 2003: 20). This traditional model of Public Administration, later known as the 'burueaucracy' model, became the leading trend in public services sectors, especially in the Western world.

[6] This method was said to originate from the ancient Chinese practice which imposed examinations as a means of the selection of the administrative officials (Lynn Jr., 2006: 41)

(iv) Civil Society

The modern idea of civil society emerged in the 18th century, influenced by political theorists; the genesis of the concept was believed to be traced back to Adam Ferguson (1723-1816) in his *Essay on the History of Civil Society* (1767 [1980]) and Thomas Paine (1737-1809) in his *Dissertations on the First Principles of Government* (Paine: 1975)[7]. Ferguson (1980) suggests that the development of a 'commercial state' is a means of bringing change to the corrupt feudal order and strengthening individual liberty. Paine (1795) suggests that the institution of civil society is to bring about an equalization of powers that shall be parallel to, and a guarantee of, the equality of rights. However, neither Ferguson nor Paine drew a clear distinction between the state and society. It was George Wilhelm Friedrich Hegel (1770-1831), who made the distinction in his *Elements of the Philosophy of Right* (1821). Furthermore, Hegel used the term "*buergerliche Gesellschaft*" (now referred to as *Zivilgesellschaft*) in German to emphasize a more inclusive community (Pelczynski, 1984: 183).

(v) Human rights

The Second World War left scars on the body of universal humanity and world peace. The United Nations Organization was then set up to establish a new world order in accordance with the principle upon which the war had been fought. The response by the international community to the atrocities committed by the Nazis created a landmark for international peace and the human rights issue (Donnelly, 2003: 136). The UN according to Article 1 of its charter was established with its major purpose being: "To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion". This article hence leads to Article 55 which indicates that the UN shall promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion". In order to obtain such goals, Article 68 required the Economic and Social Council to set up commissions for the promotion of human rights.[8]

Thus, on this basis the Council established the Human Rights Commission (1945) that was to draft the Universal Declaration of Human Rights (UDHR) in 1946 as approved by the

[7] http://www.cooperativeindividualism.org/paine_dissertations_on_first_prin.html.
[8] http://www.un.org/aboutun/charter/

General Assembly (Robertson and Merrills, 1996: 27). After a series of meetings and discussions by the Commission, the declaration was finally adopted by the United Nations General Assembly by Resolution 217 (III) on the 10 December 1948 at Palais de Chaillot, Paris (Hunt, 2007: 203). However, the Declaration has no binding power and was not intended to impose a legal obligation on states, but as a mere declaration of principles for which the states were expected to strive. The chair of the Commission, Mrs Eleanor Roosevelt stated "it was first and foremost a declaration of the basic principles to serve as a common standard for all nations" (Robertson and Merrills, 1996: 28).

Development in the further stages of the Declaration have been closely related to the preservation of human rights and freedoms and no longer measured through economic growth alone. During the late 1950s and early 1960s the world witnessed the earlier UN-related ideas such as decolonization, localisation and human rights sweeping over the global political events under the banner of democracy and development. Political and economic discourses predominantly overshadowed all the mantras concerning the two aforesaid principles; hence they moulded the trend of the domestic policies of many countries as well as the foreign policies of the developed countries, specifically the non-Communist countries in interfering with the 'Third World' or underdeveloped nations. During the Cold War, the newly independent countries were still against the ideas of 'new political economy', 'social capital', and 'public goods', which were debated on the scholarly level of the developed countries (Weiss, 2000: 798).

These new ideas were viewed by some as threats to the newly-emerged and weak countries, especially towards their economic and social choices. They remained closed to the international political and economic literature of the 1970s and 1980s that promoted public-choice theory, rent-seeking behaviour, directly unproductive profit-seeking activities, and the new institutional economics. It was at the end of this period that the snowball effect of non-democratic countries, mainly in Asia and Latin America, began to transform themselves into democratic nations. Since the overthrow of Portugal's dictatorial regime in April 1974, the number of democracies in the world has multiplied dramatically (Diamond, 1992).

Before the start of this global trend toward democracy, there were roughly 40 countries that could be classified as more or less democratic. The number increased moderately through the late 1970s and early 1980s as a number of states experienced transitions from authoritarian (predominantly military) to democratic rule. This phenomenon has been termed by

Huntington (1992) as the 'third wave of democracy'. He defines this "wave of democratization" simply as a group of transitions from nondemocratic to democratic regimes that occur within a specified period of time and that significantly outnumber transitions in the opposite direction during that period (Huntington, 1992: 21-26).

This wave of transitions to democracy was motivated by certain global changes during the period, which can be summarized into five major trends:

(a) the deepening legitimacy problems of authoritarian governments unable to cope with military defeat and economic failure;

(b) the burgeoning economies of many countries, which have raised living standards, levels of education, and urbanization, while also raising civic expectations and the ability to express them;

(c) changes in religious institutions which have made them more prone to oppose governmental authoritarianism than defend the status quo;

(d) the push to promote human rights and democracy by external factors such as non-governmental organizations and the European Community; and

(e) the 'snowballing' or demonstration effects, enhanced by new international communications, of democratization in other countries (Huntington, 1992).

2.2.2. Reflecting on the emergence of the concept of good governance

On the other hand, Weiss (2000: 796) argues that the emergence of governance at national level is rooted in a disgruntlement with the state-dominated models of economic and social development throughout the socialist bloc and the Third World at this period (between the 1950s and the 1970s). Consequently, the growing dissatisfaction amongst international relations students towards the dominating theories of the realist and liberal-institutionalism in the 1970s and the 1980s has lead to the emergence of the 'global governance' phenomenon at the international level. Accordingly, the aforesaid event coincided with the practitioners and scholars of development critiques on the failure of reforms in many countries to bring development to the people at the end of the 1980s (Ngaire, 1999: 39) which led them to the discovery, by the early 1990s, that it was 'bad governance' that contributed to those failures. The renewed interest in institutions for the social scientists during that period coincided with this finding. Subsequently, the concern for the institutions

has become the topic of discussions amongst economists and experts (Mearsheimer, 1995; Keohane, 1995).

Subsequent to these events, the post Cold War phenomena, which witnessed universal interest in democracy and democratization, prepared the ground for scholars and practitioners to suggest a panacea from the liberal democratic value formulae essential for effective reforms (Diamond, 1992). The notion of 'good governance' then was formulated not only by having effective reforms, but the complete package of democratic participation and accountability. The combination of all these factors prepared a "background for a whole new literature and set of prescriptions about good governance" (Ngaire, 1999:40). The notion of good governance entails placing the state and society at the service of the market, under the presumption that economic growth under a liberal democratic environment alone will deliver development.

The broader understanding of this notion implies the idea of strengthening the institutional capacity of the state through the enhancement of autonomy, efficiency, rationality and training, but with its minimized role in the market and civil society (Landell-Mills, Serageldin, 1991). Under this new concept, the 'governance' process evolved into a wider concept that included the institutions, the market and the society in steering the state. The new phenomena have driven researchers to produce new political and sociological literature about conditions and institutions needed to represent and mediate the vast and competing array of interests in any society. Simultaneously, the international institutions, namely the international aid agencies are modelling their own useful indicators of good governance as part of their reform package to be implemented by the recipient countries (Ngaire, 1999: 40). The indicators are based on certain factors they believe to be the benchmark for good governance: participation, accountability, transparency and fairness (World Bank, 1992; UNDP, 1993).

In unison, during the 1980s the import-substitution industrialization strategy (ISI) advocating for government interventions in the market to promote large-scale modern industries gave way to a new paradigm referred to as the Washington Consensus[9] (Mehmet, 1997:125-26).

[9] The consensus promotes ten major principles, namely: Fiscal discipline; Concentration of public expenditure on public goods (including education, health, and infrastructure); Tax reform towards broadening the tax base with moderate to marginal tax rates; Interest rates to be determined and positive; Competitive exchange rates; Trade liberalisation; Openness to foreign investment; Privatisation of state enterprises; Deregulation or abolishment of regulations that impede entry to restrict competition, except for those justified on safety,

This approach identified the market as a universally efficient mechanism to allocate scarce resources and promote economic growth. Under its influence, the Bretton Woods international financial institutions, particularly the International Monetary Fund (IMF) and the World Bank, actively encouraged governments to dismantle market control as the 'standard' reform package for crisis-wracked developing countries (Williamson, 1989). According to the Washington Consensus, good governance exists essentially as the political administration of economic policies: the deregulation of exchange, trade and prices systems, and the preferential treatment of individual and corporate investors, while eliminating governmental involvement in credit allocation (Hayami, 2003; Rodrik, 2006).

The consensus had an enormous impact on the discourse of globalization and became the beacon for development, profoundly influencing the drastic reformation movements in the area of public service. New Public Management (NPM) was a new institutional economics movement during the 1990s which generated a set of administrative reform doctrines built on ideas of *contestability, user choice, and transparency* and close concentration on *incentive structures* (Mc Laughlin, *et al.* 2003). These doctrines appeared as a new kind of revolution to the field, debunking the traditional military bureaucratic ideas of 'good administration', which strongly adhered to the idea of orderly hierarchies and elimination of duplication or overlap (Hood, 1991: 6; Lynn, 2003:14; Pollitt and Bouckaert, 2005: 8-10). NPM is derived from two major ideas: (a) the 'public policy' schools developed in the 1970s which became famous in the 1980s; and (b) the 'managerialist' movement around the globe. This model offers a new approach calling for the public sector to be run within the framework of the private sector's model of business and market-driven value for efficiency[10].

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environmental, and consumer protection grounds, and prudential oversight of financial institutions; Legal security for property rights (Hayami, 2003).

[10] However, this type of reform differed from country to country despite of their managerialism centric and non-administrative idea. Some countries rejected the 'small government' ideology, and most favoured it. However, they were unified by the perception that views centralized bureaucracy as problematic apart from the two other factors mentioned earlier. As an example, the UK has their 'Next Steps' reform, which is different from the New Zealand and Australian versions of contractualisation. Canada has its '*La Releve*'; the Irish are implementing their 'Irish Strategic Management Initiative'; the German have their 'Lean State' reform programme; the Scandinavians are known for their Scandinavian reforms (Matheson, 2003: 42); while in the USA two books managed to create a revolution in the field of public service during the 1990's. David Osborne and Ted Gaebler's best-selling 'Reinventing Government' and Micheal Barzelay's 'Breaking through Bureaucracy' strongly influenced Clinton's administration to come out with reforms towards effective public service. 'Reinventing Government' proposed the universal 'steering not rowing' principles of governance, which suggested more participation, accountability and less state control type of public administration. They insist that the new proposed model be called 'entrepreneurial government' (1992: p. xix), which implies: 'using resources in new ways to maximise productivity and effectiveness'. Barzelay's book on the other hand, presented the new post-bureaucratic paradigm of public management, which provided the text for a new generation of reform-minded activists (Lynn Jr., 2006: 110). However, the former has had more influence than the latter.

The collapse of the Soviet Empire is considered by many as the beginning of the new era, and by some as the end of history. Fukuyama (1992) declared that liberalism won and would rule the earth to establish a new dawn of human civilization. These ideas led to other events that eventually brought about the emergence of the good governance theory. It was the World Bank's 1989 report on the underdevelopment of Sub-Saharan Africa as a result of bad governance which first sparked the term that later became fad *du jour* to many, as previously mentioned in this chapter. After the World Bank's introduction of the narration of good governance, the world began to witness the concept and its relationship to political conditionality has been largely embraced by other international organizations such as the United Nations and other international aid agencies (Burnell, 1994: 485).

The World Bank's proposal of the good governance agenda was a summary of concepts and principles formulated as a result of the events discussed[11] with the underlying idea that bad governance is increasingly regarded as one of the root causes of underdevelopment, corruption and other evils in societies. The proposal is closely related to processes of democratization, where the primary aim is to intensify the quality of democracy as a prescription to development and modernity for the Third World and developing countries. In promoting the reform, international agencies utilize a triple strategy: (a) Strengthening independent judiciaries and effective legislatures to curb and counterbalance executive powers; (b) Empowering and expanding the capacity of civic society by nurturing grassroots organizations, advocacy NGOs, and the news media; (c) Financing the democratic mechanisms to establish competitive, free and fair elections and other forms of participation in governance processes (Kaufmann, 2003).

With such grand designs, the international agencies and donor countries legitimise their interference in the internal affairs of the beneficiary countries (Weiss, 2000). However, the degree of interference varies from one institution or agency to another, according to their agenda. The agenda of those institutions and agencies could be seen from the characteristics of 'good' being given to their notion of governance. The proposal as a concept keeps

[11] World Bank presented 'Good Governance' in 1992 as part of the criteria for granting loans to developing countries. The proposal promotes reforms in the public sector with *'new public management'* along with the *theory of rational choice* and the *theory of public choice*, which they believe will lead to the efficiency of public services and the public sector in general. At this stage, 'governance' implies the "exercise of authority through formal and informal traditions and institutions for the common good, thus encompassing: (1) the process of selecting, monitoring, and replacing governments; (2) the capacity to formulate and implement sound policies and deliver public services, and (3) the respect of citizens and the state for the institutions that govern economic and social interactions among them." (Kaufmann, 2003)

evolving and changes from one institution to another, but the focal discourse maintains the same philosophical foundation and aims.

2.2.3. Good Governance as a concept

Tracing back the proceedings that led to the surfacing of 'good governance' as a substantive concept or reform agenda, we may possibly conclude that 'development' was the concern and the major aspiration of its early initiators. Additionally, good governance materialized on the World Bank's agenda as one of the themes of the Bank's 1991 Annual Development Economic Conference (World Bank, 1992b). In its report, the Bank associates the attainment of development with good governance proviso. Furthermore, the Bank conceptualized 'good governance' to indicate the manner in which power and authority are exercised to prepare a conducive environment for development "in the management of a country's economic and social resources" (World Bank, 1992a: 1).

This conception of 'good governance' became extensively discussed and debated after the above-mentioned report. Other international institutions such as UNDP, USAID, OECD etc., which deal with the similar development issues, afterwards redefined the term according to their particular aim, aspiration, outline and policies. According to them, the realm of good governance is not only confined to the reform of the government that governs, but also includes other entities such as public policies, institutions, civil societies, system of economic relationships, or a role for the non-governmental sector in the business of the state. In sum, good governance, thus, expresses approval not only for a type of government (usually democracy) and it relates political values (*i.e.* human rights) but also for certain kinds of additional components (Smith, 2007: 4).

United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), for example, in their mission to assist the development of developing countries, define 'good governance' as: "The process of decision-making and the process by which decisions are implemented (or not implemented)."[12] Here, the concept of the decision-making process implies the importance of the democratic process that should be adopted by developing countries as development in those countries was normally impeded by the autocratic nature of the governments. UNESCAP's approach in crystallizing the good governance concept is to restructure the nature and mechanism of the decision-making process in those countries to

[12] http://www.unescap.org/pdd/prs/ProjectActivities/Ongoing/gg/governance.asp.

engulf non-state actors to ensure efficiency and democracy. Conceivably, Graham *et al.*'s (2003: 5) proposition on the citizen's function in the decision-making practice in the governance process is closer to UNESCAP's by saying: "Mode or model of governance that leads to social, environmental and economic result sought by *citizen*".

Correspondingly, the United Nations Development Programme (UNDP) explains the nature of citizens' empowerment in the decision-making process in their characterization of 'good governance' as:

> The exercise of economic, political, and administrative authority to manage a country's affairs at all levels. Governance is a *neutral* concept comprising the mechanisms, processes, relationships and institutions through which citizens and groups articulate their interests, exercise their rights and obligations and mediate their differences. (UNDP and Governance, 1997)

This definition implies that good governance is seen as a far-reaching way of steering the state through the empowerment and power dissemination progression. Despite its emphasis on the significant role in governing, UNDP also includes other elements of power that will contribute towards good governance. As can be seen in further arguments, the neutrality of the state or government is crucial in order to avoid the enforcement of 'one way of governance', which they believe will decrease the role of non-state actors in development.

Analogously, OECD has presented a more specific picture of good governance by taking into account the objective to be achieved and issues to be embarked upon in the course of the idea of governance. Governance according to them is "management of government in a manner that is essentially free of abuse and corruption, and with due regard for the rule of law" and characterised by participation, transparency, accountability, rule of law, effectiveness, equity, *etc.*[13] This definition encompasses the role of public authorities in establishing the milieu in which other elements of governance function and determine the distribution of benefits (OECD, 1995: 14). Similar to the new realm promoted by the World Bank, OECD also inclined towards broadening the horizon of governance by including all non-state actors in the process of development.

The Governance working Group of the International Institute of Administrative Sciences has also highlighted the issue of non-state actors involvement in development as part of 'good governance' (GWG IIAS, 1996) in their assertion that: "[Good] Governance refers to the process whereby elements in society wield power and authority, and influence and exact

[13] http://stats.oecd.org

policies and decisions concerning public life, and economic and social development". This definition suggests that good governance involves active interaction between the formal institutions of the government and those of civil society. The interaction will encourage citizen's participation in order to generate the social, economic and financial policies that drive the state economy for the benefit of its citizens (Weiss, 2000:797; Kakabadse *et al.*, 2004: 230). This definition and other similar descriptions of good governance mention the elements of preserving the citizen's or majority interest and the way of steering (the what and how) remain as its major pillar.

Apart from good governance, another expanded normative framework for international development initiatives under the UN umbrella was introduced under the name Millennium Development Goals (MDG) as a product of the post-Cold War period. The MDG formed part of an innovative international approach to international affairs firmly grounded in the concept of 'liberalism' as a fundamental to peace and economics. This approach, which is derived from the Western experience proposes that political and economic liberalization would be effective antidotes to poverty and underdevelopment, under the tutelage of the rich countries and in particular a new United Nations revitalized after the disappearance of the Soviet Union. Thus, promotion of human rights, democracy, elections, constitutionalism, rule of law, property rights, good governance and neo-liberal economics have become part and parcel of the international good governance project as well as the basis for a rapid surge in social and economic affairs (Bendana, 2004).

However, as described earlier, good governance, as a prevailing concept in the current debate on development, occupies the main theme in this research. Despite its general framework described above, the details of what constitutes 'good governance' are yet to be referred to. Due to the variety of parties that promote the concept, the characteristics of good governance differ from one proponent to another, with few similarities and goals. Those variations of good governance features which narrow the term into the discourse of development according to the international financial institutions are discussed in the following section.

2.2.4. Features of Good Governance

Leftwich (1993) identifies three strands to good governance: systemic, political and administrative. The systemic use of governance implies that the process exceeds the normal understanding of 'government' which includes the "distribution of both internal and external

political and economic power". The political use of governance means, "a state enjoying both legitimacy and authority, derived from a democratic mandate", while the administrative use refers to "an efficient, open accountable and audited public service". Hence, based on these strands the means to achieve 'good governance' are formulated. Similarly, the characteristics of good governance must be developed based on the objectives agreed by the stakeholders (Bovaird and Loffer, 2003:10).

For instance, the World Bank in its earliest prominent 1992 document on good governance entitled '*Governance and Development*' identifies the distinctive features of good governance as: "Efficient public sector management, accountability, legal framework for development and information, and transparency" (Moore, 1993: 24). While a degree of similarity can also be found in the European Union white paper on good governance, which recommends 'European Governance' as a system that bears five major characteristics: openness, participation, accountability, effectiveness and coherence (White Paper on European Governance, 2001). The same qualities with some additions were also agreed by the participants of the first World Conference on Governance in Manila agreed upon the 'Manila Declaration on Governance' in 1999 which defines 'good governance' as: "a system that is transparent, accountable, just, fair, democratic, participatory and responsive" (Manila Declaration on Governance, 1999).

The evolving nature of globalization and practice of governance drove the World Bank to develop further concepts of good governance in the 1990's. Through the World Bank Institute and the Research Department of the World Bank led by Daniel Kaufmann and Art Kraay, they managed to develop the 'World Governance Indicator' (WGI) in 1996. Based on the data provided by 30 prominent institutions involved in issues related to governance, the indicator is applied as a barometer to evaluate the governance performance of more than 200 countries all over the world (Kaufmann *et. al*., 2008: 16). However, in their study released in May 2005, the World Bank presented the latest update of its aggregate governance indicators for 2004 for 209 countries and territories, designed to measure the following six dimensions of 'good' governance: voice and accountability, political stability and non-violence, government effectiveness, regulatory quality, rule of law, and control of corruption (Kaufmann *et al*., 2005). The WGI evaluates the governance performance of those countries from these six major dimensions, or characteristics. Those countries with high scores in the afore-mentioned areas are considered good governed countries, while those with poor scores are considered bad governed countries.

Comparably, the United Nation Development Programme (UNDP) as an agency within the United Nations (UN) responsible for the development of underdeveloped and developing countries also established their own characteristics for good governance to be achieved by those countries. According to the UNDP document on the subject, 'good governance' is defined as any system in any country, which has all eight of the following characteristics: participation, consensus oriented (policies), accountability, transparency, responsiveness, effectiveness and efficiency, equitability and inclusiveness, and rule of law (UNDP and Governance, 1997). These elements are to be achieved through a reform package offered by the agency.

To conclude, the qualities and descriptions of 'good governance' discussed are aimed at attaining justice, avoiding dictatorship, ensuring the participation of people in policy making, eliminating corruption and administration misconducts, and upholding civil liberty. Its proponents consider good governance to be the major factor of economic growth, and thus development. Hence, with good governance, the aid given will be effectively utilized and fairly distributed for the benefit of the people (Nanda, 2006). Those elements by their nature are interrelated. The implementation of any single element with the absence of the others will never guarantee the efficiency of governance as believed in by the promoters of the good governance approach.

The aforesaid elements or characteristics could be accumulated as the good governance leitmotif, which aims to achieve the following principles (Van Dok, 1999: 13):

(i) Conducive framework for the *private sector*;

(ii) *Market economy* with stable, development-oriented economic and budgetary policies;

(iii) *Rule of law* and *transparency* in all areas of the public sector and combating corruption,

(iv) Competent, efficient and responsible government and administration committed to *accountability*;

(v) Effective government and administration at regional and local levels through *empowerment*;

(vi) *Democratic* political system and a pluralist society;

(vii) Active *participation* of the people in political decision-making and development

processes;

(viii) Decisive role of *civil society*, especially non-governmental organizations (NGOs);

(ix) Efficient national *education and health* care system;

(x) *Freedom of the press* and independence of the media;

(xi) Protection of *human rights*.

However, in summarizing the concept, Graham *et al.* (2003) summarise all these values in five major principles: The first principle is 'legitimacy and voice' that encompasses 'participation' and 'consensus orientation'. The second principle is 'direction' based on the value of 'strategic vision'. The third principle is 'performance', which includes the values of 'responsiveness' and 'effectiveness and efficiency'. The fourth principle is 'accountability' which is the basis of both 'accountability' and 'transparency'. The fifth principle is 'value' which encompasses 'equity' and 'rule of law'.

Conversely, due to the failure of some experiments of the good governance project in a number of countries, the concept started to evolve and expand. Furthermore, the concern over good governance by the promoters has also evolved within the two decades since its implementation. It was initially concerned with the improvement of political leadership of democracy and integrating economic and social goals through the non-state actors (with the banner of minimalizing the state); then the second generation of good governance emphasized economic and social rights with a call to bring the state into action to reform economic and social development due to the failure of the market; and the current trend of good governance is moving towards emphasizing integration of economic and social welfare through well-governed society, which entails improvements in governmental institutions and sound development management (Weiss, 2000: 805).

These developments led to the new formulation of the notion of good governance by some experts. Mahbub ul Haq (1999), who was known for his statement that "the concept of good governance has failed to match the radicalism of human development", proposed 'humane governance', which comprises holistic reform in politics, economics and civic governance. This new concept emphasizes upholding and ensuring the concept of integration between good political governance and good economic governance through the empowerment of the people (self-organisation) within the framework of good civic governance to serve basic

human needs. This proposal inextricably links the principles of 'ownership', 'decency' and 'accountability' as its major components. Such ideas preceded the concerns regarding human development, human well-being and other human economic fields. However, it is still attached to the very similar philosophy and foundation of the initial Washington Consensus ideals.

2.2.5. Conclusion

The term governance, which technically connotes a wider perception than government, is both a very new and a very old subject in political studies. It is closely associated with political concepts like constitution, government, polity, politics, bureaucracy and many others. The most common usage of the term has been for the description of decision-making processes and ensuing implementation, frequently being associated with state institutions and mechanisms. However, the contemporary vast development of the Western liberal democracies has engulfed the detailed knowledge of mechanisms and actors of governance into the realm of 'governance'. Furthermore, the expansion of developmentalism in the political economy and developmental discourse has widened the discourse of governance to encompasses the field of economics, legal, social and private organizations; hence, 'reinventing' the new concepts of governance (Weiss, 2000: 795-96).

The former usage of governance denotes more the traditional state (and its political bodies and institutions) 'steering' concept of governance (the state-centric approach). Unlike the former, the new definition of governance is a modern concept that focuses on the role of society (society-centric) and its ability to governance by co-ordinating common interests and *self-steering* (positive approach) or to resist the regulations and impositions of the state (negative approach). This new approach to the notion of governance implies that state is only regarded as one of the many equal actors in society, together constituting *a network* regulating and coordinating policy sectors according to the preferences and interests of their members.

Within this paradigm, the discourse of 'good governance' as part of the continuity of the developmental progress emerged with certain aims and goals. The concept that was first introduced by the World Bank, and then followed by other international aid agencies and financial institutions keeps expanding in response to the agenda prepared by the Washington Consensus (Hayami, 2003; Rodrik, 2006). The relatively new concept due to its dynamic nature opens the doors for the parties involved to encapsulate their own philosophy to

develop a distinctive barometer of the concept based on the agenda they are moving towards achieving. Though most of the characteristics developed might vary from one institution to another, they share common principles, such as how power and authority are exercised; the management of a country's affairs; the relationships between rulers and those ruled; how conflict is resolved; how interests are articulated and rights exercised *etc.* (Weiss, 2000).

Finally, one can also conclude that despite the different interpretations of the term 'good governance' there are common elements agreed by many. The common elements can be attributed to four major themes: constitutional reform, political reform, administrative reform and public policy reform (Smith, 2007: xi) that works for administration, politics and economic development (Heiden, 2001). Based on these themes, the characteristics or the mechanisms of good governance are being developed and built to achieve the ultimate goal of governance, which is the development of countries with an efficient working environment. Despite contrasting terms and concepts, most of the concepts refer to the same philosophy and principles to achieve the same goal. However, the aspirational view of good governance is not free from its critics. Various parties have debated several issues related to the idea, including the motives of the institutions promoting it. The following chapter discusses some of the major criticisms launched against the idea of good governance.

Chapter 3

DECONSTRUCTING THE CONCEPT OF GOOD GOVERNANCE: CRITICAL DISCOURSE ANALYSIS

> "*More and more people are beginning to realize that 'the modern experiment' has failed. It received its early impetus from what I have called the Cartesian revolution, which, with implacable logic, separated man from those higher levels that alone can maintain his humanity. Man closed the gates of Heaven against himself and tried, with immense energy and ingenuity, to confine himself to the Earth. He is now discovering that the earth is but transitory state, so that a refusal to reach for Heaven means an involuntary descent into Hell*".
>
> Schumacher, *Small is Beautiful* (1978: 139)

3.1. INTRODUCTION

The 'good governance' agenda introduced by international financial and aid institutions according to the Washington Consensus is a result of the conventional developmental theories, which represents the contemporary kernel of truth on how to develop from an Eurocentric perspective (Mehmet, 1997: 127). It was thus promoted within the spirit of the emergence of neo-liberal discourse during the 1990s as the major prerequisite of development according to its proponents. 'Good Governance' usually, therefore, refers to a political regime based on the model of liberal-democratic polity, which protects human and civil rights, combined with component, non-corrupt and accountable public administration (Neumayer, 2003), and is expected to be the outcome of the economic and financial liberalisation policies.

Despite its fervent promotion as the primary idea in determining the ideal way to develop with the objective of ensuring the well-being of the people, it also received criticism from various parties for some of its shortcomings. Good governance as a concept or agenda was exported from the developed Western countries to the underdeveloped or developing countries known as the 'Third World' after the World Bank's Sub-Saharan Report in 1989, which is considered by some as an enforcement of neo-liberalism idea on the world (Mehmet, 1997: 126). While some scrutinise it as neo-colonialism by developed countries (Pagden, 1995; Moore, 1996; Anghie, 2000),

and some believe it to be a part of a Western project to undermine the 'other' way of life (Rahnema, 1997: 384). On the other hand, many researchers launched their criticism of the concept from its technical failure based on the empirical results of its operation in the Latin American region, African countries and the Balkans (George and Sabelli, 1994: 142-61; CAFOD, 1998; Goldstein, 2000; Stewart, 2000; El-Said, 2002; Stiglitz, 2002).

Since this research does not focus on the technical issues in the operational and mechanistic matters of the concept, it aims only to establish the gap in its philosophical issues. Therefore the criticism included in this chapter is less concerned with the empirical arguments, concentrating instead on deconstructing core subjects to show the foundation of the governance discourse. This chapter, consequently, is developed around three major criticisms of the conventional good governance proposal that relates to the core of the philosophical inquiries. The discussion on the liberal agenda within good governance, the Asian values proponents who oppose the Westernization of the governance discourse and the post-developmentalist hostility towards the 'developmental hegemony' of the developed countries upon the Third World advances as a launching pad for further investigation.

By deconstructing the line of arguments of the opposition, and the meta-structure of the concept, one can see that the most prevailing discourse on 'good governance' was that of modernity and Eurocentrism (Mehmet, 1998). These two predominant principles reflect the grand design of the concept in determining how the contemporary world's population should live. As part of the post-Enlightenment legacy, these two cardinal concepts are constantly developing along with the contexts and changes, to ensure that the West will always remain at the centre, and the peripheries will always remain as they are. Thus, modernity and Eurocentrism as the foundational framework for 'good governance' theory or concept are discussed thoroughly below and will be argued in detail regarding their implications for the underlying conception of governance with the objective of opening up its concept and assumptions so that a robust and logical attempt can be made later to construct it through Islamic episteme.

3.2. NEO-LIBERALIZATION AGENDA AS GOOD GOVERNANCE

Amongst the prevailing criticisms of the good governance programme is that it is a neo-liberalisation agenda being imposed by the developed Western countries on the others. The collapse of the Communist Bloc, the impact of the pro-democracy movements and the wave of democratic changes around the globe have been recognized as the leading motivations for this agenda. It has also been claimed that the promotion of structural adjustment and economic reform programmes in the Third World, and later in Eastern Europe towards capitalist economic formation and public policy from the late 1970s with the objective of enhancing efficiency, was part of the new liberalism influence (Leftwich, 1993: 608; Tetzlaff, 1995).

Following the trend of the period and due to the failure of developmentalist states caused by the debt crisis during the 1970s; and hence their failure to deliver political and economic development, the discourse of development, economic growth and modernization has shifted towards the new emerging trend of the neo-liberal agenda. Therefore, the Washington Consensus came as a new face of hegemonic power in the 1980's (Mehmet, 1997; Kothari, 2005) after it was adapted as part of the new global order. The Washington Consensus thus offered structural adjustment and economic reform and liberalization policies based on the liberal market economy framework to establish the initial base of the coming liberal world. After the collapse of Communism as an ideology, Western liberalism declared its victory and was promulgated by some as the end of history (Fukuyama, 1992), hence the further domination of the Western neo-liberal agenda in the discourse of development with a Hegelian mindset.

The neo-liberal reforms mainly aimed at shrinking the role of state, corporatization and interference in others' sovereign economy in the name of free-market though global interconnectedness has convinced some experts that the idea of 'good governance' as part of the reform, is but a part of the Western agenda to convert the world to liberal domination (Moore, 1993; Burnell, 1994; Pagden, 1998; Jreisat, 2004). Furthermore, the liberal agenda under the banner of 'good governance' to be implemented by Third World countries could be seen in liberal elements as part of its reform package, such as neutralizing (or minimizing) the role of the state, encouraging and funding liberal democratic reforms in the electoral system,

enhancing the discourse of human rights and individual liberties (through the freedom of media and politics), empowering of non-state actors (especially the civil society organizations and market actors), free trade and free market (capitalism) (Williams and Young, 1994). It was apparent that most of the aid given was poured into institutions involved in adhering to those liberal elements amid the minimization of the state role. In the same breath, Western political leaders frequently uttered a call for such reforms during the 1990s, promoting them as 'the new beginning' for the world (Leftwich, 2000: 118-19).

The 'good governance' agenda, as discussed in the previous chapter, during its initial phase technically imposes the limited state framework which demands greater scope for competition and a free market economy leading to democratic reforms and hence the policy is considered as an essential tool for development. It was also believed that a market economy, within a democratic environment which entails 'good governance', were the key factors of economic growth and prosperity (Leftwich, 1993: 605). This formula was promoted not only to serve the purpose of economic growth, but it was also believed to be crucial to maintaining peace and stability at both domestic and international levels (Weiss, 2000: 796-803). However, reality has proved that this ideal, widely promoted by international donors, is not a silver bullet to solve all problems. Critics of the concept succeeded in raising their concerns regarding some of its hidden dimensions and aspects which had been overlooked by many.

In the same line of argument, some radical circles suggest that 'good governance' as promoted by the Western world was indeed part of the wider governance of the predominant 'New World Order' (Leftwich, 1993: 611). This would support Fukuyama's aforesaid thesis of the ultimate triumph of liberal democracy. However, the proponents of 'good governance' do not easily accept this allegation as they believe that the values promoted through the proposed reforms, especially by the IMF, World Bank and UNDP, are in fact universally-accepted norms and values by many (Graham *et al*., 2003). Furthermore, it is those values that have brought development and economic growth to the developed countries, especially the US and Europe, in the last century.

Another primary issue is the perception of enforcement of the neo-liberal agenda on Third World countries through the human rights framework. Since the World Bank's proposal for Sub-Saharan development through implementing the 'good governance' elements, the human rights issue has been recognized by most international aid donors as the benchmark for good governance, which justifies them pouring loans or 'donation' into any country (Smith, 2004: 48-9). The United States Agency for International Development (USAID) for instance, clearly mentions in its statement that its funding is only for those programmes designed to increase participation in development, to support and strengthen democratic institutions and civil society and support human rights (William and Youngs, 1994: 85).

Governance is not only perceived as an economic issue but also as a political agenda for democratization and, therefore, has always been associated with the protection of human rights by not only the donors, but by most of the developed countries' leaders (Williams and Young, 1994: 85). Shihata (1999: 329-330) insists that the World Bank through its good governance project has indirectly contributed towards the objective promotion of 'human rights', by ensuring the development that will benefit the people as a whole. Consequently, by uncompromising emphasis on human rights, good governance has been seen as a strategy to promote human rights and democracy by international agencies (Weiss, 2000: 795; Crawford, 1995; Axworthy, 2001).

According to the proponents of good governance, the preservation of human rights and the application of human rights laws, which are part of the leading liberal values, are essential in the achievement of development (Ghai, 1994: 4; Sen, 1999; Donnelly, 1999). The promoters of good governance policies claim that all the liberal values that came with the reform agenda are universally acknowledged for the interest and well-being of the people. Democratic values based on liberty, the respect of human rights, market economy, efficiency and other liberal values which are strongly based on ideals such as individualism, secularism and positivism were, consequently, promoted as a prerequisite for the formation of better governance for the people (Graham *et al*., 2003: 8).

However, having an introspective into the reality, these 'universally accepted' values should be viewed from their epistemological construct and from their priorities and suitability for implementation in underdeveloped or developing countries. Without taking into consideration the indigenous and cultural factors, those universal elements might be perceived as something foreign despite the positive result they might aim to achieve. Furthermore, the conditionality promoted under the banner of 'good governance' by international institutions, only deals with the institutional and mechanistic reforms and not the people's essentials of the recipient countries. The ignorance of the 'bread and butter' needs of the people, meant most of the reform imposed on those countries only resulted in 'social conflict' and social disparity (Mehmet, 1997; Alcantara, 1998; Rodrik, 1998). On the other hand, such enforcement might be viewed by some as a neo-colonialist project by the developed countries to spread their domination over others, which will be discussed in the following section.

3.3. GOOD GOVERNANCE AS THE NEW FACE OF COLONIALISM

Shihata (1991:85) explains that the World Bank insists on governance with the objective of promoting fairness, justice, liberty, an independent judiciary, respect for human rights, and an efficient and corruption-free bureaucracy, and by insisting that these were the basic requirements for a modern and efficient state. Despite such positive values and expectations attached to 'good governance' by the aid agencies, some researchers have taken a sceptical attitude toward the whole concept and policy. The pre-conditional loan from those agencies, namely by the World Bank, that comes with the 'good governance' reform has been viewed, mainly by critics, as part of the neo-colonialization enterprise (Tetzlaff, 1995: 20). Stiglitz (2002) states that the culture of 'conditionality' policies imposed by those agencies and institutions cultivates the 'feel of colonial ruler' in them.

George and Sabelli (1994: 142-61) point out that the concept of good governance has been created as a scapegoat for some parties to blame those who failed to fulfil what was required from them. The 'unfulfilled' conditionalities of good governance imposed by the World Bank and other international donor institutions to the borrowing countries will provide an option to blame them if things go wrong. It will be a 'blame-the-victim' situation. In the same vein some other critics perceive that

the 'good governance' approach is but a subtle way for America to impose its hegemonic power upon the developing countries, specifically the African, countries, thus resulting in neo-colonialism (Moore, 1996; Anghie, 2000).

Good governance as a tool for neo-colonialization derived from the long-inherited 'colonialism mentality' was and is actually a mere continuation of Western colonialist policies. Pagden (1995) traces the roots of this mentality back to the age of Old Greece, where they divided the world into 'us' and 'them'. This can be traced back to Plato's complaint about the separation between the Hellenic races and other races which they described as 'barbarian'. The Roman *Imperium* who believed in their lordship over the 'barbarians' later inherited this Hellenistic feeling of superiority[1]. This lordship could only be achieved if they managed to impose on them their way of life by living in the 'Civitas', which afterwards evolved to the notion of 'civilization'. The Christian Roman Empire then continued the *status quo* with some modifications by adding a religious flavour to it (Pagden, 1998; 2001; 2008; Parekh, 2006: 16-49).

Lordship attitudes then became the theme of the European colonialist in their colonization expeditions. Not only did the wealth of the colonized countries become the main motivation of the colonialist expedition, but the belief that they were the only nations with the superiority in understanding the laws of God and of nature over the 'primitive' people drove them to impose their cultures on the people of those colonized nations. 'The primitives' of the colonized lands according to the conquerors, were not only their servants, but had also to embrace the European lifestyle, European religion (Christianity), European dress and eating habits, European beliefs, European technologies, etc (Pagden, 1998: 12-14). Furthermore, this attitude later evolved to Kant's idea of '*ius cosmopoliticum*' or the cosmopolitan rights. It was the original idea of universal laws and political order for all nations. The authority of this international rule of law must be guarded by the nations themselves for which Kant proposed republican states (Kant, 1991: 102).

Kant's idea of this world order changed from one treatise to another as can be seen by the development of the idea itself. For example, in *The Idea for a Universal*

[1] Aristotle went a step further and equated Europe with freedom, independence, and the rule of law, and the non-Europeans with arbitrary, tyranny and slavish submission (Lewis, 1995: 64).

History (1787) he describes the world order as a "united power and the law-governed decisions of a united will" (Kant, 1992: 47). While in his *On the Common Saying,* he articulated that *"*This may be true in theory, but it does not apply in practice" (1793), he proposes that the guardian of the world order must be an international society with legal powers. The same idea was proposed in his *Perpetual Peace* (1795). However, in his *The Metaphysics of Morals* (1797), he concludes that such an international world order can only be practised in a 'universal association of states that come to hold conclusively true condition of peace' (Kant, 1991:156). This formula offers the image of a higher political order, which all societies must emulate as a model "in order to bring the legal constitution of mankind nearer to its greatest possible perfection" (Kant, 1991: 191).

This could be viewed as the background for universalism in international political affairs. Kant also believed that the practice of cosmopolitan rights is the key to harmony and happiness. This explains the genealogy of the aspirations, which the modern usage of the term 'governance' has come to describe. Pagden (1998: 14), therefore, argues that the World Bank's promotion of 'good governance' is but another "transvaluation of European or more generally Western imperial values" implying that they are just continuing the colonization crusades that have been pioneered by the Greeks, then the Romans, followed by the Christian Romans, and ultimately by the European conquerors during the centuries of colonization.

Based on a similar argument, the good governance agenda has been associated with the Western governments' agenda, specifically the United States, to influence world economics in their favour (Mehmet, 1997; Anghie, 2000). The World Bank was also implied to be working according to Western governments' favour (Preston, 1992: 10), which was the result of the strong influence of the 'development orthodoxy' from the wider development community of the Western world from governments, NGOs and academics. Similarly, the focus on governance by the World Bank was partly based upon the consensus adopted by those orthodox's that political considerations play significant role in ensuring and determining development (Williams and Young, 1994: 88; Mehmet, 1997).

The World Bank's emphasis on human rights issues as part of the good governance project has also been viewed as part of a United States-oriented agenda, which has

always had a tradition of focusing on human rights (according to their Universalist's definition) in its foreign policy (Lancaster, 1993: 13). Such reality fertilizes the strong thoughts that the World Bank, through its good governance project, is heavily influenced and moulded by the Western agenda, in particular the United States. Moreover, some extreme opponents of the so-called 'Western' version of 'good governance' claim that such sudden interest amongst the West in trade reforms and concerns for human rights and democratic reforms are disguises and cynical ploys to destroy the competitive advantages of Asian countries (Robinson, 1996: 320). In response, they promote what is known as 'Asian Values'.

3.4. RESPONSES TO THE GOOD GOVERNANCE DISCOURSE FROM THE PERIPHERY: THE ASIAN VALUES DISCOURSE

Amongst other criticism of the universalist approach, rationalizing the idea of governance carries the Western philosophy of liberal freedom which, one way or another, can be considered as the source of sexism, racism and imperialism (Mahathir, 1995a). It was a continual argument amongst the strong proponents of Asian values, namely the former Prime Minister of Malaysia, Dr Mahathir Mohammad, the former Prime Ministers of Singapore, Lee Kwan Yew and Goh Chok Tong, who loudly declared the incompatibility of 'Western' governance with Asian culture and tradition (Bonnett, 2004). Mahathir (1995a) who is known for his vocal criticism of the perceived social and political trends in the West, for example, has linked the vast and massive social problems in the West to the excessiveness of democracy. Western political institutions and unguided freedom in the Western world, according to Mahathir (1995b), are responsible for the uncured problems taking place on Western soil. Western ideology has bred virulent forms of individualism and grasping materialism at the expense of positive community-oriented values and spiritual well-being according to Mahathir.

In the same way, Tong and his predecessor, Lee Kwan Yew are proud of their country's (Singapore) achievements in economic development without adopting the Western style of governance. Lee Kwan Yew, for example, points out that through adherence to the ideals of Confucius, the Singaporeans managed to erect the

monument of prosperity and glory of their country[2] without having the political freedoms of the West. He is quoted as saying: "Singapore.... [is] a Confucian society, which places the interests of the community above those of the individual" (Lee Kwan Yew, 2000:542).

Lee also asserts that the main differences between the Confucianism of the East Asian and Western liberal societies are the emphasis and the sacredness of the family. The state can never replace the role of the family by any means. Family values give the strength and influence to every individual in society to maintain the culture of thrift, hard work, and filial piety, respect for elders and for scholarship and learning. These values, according to Lee Kwan Yew, are the major recipe for productive people and helping economic growth (Lee Kwan Yew, 2000: 545-46). This indeed refers to micro dynamics of good governance.

Goh (1994), on the other hand, argues that the right economic policies and the preservation of Asian Values are the major ingredients of the country's remarkable economic growth, rising standard of living, increased longevity, low urban crime rates, and massive development. The element of community and nationhood, disciplined and hard-working people and strong moral values, family ties and traditional network are in fact the golden rules that constitute the Singapore version of Asian values according to Goh (1994). He asserts that all these values are related directly to 'Asian culture' which puts group interest 'above that of the individual' (Goh, 1994)[3]. As for them, the Western political liberty and the idea of excessive

[2] This idea was propagated as early as 1983 during the rule of Lee Kwan Yew, who was the then Prime Minister of Singapore, when the Institute of East Asian Philosophies (IEAP) which was sponsored by the ruling regime PAP was first set up. The objective of the establishment of the institute was to advance the understanding of Confucian philosophy so that it could be reinterpreted and adapted to the needs of present society (Lawson, 1995:14).

[3] Asian Values, apart from Mahathir's, are strongly attributed to the Confucian Chinese values. Their main premise that makes them distinguishable from 'Western' values are constituted in the following points:

a) The emphasis on family values. Family provides the model for the organization of authority and responsibility within the political system. Based on this principle, every individual has great respect for the leaders in the community.

b) Interests of the community or the group take precedence over the vested interest of individuals. Thus individual rights and freedoms are secondary to the individual obligations towards the community.

c) Political decision-making is based on the orientation of consensus rather than confrontation through a representative political system.

d) Social cohesion and social harmony are priorities, which can be attained through moral principles and strong authority.

e) Economic growth and development are associated with social cohesion and strong authority, and a right of every citizen and country. Hence, the state plays a critical role in the economy and not the

freedom are not suitable and will diminish the Asian values that are the core principal of their success (Bonnett, 2004:113-21).

It should be noted that Malaysia's version of 'Asian values' differs from its neighbour in not adopting the Confucianism values. Malaysia's multi-ethnic, multi-cultural and multi-religious society requires a different treatment and approach. Racial harmony was addressed as the government's major priority in order to maintain the political and social fabric of the country. Any racial tension or conflict will prevent the development agenda and could be used as a pretext in preventing the idea of political freedoms. Hence, in the case of Malaysia, the emphasis is on the rights of the majority i.e. Malays and the indigenous people (*Bumiputera*) always have the priority in the country's agenda. Therefore, the argument was that the Western liberal idea of civil liberty is difficult to implement on Malaysian soil due to the different culture and social structure of both societies. However, the concept of good governance in Malaysia still refers primarily to transparency, accountability, the separation of powers, the end of corruption and social integration (Subramaniam, 2001).

The economic growth in Singapore and Malaysia, as well other Confucian Asian countries, namely the economic dragons (Singapore, Hong Kong, Taiwan, South Korea and Japan) is used as evidence that the Western version of liberal democracy as found in 'good governance' is not necessary or a prerequisite for economic growth. This argument, however, needs to be clarified. Economic growth alone can never be an indicator for development. Those countries that might enjoy growth are not necessarily free from corruption, though it might not be as bad as in the underdeveloped or other developing countries.

Furthermore, feeding bellies has become important in the Asian system to maintain the autocratic regimes in power and to silence the people regarding the elimination of political rights. People were left without freedom, either to make their own choice or

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market, unlike the Western liberal ideology. On the other hand, every individual will strive strongly as part of his or her contribution towards the state. (Robison, 1996: 310-1; Hofstede and Bond, 1998:8)
Based on these values, the Singaporean government concluded their good governance constitutes: 'Accountable and transparent government; Long-term orientation by the government in deciding policy options for its society; and social justice, which emphasises equality of opportunity regardless of race and religion but through fair competition or meritocracy'. All this is based on one overarching criteria: strong leadership! (Principle of Governance, Singapore government website, (http://www1.moe.edu.sg/ne/About_NE/Governance/governance_principles.htm).

to enjoy political rights. Nevertheless, it is rather important to realize that people who do not have political rights cannot claim their economic rights either. Additionally, economic growth *per se* without freedom can never indicate the level of development. Sen (1999), in opposing the 'full-belly' thesis, maintains that freedom of the people, which encompasses political rights, freedom of expression, government accountability and the rights of women and the minorities are the yardsticks of real development, as these empower individuals.

In supporting the argument of the proponents of Asian values, Hofstede and Bond (1998) argue that Eastern cultures have their own uniqueness in shaping world civilization through their own approach, which is distinct from the Western approach. Therefore, in culturally contextualising good governance, Subramaniam (2001: 75) suggests that the theme of good governance can be seen to assume significantly different roles, depending on the political and cultural dynamics operating in each particular context. These critics might have their basis in justifying the role of culture and religion in governance to a certain degree, but their blanket rejection of 'Western' values, specifically in the issue of governance, is rather vague and to some extent might sound rather stereotypical.

In replying to the opponents of Western values, Lewis (1995) maintains that social unrest in the birthplace of Western ideas and philosophies cannot be a justification for the rejection of those ideas. Social problems are not solely Western problems; they occur everywhere and in fact they are part of universal human problems. He asserts that other cultures can never replace Western culture and values. The method that was developed by the post-Enlightenment West was indeed the vanguard of the exploration of other civilizations and cultures, which hence made them popular. Indeed, as he argues, the world should thank the West instead.

Despite these different angles the supporters of Western liberalism advocating 'Western' democratic good governance, always come to the conclusion that Western democracy is still the best invention in human history. The proponents of Asian values or cultural relativists might not be justified when they purposefully manipulate culture to legitimize their autocratic regime and the practice of dictatorship (Case, 1994; Lawson, 1995: 5; Diamond, 2000) but the West has a lot to learn from good Asian values such as emphasis on family values, community-based governance, the

respect of elders and leaders, etc. The reality of the destruction of values and ethics in the Western world is undeniable, but that can never be an excuse for not emulating the good aspects of the democratic values in accountability, transparency, rule of law and the empowerment of the citizens. Liberal values have indeed contributed a great deal to curbing dictators and despots in the Western world. Nobody can deny the fact that the idea of democracy and liberalism are derived from the ashes of the final blow to dictatorship and tyrannies (Lawson, 1995).

Anwar Ibrahim (1996), former Deputy Prime Minister of Malaysia, proposes a middle path. As a contrast to the 'Asian Values' proposal that he claims is just an excuse by the autocratic leaders of Asian countries to justify their undemocratic governance, he suggests that the Asians need to acknowledge universal values without compromising their own Asian values. He suggests that despite the 'right to difference' some Western values were actually essential for the people regardless of their background (Abaza, 2002: 70). The need to learn from each other is the key concept to what he calls the 'Asian Renaissance'.

Ibrahim states in his book 'The Asian Renaissance' (1996:18-9) that:

> Asians must be prepared to champion ideals which are universal, It is altogether shameful, if ingenious, to cite Asian values as an excuse for autocratic practices and denial of basic rights and civil liberties. To say that freedom is Western or un-Asian is to offend our own traditions as well as our forefathers who gave their lives in the struggle against tyranny and injustice

However, Ibrahim does draw the demarcation between his proposals for 'Asian Renaissance' with the European values when it comes to the religious issue. He asserts that if the European Renaissance was the final declaration on the death of God and the burial of the church's role in private life, the Asian position is the opposite. Religion, therefore, plays a great role in shaping the Asian people, their lives and attitudes. Asian man, he claims 'at heart is *persona religiousus*' (Ibrahim, 1996: 18-19).

However, despite the debates, one should never neglect the vagueness of the so-called 'Asian Values' (Godement, 1997). To which Asians is the term 'autocratic leaders' referring? As the word Asian is mentioned, the Indians are also part of the Asian community; the Mongolians are undoubtedly part of the people who constitute

the 'Asian' identity. Apart from them, the Malays in the Malay archipelagos, which comprise Malaysia, Indonesia, Brunei, Southern Thailand and Southern Philippines, are amongst those who by identity and genetically are Asians. The Indians, the Arabs, the Persians, the Ceylonese and the Ghurkhas are all Asians. Thus, the attempt to monopolize or to seclude Asian values only to the idea of Confucianism or any other 'ism' should not overlook those other cultures and values, which do not necessarily bear the same philosophy and principle (Sen, 1997: 14; Sen, 1999: 234).

Moreover, Sen (1999: 234) claims that even Confucius allowed freedom of speech and the struggle against injustice. More than that, Confucius also did not recommend blind allegiance to the state. Sen also points out the example of the non-Confucius style of Asian values, which reflects non-authoritarian rulings such as those of Ashoka and Kautilya from India, and the Muslim Akbar, the Moghul.

In sum, what Sen and other critics of Asian values try to point out is that Asian values should never be an excuse for regimes and autocrats to legitimize their injustice. What Ibrahim (1998) stated might be true, that whatever values are registered in order to define one's cultural identity, they must not debunk the universal values which condemn dictatorship, injustice, oppression, racism, corruption and the curb of civil freedom. On the other hand, Chan (1997) suggests that the beauty of the variety of cultures and ethics should complement the preservation of human rights, and not repudiate it.

3.5. THE POST-DEVELOPMENTALIST CRITIQUES

Amongst other critiques launched on good governance was the aim to be achieved from the proposed good governance projects, namely economic growth. Economic growth has been associated with development, since it is seen by modern economies as an indicator of development itself. Amid different models and philosophies applied and developed in defining development, the most prevailing and dominant is the belief that the Third World should follow in the footsteps of the West.

Notions of progress and growth as indicators for (materialistic) development have been part of post-Enlightenment Western discourse. However, the contemporary notion of 'development' construed through the exemplified modernization lifestyle and national economic growth essentially emerged as a post-World War II

phenomenon (Gordon and Sylvester, 2004: 9). Development during the Cold War period was a pretext for Western liberal interference in Third World economic affairs and was seen as part of the crusade to save those countries from 'Communist subversion' (Enke, 1963: 11); consequently, its aim to bring 'progress' to the Third World was an integral part of the struggle against the Soviet Union and international Communism (Gordon and Sylvester, 2004: 11).

In further delving into the philosophy of development, it can be stated that development started as a quest for 'modernity', and while the history of development is complex, the modernization project has consistently been at its core. Modernization, loosely defined, denotes "the process by which a society comes to be characterized by a belief in the rational and scientific control of man's physical and social environment and the application of technology to that end" (Mehmet, 1995). It is from this paradigm that the discourse of development (despite its universal appeal) if deconstructed would be seen as "a set of practices and beliefs that are part of the Western political and cultural imagination" (Rahnema, 1997). It presumes a universal and superior way of ordering society from the post-Enlightenment Western perspective, and that all societies are to advance toward a similar goal in their life due to the same worldview. Within this discourse, no local or indigenous cultures, economies, self-concepts, or ways of existing are valued and acknowledged, for the entire development project is premised on its subjects 'developing' into the Western modernity project which negates other forms of rationalities by imposing its hegemonic social formation (Rahnema, 1997: 384).[4]

Similarly, according to this paradigm, poverty became the benchmark and the identity of the Third World, while 'development' and economic growth were to be imposed on them according to the 'Eurocentric' construction, which is based on the experience of Europe, as the only solution. Completing this scenario is the imposed 'universalist' belief that indicates the ultimate superiority of the modern post-Enlightenment Western culture, values and people, and their theories. This worldview has long been orchestrated by Western thinkers and scholars, resulting in the colonial era, and is now becoming another magic mantra under the neo-colonial banner of the right for the Western world through their institutions to intervene in

[4] This will be elaborated further in the subsequent section on the issue of modernity.

politically weaker, poorer and darker countries. Hence, 'development' becomes the legal and political means, as well as the moral justification for interventions. In the same spirit, the development paradigm also originated within the context of collapsing colonial empires and a global economy dominated by the United States. As a result, the US had a profound influence on the formation and operation as well as in the construction of the objectives and approaches of the Breton Woods international financial institutions post-World War II. These institutions – mainly the World Bank and the International Monetary Fund – are at the centre of development theory and policy (Escobar, 1995: 12-14).

It is through these institutions that the economic experiments and development theories, amongst them the 'good governance' model, have been applied to the recipient countries. Development theories have run the gamut as sustainable development, micro-development, women-centred development, endogenous development, appropriate development, 'basic needs', and both state and market-led development, which are summarised in the term 'good governance'. What began as economic growth to eradicate poverty evolved to include "enhancing participatory democratic processes", "enlarging choices", "affording the opportunity to develop to one's fullest potential", "participation in decisions affecting one's life", and affording the "means to carry out national development goals and promote economic growth, equity and national self-reliance" (Rahnema, 1997: 388-89).

Unfortunately, the sidelining of local cultural elements in the 'Good Governance' programmes imposed on Third World countries to achieve what is defined as 'development' has resulted in a decline in social welfare and an increase in other problems. Much empirical evidence suggests that the Washington Consensus reform through the Bretton Woods institution's 'good governance' programmes has not been a total success. Despite the focus on the eradication of poverty and development, the social and welfare implications of reform have been disappointing. Theory and evidence show that when these policies are implemented as prescribed by the institutions mentioned in Latin America and the Middle East and North African (MENA) region, the outcome is often a drastic increase in poverty, unemployment and inequalities (George and Sabelli, 1994: 142-61; CAFOD, 1998; Goldstein, 2000; Stewart, 2000; El-Said, 2002; Stiglitz, 2002).

As for the post-developmentalist scholars, poverty and want are not entirely socially constructed, but there are concrete aspects leading to them (Kothari, 1997). They suggest that people existed and lived before the West came to their rescue, and they dealt with such issues through a variety of internal and locally-constructed mechanisms, even if those mechanisms were imperfect (Alatas, 1972). Unfortunately, the possible value and viability of such indigenous knowledge was not even considered as the Western concept of development was deployed. Likewise, many of the currently 'underdeveloped' regions of the world were, according to history, developing quite well before their cultures were crushed or shifted in entirely new directions by Western expansion since the 16th Century (Alatas, 1977).

To discover the root of this paradigm, an exploration into the genuine and substantive meaning of modernity is essential; therefore the following sections explain a holistic understanding of modernity and its impact on the discourse of governance, and how it should be addressed and treated as a prerequisite to the core discussion in this research.

3.6. GOOD GOVERNANCE AS PART OF THE MODERNITY PROJECT

The critiques discussed in the previous sections generally point to a similar root-cause that makes the Bretton Woods concept of 'good governance' a debatable issue. Most of the critics imply that the root of the problem is derived from the Eurocentric nature of the concept. The neo-liberal agenda, neo-colonialism, Western values and developmentalist domination all refer to one main source: the Western influence and dominance of the ideological, political and economic construction of the field in the discourse of development. Eurocentrism, according to many, is rooted strongly in the very realm of modernity. Liberal values, as the core foundation of the 'good governance' reform agenda, is but another product of modernity, which was the greatest achievement of post-Enlightenment Europe. To understand the phenomenon of modernity, and its comprehensive disposition in relation to good governance, it is essential that modernity as a linear development project should be examined by making reference to its historical roots as well. Following on from the debate, responses to modernity as the foundation of good governance is also discussed. It is from this premise that this research is directed to promulgate an alternative means to conventional (modernity rooted) good governance.

The Medieval Dark Ages nightmare left scars in the minds of Europeans and the West in general. The deprivation of humanity under the banner of religion and monarchy was the major theme of the period of darkness. It was in such an atmosphere that the Church and the clerics as the religious authority determined the form of knowledge which kept people ignorant and superstitious. The situation legitimized absolutist forms of power as exemplified by the European kingdoms and kings prior to the Enlightenment. Until the eruption of the French and American revolutions, the status quo remained. These revolutions, which spelled the end of absolutist rule, sought to construct a system of power, which was scientific and based on rational contract between the individual (who was then male and white), and his elected government. Subtle analysis, critical thinking, and diversity of ideas were the major theme of thinkers from the period, which had a great impact on both political power and thinking and the lifestyle of the people.

The (nation) state in its modern form was revealed as the individuals' representative to secure their interests, hopes and ambitions for a better future. However, the most pivotal idea of Enlightenment, in which modernization emerged as the focal point, is that reason and science have the ability to change and improve the nature and social condition of human being. This awakened the Western people from their dependency on metaphysics in the search for the well-being of life (Hamilton, 1992; Porter, 1990). This idea has become so powerful in the modern period and has been accepted by many as common sense. In tandem, science allowed humans to determine their life, control Nature instead of being controlled by it and to make it more productive to serve the purpose of their lives through the invention of machinery, which would abolish drudgery, and free humans from illness and famine (Shanin, 1997) and thus declare the victory of utilitarianism. In this process, religion and superstition that were once heavily depended upon to face those calamities, were now being denied and cursed for their failure and irrationality.

Since then the post-Enlightenment occidental world has revealed itself to be the centricity of the future life of the human species. The Enlightenment as a landmark of 'modern' civilization cannot only be defined as a period of time, but must also be understood as "a set of interconnected ideas, values, principles and facts which provide both an image of the natural and social world, and a way of thinking about it" (Hamilton, 1992:21). In supporting this, post-Enlightenment transformation must

not be read as a monolithic process, but should be viewed as a gradual process of change in the tradition of knowledge and thinking. The pre-18th-century Western intellectuals, as an example, labelled the post-Enlightenment period the 'Age of Reason', before 'reason' was challenged and later intellects shifted to experience and sensitivity (empirical) then towards utilitarianism. Despite the diversity, the whole process of transformation as a ramification of the Enlightenment on Western soil leads towards the generic term of 'modernity' (Porter, 2001; Wegner, 1994). This modernity, which represents "Western civilization and culture", was glorified as the model of absolute truth and value, hence the "universal model of progress and development" (Bennett, 2005: 25).

Marshall (1994: 7) explains the discourse of modernity as follows:

> Modernity is associated with the release of the individual from the bonds of tradition, with the progressive differentiation of society, with the emergence of civil society, with social equality, with innovation and change. All of these accomplishments are associated with capitalism, industrialism, secularisation, urbanisation and rationalisation.

Equally, the idea of modernity can be summarized in a few specific central ideas as, '*reason or rationality*' as a way of organizing knowledge (hence a modern man is a rational man); however, reason alone is not sufficient in defining truth and knowledge, hence '*empiricism*' is the only way to determine the validity of any idea through empirical facts as a result of experiments and scientific explorations; thus '*scientific*' knowledge is the only key to expanding all human knowledge which allows '*universalism*' reason and science to produce general principles and laws to be applied to all situations; this will lead to '*progress*' by improving the nature and social conditions of human beings through the application of science and reason towards their well-being and happiness and must preserve the principle of '*individualism*' through the eradication of any domination of the authority upon individuals. In fact, it is the individuals who produce society through their thoughts and actions and individuals are the starting points for all knowledge and action.

In order to safeguard those principles, the '*Secularist*' worldview must dominate the realm of knowledge and structures to replace traditional religious authority, which manipulated and abused society during the pre-Enlightenment years; this entails '*toleration*' as the major theme of humanity and modern life enshrining the concept

of '*uniformity of human nature*', which teaches the concept of equality amongst the human race according to their rights. However, all these concepts can only be implemented with the existence of a viable '*freedom*' in individuals' lives with the absence of any barriers to belief, trade, communication, social interaction, sexuality, ownership of property and voicing opinions and thoughts. (Hamilton, 1992:21-2; Porter, 2001).

Apart from the aforementioned elements, the extreme aspects of modernity imply that God has been declared dead (*Gott ist tot*) by the final blow of Enlightenment sciences. According to such views, the post-Enlightenment scientific method and the spread of the secularization of European society has killed the Christian God that was the centre of value and meaning in life for nearly two thousand years (Von Der Luft, 1984: 263-76). Not only has the Church been prevented from interfering in the public sphere, but the metaphysical discourses such as revelation, the sacred and scriptures have been confined to private matters and often rejected in the name of modernity. While Marx ([1843] 1970), who described religion as the opium of the people (*Die Religion ... ist das Opium des Volkes*) insisted "the abolition of religion as the illusory happiness of the people is required for their real happiness". While in the post-Enlightenment-oriented knowledge, Augusta Comte (Giddens, 1974: 1) illustrates the negation of religion in his conclusion of the development of human thought. He explains that human thought passed through three stages: theological, metaphysical and then scientific (positive) which supposedly parallel the individual's intellectual development from childhood through adolescence and then adulthood.

This worldview can best be reflected by the Western epistemology of knowledge, which heavily emphasizes the rejection of Church, metaphysics and other 'irrational' hegemony with its strong foundation of secular objectivism, which was later declared as 'the' scientific method in the quest for knowledge (Hall, 1992: 312-13). Such development constitutes the liberal tradition in the conceptualization of anything related to worldly affairs by negating the presence of religion in the public sphere. However the institutionalization of liberalism did not take place until the beginning of the 20th century.

Such a paradigm promotes the meta-narratives or meta-theories that this Western worldview can explain the world. Modernization is presented as 'the rational' and

'the universal' social project to be achieved by the irrational, passive and 'non-modern' others. This meta-narrative or grand narrative (*grand récit*) was uttered loudly by the Enlightenment thinkers such as Diderot, Baron de Montesquieu, Baron d'Holbach, Voltaire, Burke, Adam Smith, Henry Kames, John Millar, Adam Ferguson and others (Hall, 1992: 312-13; Porter, 2001), and also by Hegel, Marx and Weber. Most of their writings depicted the others, mainly the 'Oriental', with bad images hence requiring the Western modernization project to 'civilize' them (Said, 1978; Roberts, 1985: 194-202; Mann, 1988: 10-15; Habti, 2006: 57).

The term modernity has been synonymously associated with the West. To be modern is to be Western as perceived and propagated by many. The West is not constituted as a single solid entity; rather it operates at a number of levels, in a number of discourses, performing slightly different functions (Sayyid, 1997: 100). The term 'West', apart from being a definition for certain forms of socioeconomic organizations such as developed, industrialized, urbanized capitalist, secular and modern, is also a discursive horizon centralized in European cultural practices and intrinsically involved with the identity of Europe. European cultures, lifestyles, systems and knowledge as the main image of the 'West' and 'modernity' has been put at the centre of human life in modern times (Roberts, 1985; Mann, 1988; Hall, 1992). This Eurocentrism, which represents Western civilization, reflects 'modernity' and 'emancipation' and in this manner, is the 'end' of world history.

Eurocentric modernism from the day of Spinoza to Descartes, Mill, Hegel, Marx, and Darwin until Dewey also implies that science and technology with their positivism approach guarantee progress (Sayyid, 1997: 102-6; Bennet, 2005: 25). However, it was Hegel who hailed 'European experience' as the centricity of world civilization by declaring its 'universality' and 'ultimate reality' upon others. He stated, "As Europe presents on the whole, the centre and end of the old world, and is absolutely the West so Asia is absolutely the East" (Solomon, 1983: 99). Hegel, according to Habermas was the "first philosopher to develop a clear concept of modernity". As for such a 'world view', Peter Singer states that Hegel was the main contributor for the universal intellectual and the political developments of the last 150 years (Singer, 1983: vii).

At the same time, Weber succeeded Hegel in glorifying Eurocentrism and associated it with modernity in continuity. Perhaps the most often-quoted remark from Weber's preface to '*The Protestant Ethic and the Spirit of Capitalism*' (Weber, 2003 [1930]: 25) provides a clear paradigmatic picture of this blended Eurocentric with modernism:

> A product of modern European civilization, studying any problem of universal history, is bound to ask himself to what combination of circumstances the fact should be attributed that in Western civilization only, cultural phenomena have appeared which... lie in a line of development having a universal significance and value.

It should also be stated that Weber in his effort to glorify Western values as 'the' universal norm reiterates in many of his works that Western culture has been historically described as rationalistic. He affirms that Western scientific and technical adequacy and expediency leads to rational conduct and capitalist activities, in contrast with Oriental culture, which is 'despotic' and deficient in rational calculability and hence incompatible with modernity and modernization (Bendix, 1977). Habermas (1983: 157) describes it as follows:

> Weber identifies in retrospect the "universal-historical problem" on which he endeavored throughout his life to shed light; the question of why, outside of Europe, "Neither scientific nor artistic, nor political, nor economic development entered upon that path of rationalization peculiar to the Occident".

Here, Eurocentrism as articulated by Weber presupposes *a priori* that 'only' the West, since the Enlightenment, has been able to produce the universal normative cultural phenomena from its own evolutionary direction (Dussel, 1996: 133). This worldview insists that the post-Enlightenment European experience through its history and civilization (the Enlightenment philosophy, Protestantism, French Revolution and Industrial Revolution) became the heart of Western constructs especially in the production of knowledge and social theories (Larbi, 2004: 176; Habti, 2006: 54). Modern European culture, civilization, philosophy, and subjectivity hence became glorified as the abstractly human universal. Weber (2003 [1930]: 16-8) maintains that the cause of European modernity's superiority was possible with certain determinations such as capitalist enterprise, capitalist calculus, organization of labour power, technico-scientific knowledge, systems of bureaucratized control, permanent military power, rationalization of existence at all levels.

The 'Eurocentric' in this manner shaped the humanist modernist discourse in creating the superiority of the 'Self' upon the 'others', thus determining the normative view of the 'good' of the 'Self' upon the 'bad' of the 'others' resulting in the paradigm of 'centre-peripheral' between the European nation and the others. This 'Eurocentric' paradigm as coined by the post-colonialist thinkers appeared to be 'the' determination of the world populations' lifestyle for the modern period (Fanon, 2001 [1961]; Said, 1978; Einstadte, 2000).

Equally, modernity as a political and intellectual project, has a long tradition of dominating, excluding and misunderstanding the non-West. One comes to realize that the theorization of colonialism which has failed to see the universal and the modern in the non-West gives importance to the theory of Eurocentrism incurring the mainstream theories of modernity and modernization[5]. This stance seems to imply that modernization is not merely a structural transformation but also a practice based on discursive formations, e.g. the cultural, scientific, economic and political superiority of the West. Western values and beliefs were imposed and forced onto the others, specifically the Third World as a means of saving them from underdevelopment and backwardness (Schech and Haggis, 2000: xii)[6].

Consequently, for the issue of governance, the Western model, which was the most appealing and the most successful model hitherto is strongly derived from and rooted in this 'paradigm'. Fukuyama's ending of the history for humankind supported such claims with the assertion that Western liberal values have declared victory over the

[5] It is worth noting that there is a discrepancy between the modernity approach in dealing with physical sciences and the discourse of political economic and development. While in the domain of physical and natural science, the theory of relativism manifests itself in scientific concepts, hypotheses, theories, and even scientific laws. This method implies the abandonment of hard causality, adopting instead concepts of correlation and procedural definition and aspiring to a partial rather than a complete explanation of phenomena in avoiding the fallacy of simple causality. However, when it comes to the discourse of development, politics, economy and governance, the modern (materialist rationalist monist) scholars and thinkers remain the mainstream operative paradigm that underlies the outlook adopted by Bretton Woods and other neo-liberal institutions (el-Messiri, 2006: 59).

[6] Alatas (1972, 11-12) claims that any blind imitation of this Eurocentrism imposed by others on their own soil and degrading their own culture and civilization is but another glimpse of a 'captive mentality' by the colonized-minded 'others'. The state of 'captive mentality' merely emulates everything from the West based on the Western paradigm in their life without taking into consideration its suitability to the different context and culture, without any attempt to criticize and challenge them. By doing so, the captive mind will continue the intellectual domination by the colonialist which pervades all levels of scientific enterprise including problem solving, analysis, abstraction, generalization, conceptualization, description, explanation and interpretation. In this situation, the captive mind lacks creativity and the ability to raise original thoughts, continuously directing the 'others'' minds which are regarded as less superior compared to the Western mind, alas imposing 'Academic Imperialism' by the West on the Western knowledge (Alatas, 2000).

others (Fukuyama, 1992), hence neglecting some values and norms, which are considered as inadequate with the 'universal' barometer of modernity and development. Market economy along with its components of individualism, property rights, liberty, pluralism and small state were part of fundamental factors in the liberal framework to ensure the workability of the market system. As part of Eurocentric modernity, the concepts mentioned in the previous chapter were believed to be the 'end' version of human economic development. This can clearly be seen through the reform agenda imposed and proposed to the underdeveloped and developing countries under the banner of the Washington Consensus-oriented good governance concept (Mehmet, 1997)[7]. The situation is described by the critics of the concept as the 'new-colonialism' agenda imposed by the liberal Western-dominated international institutions dealing with the issue of development and governance. In a more detailed prescription, Mazrui (2001) describes the situation as the 'hegemony of Eurocentric culture', characterized by the larger picture of economic stratification, military inequality, a disproportionate emphasis on European ideologies, the proliferation of Western-derived systems of education, consumerism and lifestyle.

Moreover, such hegemony was not new. Since the early developmentalist idea imposed by the West on the 'others', the global capitalist realm has brought a hierarchical dimension that separated the developed, who benefit from the others from the underdeveloped who serve them (Schech and Haggis, 2000: 13-15). This hierarchical relationship is the essential political and social vision of modernity in its conceptualization of the periphery. According to this the 'others' were expected to accept the values, not only by becoming modern, but also by embracing modernity as a project (Huntington, 1971: 285). This hierarchical nature of the relation creates a permanent demarcation between the developed Western countries as the centre and the 'others' as the peripheries. The implementation of Western developmentalist agenda (as well as the centrally-planned socialist economy as its rival) with its various forms (modernization, linear development theory, structural change theory

[7] As an example, Landell-Mills (1991) implies that the World Bank, as one of the promoters of the 'good governance' agenda only assists countries that succumb to the modernization agenda of the World Bank. Similarly, Williams and Youngs (1994: 94-96) point out that the World Bank also formulates the transformation levels for the developing and underdeveloped countries based on Mill's liberal idea of liberty. The transformation levels consist of neutral state at the state level to ensure market economy through the liberal public sphere at social level, and liberal self and modern patterns of behaviour at the personal level. It was only through these transformations that the level of governance in any countries would be regarded as 'good'.

and international dependency theory) in the non-modernity developing world failed to help these countries converge with the aspiration of Euro-centric modernity; instead they brought further dependency of the latter on the former (Schech and Haggis, 2000: 13-15) or in certain parts of the world alternative development agendas resulted in 'other modern'. It should be noted that the global debt crisis during the 1970s, which was the failure of previous attempts at development requires a new approach to bring the lower in the periphery to the centre through convergence.

However, a new trend emerged after the collapse of Communism - neo-liberalism, as described in the previous chapter. Accordingly, neo-liberalism emerged as the final version of the modernity project in the economic field culminating with the Washington Consensus, hence the 'good governance' agenda. Akin to the previous developmentalist projects, the good governance agenda continues rigorously to propagate neo-liberal structural adjustment reform to global societies, thus imposing Western-formulated reform agenda onto the 'others' through the empowerment of the market and shrinking the state (Schech and Haggis, 2000: 49-53). However, the emergence of Eastern Asian countries to converge with the centre as mentioned earlier (Hofstede and Bond, 1998; Pierre and Peters, 2000: 181) opened many eyes to how the non-liberal approach would work well in replacing the failure of Developmentalism. In responding to such situations, a fresh look into the other narratives is needed to formulate new methods of development beyond the framework of modernity and Eurocentricity. Consequently, the post-modernist approach appears as an antithesis to the whole modernity project. This approach became a trend among some critics of modernity as a useful tool by which to understand the nature of the aforesaid failure thus formulating a new alternative paradigm.

The Post-Modernists' Criticisms

The developments in economies and policies of the developing countries in the 20th century indicated that modernity's projection of convergence did not take place and the 'others' remained very much within their peripheral existence despite consuming modernity. The failure of the developmentalist agenda in the 1970s is a clear testimony to the failure of modernity as a project. This does not only imply a failure in the mechanistic nature of development, but also a clear failure in the aspirations

and projections of modernity. Consequently, the trust in social sciences, which has been a product of modernity, has been eroded by claims that modernity, as a project cannot be universal, and this eventually paved the way for the emergence of post-modernity as a reaction.

In exposing the dark side of modernity, post-modernist thinkers often resort to the deconstructive approach. Lyotard (1992: p. xiii) as an example, through his deconstruction of modernity as a concept, maintains that the meta-narratives or the modernity grand narratives failed to provide general agreement on the rules for settling disputes amongst multiple narratives. The modernity being 'grand narrative' promised reason and enlightenment, but its adverse historical records spoiled it, namely the Holocaust, the corruptions of empires, mutually assured destruction, ecocide etc. He ended his report on knowledge by waging war on modernism totality through the exploration and acknowledgement of the 'others', thus recognizing the differences (Lyotard, 1992: 82). Criticism of the modernism approach to knowledge also came from Vattimo who viewed human history as an ongoing process which moves towards the perfection of the human ideal. Vattimo claims that history, which can be divided into phases and periods, has presented different modes of culture, civilization and development. History as a conception in this manner (which views itself as a progressive realization of humankind perfection) is required to be unilinear (Sayyid, 1997: 107-9).

While considering modernity as an 'incomplete' project, in the same manner, Habermas insists that the plural contemporary experience of modernity as the sole example of universal rationality should be its completion (Habermas, 1984). Giddens echoes Habermas by contending that capitalism and the nation-state, the two landmarks of modernity, originate from the West hence are part of the larger 'Western project'. Ironically, he believes that the ramifications of the contemporary worldwide globalization of modernity will contribute towards the new interdependent communities in the future history of the world (Giddens, 1990: 174-5).

Amongst the heavy criticism of the Western domination over the 'others' through the modernity agenda is the viewpoint that can obviously be seen through the work of Robert Young. Modernity, as pointed out by Young (1990: 19-20) is 'European culture's awareness that it is no longer the unquestioned and dominant centre of the

world' hence, the West is no longer the axiomatic centre of modernity's meta-narratives. Both agree to acknowledge the role of the non-West or the rest in shaping the new reality of post-modernism. Sayyid (1997: 110) describes this kind of post-modernity as an effort in de-centring the West hence 'weakening of the narratives that constructed Western identity'. Subsequently, de-centring the West is also equilibrium to the deperipheralization of the rest and bringing it to the centre.

On the other hand, Foucault (Rabinow, 1984) in his critical analysis of social phenomena explains the relation between power and knowledge, and how the former is constructing the latter. Equally, although Said (1978) does not specifically categorize development as part of Orientalism, his reminder on the imperial nature of the Western worlds as part of 'systemic discourse by which Europe was able to manage the Orient' provides a useful point to deconstruct the nature of the modernity project represented by the developmentalist and the recent neo-liberal good governance agenda as another facet of domination by the former over the latter. According to these premises, development as part of the modernity project is thus interpreted as a particular vision and intervention, and as a regime of knowledge, truth and power to serve the benefit of those who determine the discourse. In the same breath, development as an agenda is also viewed as an ensemble of knowledge, interventions and narratives, which at the same time represents the power of the centre to sustain its hegemony over the peripheries (Curry, 2003; Crush 1995; Mitchell 2002; Power 1998; Rahnema and Bawtree, 1997; Schech and Haggis, 2002).

Despite its severe challenge and destructive discourses on Eurocentric modernity, the post-modernity Achilles heel has been obviously noticed. While acknowledging the 'others'' different epistemological references, the counter-discourse of post-modernity deconstructs the failure of the modern to acknowledge the worldviews and ontological elements in beliefs and values. Post-modernism attacks the meta-narrative resulting in the denial of truth and reality. What is left after the deconstruction of ideas is nothingness (Giddens, 1990: 46). This kind of epistemological relativity might serve the purpose of the positivist, in particular the Nihilists or the non-Absolutists. In such a situation, the denial and negation of revelation and faiths in which adherents hold on to their own truth and reality will never find justification, since the deconstructive method of post-modernism will leave them with nothingness and the neglect of their ontological ground. Moreover,

the post modernity approach could still not bring about convergence in economic development, so as a result a linear development could not take place. Similarly, this approach is also insufficient to bring about the justification of this thesis in discovering the concepts of governance for development from Islamic ontological-based epistemology.

Despite its inability to contribute directly to the development discourse, nevertheless, post-modernists' analytical approach, such as Foucauldian critical assessment of the relation between knowledge and power, Derida's deconstructivism and Said's critical analysis of Orientalism, serve as useful social science approaches to explaining the social phenomena for the exploration of 'others'' narratives and rationality beyond the Eurocentric world. Furthermore, beyond post-modernism is a world of multi-civilization, which offers a pluralistic sphere in which people will rediscover their traditions by shaping their own modes of knowing, being and doing due to the cognitive rationality. This will bring further recognition of the existence of 'other' social reality beyond the realm of Eurocentric modernity, such as Islamic civilization, India, China and other numerous cultures, which are part of this plural world (Inayatullah and Boxwell, 2003: 14). Such recognition requires a fresh look into the studies of culture to understand the different rationalities due to their narratives. Thus, the cultural relativity approach will be further explored to prepare a methodological ground for that purpose.

The Cultural Relativists' Response

In the task of establishing the 'endogeneity', cultural relativism as another response to Western ethnocentrism created a different approach by giving a meaning and foundation to the other's values. The 'Cultural Relativists' believe that ethnocentrism may take obvious forms, in which one consciously believes that one's arts are the most beautiful, values the most virtuous, and beliefs the most truthful. It can best be understood from the Benedictine-Herskovitz formulation that 'what is right or good for one individual or society is not right or good for another, even if the situations are similar, meaning not merely that what is thought right or good by one is not thought right or good by another ... but that what is really right or good in one case is not so in another' (Frankena, 1973).

Boas (1974 [1887]: 66) explains furthermore that: "the main object of ethnological collections should be the dissemination of the fact that civilization is not something absolute, but that it is relative, and that our ideas and conceptions are true only so far as our civilization goes". Boas and his students understood anthropology to be an historical, or human science, in that it involves subjects (anthropologists) studying other subjects (humans and their activities), rather than subjects studying objects (such as rocks or stars). Under such conditions, it is fairly obvious that scientific research may have political consequences, and the Boasians saw no conflict between their scientific attempts to understand other cultures, and the political implications of critiquing their own culture.

In the same vein, Gadamer generally stresses the dialogical exchange between reader and text, between the present and the past. Pantham cites Gadamer to have stated that:

> The human solidarity that envisage is not a global uniformity but unity in diversity. We must learn to appreciate and tolerate pluralities, multiplicities, and cultural differences. The hegemony or unchallengeable power of any one single nation - as we now have with just one superpower - is dangerous for humanity. It would go against human freedom… Unity in diversity, and *not* uniformity or hegemony - that is the heritage of Europe. Such unity-in-diversity has to be extended to the whole world - to include Japan, China, India, and also Muslim cultures. Every culture, every people have something distinctive to offer for the solidarity and welfare of humanity (Pantham, 1992: 132).

Dallmayr (1996: xiii) states that Gadamer has repeatedly envisioned a cultural diversity in the globalized *cosmopolis* of today and an encounter between the cultures of the West and the East and henceforth a dialogue. Globalization has greatly affected world cultures, and this was one of the concerns Heidegger was engrossed in for a long time. With the growing Westernization and acculturation, Gadamer set out on cross-cultural engagements and 'fusion of horizons' and engagement in discussing of the Self and Other (Dallmayr, 1996: xiv). Moral relativism as clarified by Kluckhohn (1944) did not mean the denial of absolute or universal moral standards hence justifying some savage tribe to behave in a certain way for the intellectual warrant given. On the contrary, Cultural Relativity according to Kluckhohn means that 'the appropriateness of any positive or negative custom must be evaluated with regard to how this habit fits with other group habits'.

In replying to the cultural relativistic approach, Lawson (1997) solicits the needs for others to understand the universal value of Western ideology. While deconstructing the rejections and criticism of the cultural relativist of the Western style of governance, Lawson (1997) concludes that opponents subscribe to the idea of traditionalism. Traditionalism as an attitude emerges at the point where the preservation of a particular social or political practice becomes a matter of political concern, often for an instrumental reason. Culture then becomes an excuse and scapegoat to maintain the *status quo* of the elite on the political stage with its strong attachment to the people's hearts. The autocratic nature of most Eastern cultures thus seems incompatible with the democratic nature of the proposed 'good governance' by the West (Lawson, 1997: 6).

Lawson (1997) warns that the cultural relativism approach that emphasizes the suitability of certain ideas with certain territory and boundaries will only create more diversion among the world's population. The feeling of otherness between nations will breed racism as everybody will perceive whatever belongs to the other as a threat and will always be looked at suspiciously. Rejection by the cultural relativist is perceived by Lawson as a post-Cold-War reaction, and but a phenomena of Occidentalism which in a way indirectly supports the conservative radical ideas of the clash of civilizations. While defending the liberal thoughts (of the West) as being a consistent advocator of appreciation and toleration, Lawson (1997: 10) implies indirectly that Western liberalism is still the ideal solution for the world.

However, such blank prejudice towards the relativist is rather baseless. Eck (1993: 194) explains that the assumption put on relativism as a total denial of fixed right or wrong was against the true ideal of relativism itself; she maintains that: "a thoughtful relativist is able to point out the many ways in which our cognitive and moral understandings are relative to our historical, cultural and ideological contexts". It is from such an understanding that a thoughtful relativist is a 'close cousin' of the pluralist and someone who is able to 'relate' to and engage with people of other communities and show how absolutism can give rise to bigotry and oppressive dogma (Henzell-Thomas, 2002: 15).

While on the other hand, looking into the role of cultures and other non-Western values, it appears that the acknowledgement does not necessarily imply the

relativistic nature of them, but rather the recognition of the relativity of their epistemology. Kantian cognitive rationality best describes the acceptance of epistemologies. The diversity of cultures however, must not be accepted if any culture goes beyond the universal values or natural laws that can be agreed upon and which abide by common sense. In accordance with this view, the German ethnographer Gastav E. Kleman's definition of culture as 'civilization' best describes its true meaning. However, it was Taylor who enshrined this type of culture in the opening line of his Primitive Culture: "Culture is that complex whole which includes knowledge, belief, art, morality, law, customs, and any other capabilities and habits acquired by man as a member of society" (Taylor, 1999). In this definition, cultural relativism helps in understanding non-Western civilization, by constructing the alternative paradigms in the field of development under its new form of 'good governance'.

Additionally, the incorporation or activation of cultural elements represented by endogenous values and norms would reflect the hegemony of Western developmental discourse, which is described by Escobar (1995) as a "top-down, ethnocentric and technocratic approach, which treated people and cultures as abstract concepts, statistical figures to be moved up and down in the charts of 'progress'". With culture being considered and involved in bringing up the well-being instead of merely capital accumulation for materialistic wealth, the discourse of development will find its new appearance as a cultural process and not as a 'system' or universal applicable technical interventions intended to deliver some 'badly needed' goods to a 'target' population. Governance, which aims for the 'development' or (in a more culturally friendly jargon) the people's well-being, becomes a more individual-driven change derived from certain significant patterns of behavioural norms accumulated by the cognitive rationality of the people, instead of an imposed or enforced agenda from outside.

This new alternative discourse of (cultural-inspired) development will emerge as a non-destructive force to culture under the name of people's interest unlike the current prevailing 'Eurocentric good governance' (as coined by Escobar (1995: 44)). The recognition of such a paradigm will also eradicate the endless separation between the 'developed' West and the less-developed and inferior 'Third World', hence ending the inherent discrimination within the international system as described by Bhaba

(1990). In fact, the perceived 'less-developed' is to be converged with the more 'materially developed' not with the domination of the latter over the former by any governance reform agenda or through certain financial institutional aid, but through the mutual strategic economic alliance and exchanging technologies based on mutual recognition and acknowledgement[8]. In an effort to position culture within the discourse of development as a new reconstruction concept of governance, the colonial discourse of current governance must first be identified and replaced. The post-colonial approach of criticizing the colonial hegemony in discourses exemplifies another useful method. Accordingly, reconstruction of a new cultural-inspired discourse of governance from the 'other' perspective would surface through the post-colonialist argument.

Post-Colonialists' Response

Post-colonial theorists are those diverse groups of thinkers or scholars who aim to deconstruct the legacy of colonial rule through critical engagement. Their efforts at destabilizing colonial rule, deal not with the political gamut aftermath *per se*, but with the economic, cultural, intellectual and the most intensive one, literacy (Ashcroft *et al.*, 1995: 2-3). The post-colonialists start by deconstructing the colonial idea and theories to reveal the meaning behind colonial discourses; then they emphasize the restructuring of theories and knowledge based on the discourse of endogeneity, which detaches its paradigm from the colonial meta-narrative (Williams and Chrisman, 1994: 7-8).

Amongst other criticisms by the post-colonialists of modernity were the uneven forces of cultural representation involved in the contest for political and social authority within the modern world order. They directed their challenge at normalizing the Western hegemony on the ideological discourses of modernity. This situation led many post-colonial writers to stress the importance of retrieving and/or constructing a culture, which offers a positive identity. Hence, formulating their critical revisions around issues of cultural difference, social authority, and political discrimination is another means of revealing the antagonistic and ambivalent

[8] But of course, as mentioned in prior paragraphs, the acknowledgement of cultural relativism is not a justification of any systematic and legalized human rights abuse and any undemocratic rule in the name of culture. The notion of justice, which is widely accepted by the international community and recognized by religions and cultures as Sen (1998) presented in his assertion of the central principle of freedom) must remain unabridged.

moments within the 'rationalizations' of modernity (Bhabha, [1994] 2008: 265-6). In explaining such a stance, During (1987: 33) highlights "the need, in nations or groups which have been victims of imperialism, to achieve an identity uncontaminated by Universalist or Eurocentric concepts and images."

In sum, the key concept in approaching the alternative discourse to Eurocentric knowledge within the method of post-colonialism is the acknowledgement of all civilizations as potential sources of social science theorizing (Alatas, 2001:58). As such the rational post-colonialist approach paves the way for the establishment of the lost identity as the result of colonialism. It emerged to challenge the 'modernist colonial ideology' being imposed on them and presented an alternative solution from the 'other' point of view. This post-colonial discourse then will promulgate endogenous intellectual creativity and an autonomous tradition of social science for decolonization and the indigenization of the social sciences. In this way alternative discourses constitute a revolt against 'intellectual imperialism' by purging Eurocentrism and thus "register a crucial break from the hegemony of a colonial past…" (Alatas, 2001: 58).

Due to the nature of this approach, which emphasizes the issue of representation by revealing the colonized people's experiences, large chunks of the studies were aimed at destabilizing a number of the binaries underlying the discourse of the West and the rest. Accordingly, this deconstruction method leads to the reconstruction of the colonized's own development discourse in the ways canvassed by their own worldview and cognitive rationality, hence an alternative paradigm that will put the Enlightenment ideals of modernity into question (Schech and Haggis, 2000: 70). Similarly, in the field of political economy and the discourse of development, such an approach provides 'alternative' discourse on governance that will be directed as a counter or opposition to the current Eurocentric discourse on 'good governance'. Thus, the exploration of 'alternatives' for the Western production of a universal code of 'good governance', which emphasized the 'one cloth suits all' approach, would be another critical assessment of the project of modernity.

Following the line of argument presented by the post-colonial theorists, it was the cultural sphere factor that shaped the relationship between the West (as the hegemony) and the others (as the colonialized) (Schech and Haggis, 2000: 70). Thus,

the element of culture must be taken into account in any study of governance (UNDP, 1994; Blunt, 1995; Dwivedi, 2001 and 2002). Blunt (1995:4) maintains that any definition of governance must be able to accommodate local variations. In the same way, the World Bank (1992) in its discussion on 'Governance and Development' illustrates the mutual needs of both the relative ideological and cultural neutrality of the general account and the ethnocentrism of certain features of the more detailed analysis of good governance.

However, any alternative cultural-based model of governance should not appear in a vacuum and reject the universal 'good' presented by the current discourse. Instead, a new relationship between the reality represented by the Western agenda and the alternative cultural paradigms should be constructed as a new hybrid model of governance. In developing such a new paradigm, a new approach of multiple modernities could be a suitable framework for the hybridity.

Since governance is also perceived and constructed socially, as opposed to the Universalist claim of modernity, different culturally expressed norms with their own ontologies and epistemologies are expected to lead their own construct of governance as a process regardless of the nature of the outcome. As Schumpeterian world-view considers that each vision should lead its own paradigm, it is natural that each culture should create its own governance construct with its own value system. This can be located within post-modernity, which accepts the logical expression of the 'other' forms as long as they have their own internal consistency. While the post-modern condition helps to acknowledge the existence of other constructs, the 'other' constructs' failure to develop their own paradigm results in not reaching the post-modern condition, but rather mimicking modernity in various modern forms leading to the emergence of multiple modernities.

Multiple Modernities

In modern times, philosophies, faiths and ideologies compete with each other to impose their definition of the perennial truth. Even if we look into the broader dimension, different societies with their own civilizational history and background, are living with their *sui generis* culture and values, which they perceive as the definite 'way of life' according to their own ontology and epistemology. The past civilizations, which mostly emerged not on Western soil, (i.e. Indian, Chinese,

Babylonian, Egyptian and Islamic civilization) contributed towards determining and shaping the culture of the Western predecessors. Transitions to what we know as modernity, took place in those civilizations long before the Europeans and the Americans, alas producing different results that reflect the current predecessors' divergent starting points. Furthermore, those cultures, ideologies, faiths and philosophies are also imposing their own 'meta-narratives' on those who adhere to their values. This is what is best described as 'multiple modernities' rather than the 'vernacular' modernity (Taylor, 1999; Eisenstadt, 2000; Wittrock, 1998).

Taylor (1999: 162) maintains that different cultures' understandings of the person, social relations, states of mind, good and bad, virtues and vices, and the sacred and the profane are likely to be distinctly rooted in their previous experience of civilization. He asserts that: "The future of our world will be one in which all societies will undergo change, in institutions and outlook, and some of these changes may be parallel, but they will not converge, because new differences will emerge from the old. Thus, instead of speaking of modernity in the singular, we should speak of 'alternative modernities'."

Within this idea, Westernization is no longer synonymous with modernity, and the Western version of modernity is not the only authentic face of modernity despite its historical precedence and the fact that it continues to be the basic reference point for the 'others' (Eisenstadt, 2000: 3). The multiple-modernities approach could be an effective approach to bring the 'other' civilizations or cultures into the centre. Hence the centre will not be dominated by a single hegemony associated only with an ethnocentric interpretation of the term 'modernity'. This reassessment of modernity and detaching the sole monopoly of a certain version of what is modern will acknowledge the role of 'others' in determining the trend of the world's population.

The most prevailing idea of this new approach is the presumption that the contemporary world could best be understood as a story of continual constitution and reconstitution of a multiplicity of cultural programmes. This ongoing reconstitution involves all actors contributing towards the emergence of all-encompassing new 'meta-narratives' instead of different competing narratives. Multiple institutions and ideological patterns are to be reconstructed by specific social actors in close connection with social, political and intellectual activists, and social movements in

pursuing different programmes of modernity, holding every different view in what makes societies 'modern'. Through the engagement of these actors with broader sectors of their respective societies, unique expressions of modernity are realized.

In conclusion, the multiple modernities project shifts the previous Eurocentric domination paradigm of modernity by emphasizing the inclusionary dynamic of 'modernity' and allowing the peripherals or 'others' to be borrowed and cross-fertilized into the existing 'meta-narratives'. This paradigm challenges and diminishes the logic of exclusionary divergence, binary opposition or the clash of civilizations, which were the central discourse of Eurocentrism. Accordingly, Westernization is being detached from its synonym, the 'modernity' project. According to this, the Western patterns of modernity are not the only 'authentic modernity', despite their *status quo* as the historical precedence and the basic reference points for others (Asutay, 2009b)[9].

In the field of governance, multiple modernities can be best viewed from the way development (which is the main goal of governance) is perceived. The failure of convergence to the modernity project through the developmentalist agenda brought the modernist critics to re-evaluate the way people perceive the notion of 'development'. As a result, each vernacular modern appearing in the world emerged from different foundations and paradigms, hence leading to multiple modernities. Post-developmentalist criticisms as discussed earlier were amongst the prevailing discourse of the anti-thesis. Similarly, the growth of references to sustainable development in the 1970s and 1980s, were also part of an increasingly reflexive

[9] However, to bring the paradigm of multiple or multi-modernities is to challenge the domination of the existing Eurocentrism, which enjoys its supremacy in imposing its meta-narrative to the 'other'. The pre-'end of history' period, where the 'other' version of modernity, namely Soviet Communism (Eisenstadt, 2000: 11), despite its Western and post-Enlightenment origin, failed to cohere with the *status quo*. However, the collapse of Soviet Russia as the final frontier of Communist ideology left Western liberal democracy as the sole champion of modernity for the civilized world (Fukuyama, 1992). Accordingly, Huntington (1992) asserts that the emergence of another version of civilization which creates multiple centres would invite a clash of civilizations after the collapse of Communism. Fukuyama (1992) in contrast, declares the final triumph of Western liberal values upon the other civilizations or modernity, hence echoing the Hegelian thesis of the end of history. Perhaps, despite the contrast between Huntington and Fukuyama, both of them with *animus* and *disdain* agreed on the superiority and the centricity of Western liberal civilization. Akin to other contemporary proponents of the predominant West, the other version of modernities, civilizations and cultures are seen as the enemy of the kernel truth of development and human civilization.

criticism of mainstream development assumptions and practices (Redclift, 1987). Additionally, as modernity has been reconceptualized as multiple (Sivramkrishnan and Agrawal, 2003) or, according to Eisenstadt *et al.* (2002: 22), as 'diverse yet related' modernities, the mainstream thinking about development and its geographies becomes more challenging and contested. The modern way to look into development is not solely considered as the product of the West alone.

It is according to this reasoning that a fresh look at alternative means to the existing 'good governance' agenda is but another attempt to raise the other version of modernity. In searching the rationale for different narratives for governance, the values and the sources of others provides the rationale. It is a fact that no human endeavour is value-free, which implies that reality is socially constructed (Berger and Luckmann, 1966). Despite the Eurocentric modernist projection of universal values, to dictate the everyday lives of individuals, reality proves that individual actions are produced and carried out in a socially constructed manner due to the particular worldview to which they subscribe, which explains the differences in each area of life (Asutay, 2007). In a similar manner, "economic systems … do not function within a vacuum, but significantly affected and shaped by a set of 'influential factors', mainly the worldview subscribed by the society" (Bornstein 1979: 7).

Within the framework of multiple-modernities, the alternative narratives for development are to be explored with a more useful conceptualization and to fit in with the new inclusive framework of modernity beyond the post-development critique (Pieterse 2000) and post-modernist deconstructivism. This is similar to Curry's suggestion that post-development should go beyond critique to explore and emphasize alternatives. In his words: "…one way forward for post-development is to begin to focus on the non-market economic relations associated with gift exchange and social embededness of economies. By emphasizing the social dimensions of economy, post-development strategies for alternative development would seek to identify and enhance opportunities for the inflection of market economic relationships and practices to align development efforts more closely with indigenous socio-cultural meanings of development" (Curry, 2003: 420).

It is within this inclusive framework of multiple modernity that the exploration of 'Islamic' governance as another narrative to fit into the existing 'good governance'

agenda will find its justification. However, to bring religion into the public sphere in the post-modern period requires a different approach due to the pre-modern experience with the Church. In this way, religious values and ethos from their specific ontology and epistemology as part of the wider definition of culture will be the main discourse to be analyzed. With culture becoming the major theme for the exploration, a rigorous exploration of the relation between culture and religion, and the role of both in the process of development should be carried out.

3.7. CONCLUSION: TOWARDS A CULTURAL APPROACH TO GOVERNANCE

The appreciation of other civilizations and values would lead to a more mutual understanding within the world community. Furthermore, mutual acknowledgement and mutual respect alone would not be sufficient without the symbiosis process of these modernities. Epistemological humility is a vital prerequisite to enable people of different cultures to learn and mutually exchange values that share common interests, hence developing new universal values, which is no longer vernacular and ethnocentric. The discursive formation of respect, recognition and pluralism should be the theme of such a realm (Eisenstadt, 2000: 20-21).

According to this rationale, further discussion on the topic will explore the realm of religion and faith as different versions of culture in defining the notion of 'good governance' from 'others'' worldview. In the current trend of cultural studies, religion and faith from a phenomenological perspective gives the human race a 'sacred canopy' against the threat of the meaninglessness (*anomie*) of the world and accordingly will lead society to appreciate the innate precariousness of the *nomos* (meaningful order) (Berger, 1967: 28). In the same vein, Armstrong (2002) asserts that neglecting the influence of faith (which she calls '*mitos*') in the contemporary life is indeed a great loss. She adds that the failure of incorporating the '*mitos*' in real life will lead the *logos* community astray and to calamity. On the other hand, a great deal of empirical evidence indicates that religion and faith also play a pro-active role in the field of civil society, which is amongst the major actors in the political economic life of a country, as well its governance (Gaush-Pasha, 2005).

In responding to such needs, perhaps a new method of studying the role of culture and faiths in governance is necessary. A great deal could possibly be learned from Islamic values relating to the issue of governance that was the product of the worldview presented by its epistemological sources. The same scale should be applied similarly to the rich Confucianism-oriented Chinese culture and philosophy from the advice of Confucius and Mencius. In the same way, the Dharma-based Indian values articulated from the wisdom of Kautilya and Asoka regarding political and administrational affairs is another invaluable topic to enhance the ideal. The same rationale should be applied to other cultures and faiths that have views concerning the matter of governance. In spite of this, the exploration and the articulation of those values must be conducted with cautiousness and according to universal values without neglecting any element of justice, fairness, freedom, liberty and human rights. The existing abuse of culture to justify the misconduct and undemocratic proceedings committed by certain regimes should not be taken as a good example of the ideal of incorporating culture and faiths in the field of governance.

On the other hand, regarding the empirical field, current reality proves that many indicators point towards the workability of the multiple modernities approach within the current modern framework of governance. Amongst others, the emergence of cultural and faith-oriented organizations and movements in the political, social and economical fields has created a substantial impact on the discourse of development in many developing and developed countries. Islamic relief and social organizations, as well as the emergence of Islamic political parties as part of the 'Islamism' phenomenon in Muslim countries globally, is an example of the enormous extent to which faiths can explicitly contribute towards the betterment of people's social-political condition as well as their economy.

The sporadic activities of the Evangelists in tackling the issues of hunger, famine and poverty in many underdeveloped countries and similarly the Church's mobilization in support of the anti-apartheid campaign and the Jubilee campaign for debt forgiveness were arguably other central themes to the visibility of faith-based organized contributions towards the process of governance. Similarly the active mobilization of Latin American Catholic churches in support of literacy is another example. While in another part of the globe, Ghandism, Buddhist Savordhaya, Buddhist Tzu Chi and

other faith-inspired and faith-based organizations' involvements prove that religion is another facet of culture that could play a positive role in the governance process (Casanova 1994: 3-10; Nasr, 1995; Piscatori and Eickelman, 1996; Bayat, 2007; Mandeville 2001).

The following chapter will look into the deeper definition of culture, which encompasses faiths and other issues with a view to providing a philosophical examination of how these elements can contribute to the field of governance. The theoretical foundation of the topic will be articulated by some empirical factors supporting the argument based on the achievements of the harmonization between culture (and faiths) and modern governance. Due to the concise nature of the chapter, the empirical evidence taken from secondary sources will only work as a prolegomena to the main discussion of this thesis, which is to develop an Islamic theory of an ideal model of governance rooted in its ontological foundation and its epistemological sources.

Chapter 4

ENDOGENIZING CULTURE AND RELIGION IN THE CONSTRUCTION OF GOOD GOVERNANCE

> "*I ascribe a basic importance to the phenomenon of language. To speak means to be in a position to use certain syntax, to grasp the morphology of this or that language, but it means above all to assume a culture, to support the weight of a civilization.*"
>
> Franz Fanon

4.1. INTRODUCTION

The previous chapter argued in a critical manner that 'governance' is 'good' if it suits the framework designed mainly by Bretton Woods institutions according to values they believe in. As per the aforementioned critical arguments, those values might not suit the nature of some underdeveloped societies or states to improve their performance in social, political and economical fields. In support of this, a number of reports suggest that certain programmes imposed on those countries not only worsened the situation but also brought other new problems (George and Sabelli, 1994: 142-61). Lack of 'endogeneity and cultural characteristic in tackling underdevelopment issues has been identified amongst the lacunae within the International Financial Institutions' (IFI) good governance projection by other outstanding researchers and international reports (Hofstede, 1993; UNDP, 1994; Blunt, 1995; Dwivedi, 2001 and 2002; Schech and Haggis, 2002). Hence, an exploration for the panacea based on the values of society is justified for its possible potential to cure the aforesaid situation. Since all these conceptions are socially and culturally constructed, East Asian countries' experiences as mentioned in the previous chapter could be an example of how values and culture could play their role in development.

Accordingly, culture in its wider definition has its unique dynamism to play a significant role in resolving problems of underdevelopment (Bhabha, 2008 [1994]). Unfortunately, the predominantly post-Enlightenment modernity-oriented values subscribed by most of the IFIs have failed to acknowledge this reality. Culture has

become the last unexplored frontier of international efforts to promote economic growth and development (Arizpe, 1998), while economic growth and policy models are mainly based on Eurocentric experiences. In regard to this, Enrique V. Iglesias (1997) remarks, "there are diverse aspects in the culture of each people that can promote economic and social development. These must be found, reinforced and used as building blocks". Due to such positions, many relentless but non-dominant voices since the 1990s have called for the acknowledgement of culture in the development discourse.

Primarily, it has been the conventional Western Eurocentric paradigm of development and governance discourses that has constituted major obstacles for the appreciation of culture in both fields. The belief in Western modern values as the centre of world development must first be challenged before further investigation. Such a task is not new, even in the Western academic milieu since the post-Structuralists position, which is part of the wider concept of post-modernism, challenged this *status quo* with its discourse of compartmentalization of (modernity's assumption of) meta-narrative into small narratives. This acknowledgement of other narratives, which was part of the post-modernity's discourse during the 1970s, has led to a discussion on culture in economics, finance and management. The failure of the developmentalist project in the periphery or the 'countries of the others' as mentioned in the previous chapter, was amongst other factors that contributed towards such interest. The exploration of other narratives has led some academics to explore culture as another means of development (Schech and Haggis, 2000: 33-38). In conjunction with those efforts, this chapter endeavours to deconstruct the modernity discourse as a dominating paradigm in development and governance by elaborating the critics' arguments to pave the way for culture to be another alternative style of 'governance'. As a result, an Islamic model of governance is proposed to fit into this new alternative framework. To begin with, a comprehensive but brief definition of culture and its nature should advance further arguments.

4.2. REDEFINING CULTURE

Etymologically, the term culture is derived from the Latin word which means: 'The cultivation of soil'. In English, it bears numerous meanings as a result of the long historical usage of the word. The term 'culture' has been defined and used across

various academic disciplines with different meanings and connotations. Bocock (1992: 234) identifies five different usages of the term culture in standard English: "Culture as cultivating land, crops and animals; culture as cultivation of mind, arts, civilization; culture as a process of social development; culture as meanings, values and ways of life; and finally culture as practices which produce meaning. However, this enumeration does not imply the limitation of the term itself". The current usage of the word culture brings a wider and rather dynamic utilization of the term. Such complication in defining the vagueness and wideness of the term culture leads Raymond Williams, a leading cultural theorist, to point out that, "Culture is one of the two or three most complicated words in the English language" (Williams, 1983: 87).

Just like its literal meaning, the technical meaning of culture also varies. Guilford (1959: 5) for example, defined culture as: "The interactive aggregate of personal characteristics that influence the individual's response to the environment". This definition implies the psychological-behaviour meaning of culture. For him, culture determines the identity of a human group's response to its environment. Kluckhohn (1951: 86) gives a more critical explanation of culture, which transcends the meaning of 'response' as mentioned by Guilford. For him, culture "consists in patterned ways of thinking, feeling and reacting, acquired and transmitted mainly by symbols. Constituting the distinctive achievements of human groups, including their embodiments in artefacts, the essential core of culture consists of traditional (*i.e.* historically-derived and selected) ideas and especially their attached values".

Kroeber and Parsons (1958: 583) in the same vein expand the territory of culture to the system of behaviour in their explanation of culture as "transmitted and created content and patterns of values, ideas and other symbolic meaningful systems as factors in the shaping of human behaviour and the artefacts produced through behaviour". In generalizing these two definitions, Hofstede (1984: 20) concludes that culture is "the collective programming of the mind that distinguishes the members of one group or category of people from another". However, a wider definition of culture can be seen in Encyclopaedia Britannica (2005), where culture is identified as: "Behaviour peculiar to Homo sapiens, together with material objects used as an integral part of this behaviour. Thus, culture includes language, ideas, beliefs,

customs, codes, institutions, tools, techniques, and works of art, rituals, and ceremonies, among other elements" (Bocock, 1992; William, 1961). According to such definitions, values, faiths and religion as belief systems are considered as other elements of culture.

In their explanation of ideas, Goldstein and Keohane (1993: 17) sum up that values, ideas and matters of belief, which are part and parcel of cultural elements, determine moral guidelines. Moreover, they also often act as road maps, usually in the absence of a unique equilibrium of the institutionalized decision-making determinant or in the absence of 'objective' criteria as a determining factor. This role of culture resembles Johann Gottfried Herder's argument that human creativity, evidenced by the great variety in national cultures, shows that human experience was mediated not only by universal structures, but also by particular cultural structures (Adams and Dyson, 2007: 91-2). To summarize, culture as a substantive concept, exemplifies a complex whole that includes knowledge, belief, art, morality, law, customs, and any other capabilities and habits acquired by man as a member of society. Thus, a better understanding of cultural differences amongst the human race is one of the main contributions the social sciences can make to practical policy making in governments, organizations, and institutions and as well to ordinary citizens (Hofstede, 1984: 8).

In defining the substance of the term culture, Shariati[1] concludes it as the holistic accumulation of the spiritual, mental, moral, and historical nature of a nation, which is metaphorically similar to natural resources. The accumulative interdependent elements of culture due to the appearance and demise of successive generations merging into certain forms of spiritual assets of a nation is akin to the formation of natural resources from animals and plants pressurized within layers in the depth of the earth over the centuries, which due to the interplay of myriads of variables have been transformed into vital economic substances. Culture belongs to history since man's character is not suddenly formed from nothing in a single period.

However, the Asians whose soils have witnessed the emergence of various ancient civilizations (Babylonian, Chinese, Indian and Islamic civilization) have different

[1] http://www.shariati.com/culture.html.

views in defining the nature of culture. Culture according to these civilizations is not only about what people do, but it is rather an attitude of mind, a mental outlook and, most crucially, their worldview or *Weltanschauung*. The rich cultural heritage inherited from those past civilizations within the life of the people is alive to history and to their unique and sentient traditions. Due to such notions, culture according to Asians encompasses the modes of knowing, being and doing which determine the society's view of knowledge and its epistemology. Furthermore, such views also shape the way society perceives its meaning of existence, hence impels the norms of individual behaviour (Sardar, 2003). Based on such arguments, a comprehensive overview of these different approaches will bring a new dimension to the study of the role of culture and development, which is the core subject of this chapter.

4.3. CULTURE AND GOVERNANCE: ESTABLISHING A NEW PARADIGM

In searching rationale for an alternative paradigm of governance based on culture, the values and the sources of cultures from its wider inclusive definition provide the rationale. It is widely acknowledged that no human endeavour is value-free, which implies that reality, including the issue of development as part of economic reality, is socially constructed (Asutay, 2007). Each action of individuals, including their economic and financial behaviour and views towards development is significantly affected and shaped by a set of 'influential factors', such as social, cultural and environmental values and factors (Bornstein, 1979: 7). This was noticed and acknowledged by Mill (1836 [1995]: 55), when he argued as far back as 1836: "… in whatever science there are systematic differences of opinion … the cause will be found to be, a difference in their conceptions of the philosophic method of the science, the parties who differ are guided, knowingly or unconsciously, by different views concerning the nature of the evidence appropriate to the subject. They differ not solely in what they believe themselves to see, but in the quarter whence they obtained the light by which they think they see it" [Mill 1836 (1995): 55]. Accordingly, "religion, ideology or any strongly-held set of values, ideals and mores have an impact and influence which have to be taken into serious consideration" (Nomani and Rahnema 1994: 43), as in the words of Mill, their 'light' comes from different sources.

Furthermore, incorporating culture into the discourse of development (as the major

aim of good governance) in international debate has been a mounting concern since the 1990s. The former president of the World Bank, Stiglitz (1998) for instance, insists that the Washington Consensus paradigm, which perceives development as a 'mere technical problem that requires technical solution', should not be the final parameter for the development discourse. Accordingly, he also proposes that a greater degree of humility and the relinquishment of epistemological arrogance are required in developing alternative solutions by learning from other types of variables (Stiglitz, 1998).

In addition, the formulation of a new approach to conventional economic thought must acknowledge some humanistic elements involving culture and value issues articulated in 'human capital' and 'social capital' as a major theme along with other types of material capital. Economic and material growth *per se*, as perceived by many is insufficient in bringing a comprehensive solution to poverty and underdevelopment if it does not take into account the cultural constructed norms of the society in relations to these concepts and issues (Kliksberg, 2004: 5). The previous chapters have proven how culture has its own dynamic and potential to promote social and economic development. Arizpe (2004) suggests that development theory and politics should incorporate the concepts of values and culture due to its role in developing the social fibre on which politics and economy are based. The failure to include these elements in many places leads to cultural tensions and feelings of uncertainty.

Furthermore, cultural values should be preserved due to their essential function as cohesive forces for development in the face of time where many other values are weakening (Stiglitz, 1998). Rationally, culture and values that enhance both human and social capital will generate public order through the production of good citizens who live in mutual cooperation, mutual assistance transcending conflicts, that mount up to establish the social stability (Coleman, 1990; Newton, 1997). Similarly, Wickrama and Mulford (1996) present their argument that social development is crucial in order to enhance democratic participation, and prove their thesis on the correlations between the two with statistical examinations.

Similarly, culture will help to create a community of believers based on moral norms and values that will enhance social cohesion, social behaviour and cultural

expressions that assist by providing ground for good government and social equality. They also play an important role in stimulating solidarity through the social capital and overcoming market flaws by means of collective actions and the use of community resources (Baas, 1997). This rationale is similar to what has been asserted by Chang (1997) who stressed that: "Values lay the foundation for a concern between one individual and another that goes beyond just personal well-being. They play a critical role in determining whether networks, regulations and trust will evolve." However, values counted by the development researchers are those that are rooted in culture and strengthened or weakened by that culture, such as the degree of solidarity, altruism, respect, or tolerance, are essential for sustained development" (Kliksberg, 2000: 19).

Equally, in the wider scope of macroeconomics, some researchers suggest that culture is important for developing local economies in peripheral areas by facilitating socio-cultural and economic networks, which stimulate local and regional development (Ray, 1998; Jenkins, 2000). In the same way, Cochrane (2006: 324) maintains that culture plays a significant role as an underlying cause in determining the vibrancy of local economies. While in explaining the role of culture in developing new economic models, Casson (1993) points out that culture as 'collective subjectivity' will enhance efficiency through good behaviour, integrity, honesty, trust and cooperation that is likely to reduce transactional costs. By the same token, he suggests an ideology of, 'voluntary association', which implies natural association amongst individuals through cultural means and working mutually for the purpose of production and other activities. This has a great impact on economic performance. The argument of the behavioural role of culture in economic development is also proposed by Throsby (2001), who suggests that culture provides objectives for group development through certain worldviews, values and beliefs, and it will also affect economic efficiency by affecting behaviour, innovation, group dynamics and decision making processes.

It is for this reason that UNESCO (1997) suggested in its 29th General Conference Report that culture (if it is strengthened and supported) could be an enormous potential key element in the struggle against poverty. The same argument was voiced by the then President of the World Bank, James Wolfensohn (Kliksberg, 2000: 12) who emphasized the essentiality of growth and social development interdependency

and further suggested that: "Without parallel social development there will be no satisfactory economic development". While on another occasion, the President of the World Bank also emphasized the significance of social development through social justice and equality to complement institutional and structural reform for political economic growth and human prosperity. Thus, social capital and culture are key components of these interactions (Kliksberg, 2000: 12).

In conformity with this ideal, long before the discussion on culture and development, Dwight Waldo (1971), a prominent name in Public Administration proposed that developing nations should explore their own version of development hence bypassing the ills of the industrial phase experienced by developed countries, mainly in the Western world, by rejecting the hegemony of the Eurocentric nature of economic development modelling. This proposal, however, was not alien, since the idea of 'endogeneity', which emerged in the 1940's, had prepared the ground for the new idea of cultural emergence in the field of public administration, implying that the future of one country should be created and not copied (Cunnigham, 2005). The ideals also urge the need to acknowledge the cultural and heritage elements in shaping society's future by not blindly imitating the experience of others which might not suit its context and social topography. This might best interpret Kant's argument that human beings are not capable of direct, unmediated knowledge of the world (Guyer, 1987: 11-2).

The 'endogeneity' proposal was also seriously promoted at the 1977 UNESCO conference in Tangiers, Morocco, on the subject of 'adaptation of administration to different socio-cultural contexts'. The thesis was that administrative norms which are part of the wider definition of macro-governance must be developed according to the geographical cultural sphere of a particular society and must not be imposed through external elements (here, the Western models) that might have limited utility. This might have been in the mind of Michael Hudson (al-Buraey, 1985: 316) when he maintained that there is a need to recognize others' ideals in establishing their own narrative of political development (which includes the field of governance). He simply argues, "There are no grounds for predicting a unilinear trend toward a universal condition of political development on the normative level". While in the same manner, religious themes (as another facet of culture) achieved prominence in

the 2004 Human Development Report on Cultural Liberty, and special issues in World Development (1980), Gender and Development (1999), and Development (2003).

In sum, since the new paradigm of economic development is microeconomic-oriented by focusing on individual and community development and capacity enhancement, culture emerges as an important determining factor in the development process for motivating people and shaping their related preferences in a micro field.

Similarly, incorporating culture, faiths and tradition as part of the wider definition of 'culture' into the field of development, economy, and politics is not a completely new emerging trend. In addition, religion and faiths as part of the ontological and epistemological sources of culture, which contribute towards shaping the development of a community's worldview, are also to be viewed as part of the wider definition of culture. Equally, in many situations, religions and faiths also evolve over time according to culture and in response to social and environmental needs. This mutual and intertwined relation of culture and faiths and their role in development allows more room for the exploration of how belief systems could contribute both directly and indirectly towards the discourse of governance.

Much has been written, as can be seen in the following section, on the constructive relation between religion and faith as another facet of culture with the larger aspect of governance. Religious people and institutions may be agents of advocacy, funding, innovation, empowerment, social movements, and delivery of services; hence they may contribute towards the development of socio-economic, as well as the political life of a nation. Armstrong (2000) asserts that neglecting the influence of faith, which she terms '*mitos*' in the modern human galaxy is indeed a great loss for man's life. The failure to incorporate *mitos* in reality means life will lead the community to a state of anomie (internal instability). In this way, religion as part of culture is worth considering in studies of governance as a source of epistemology in formulating alternatives to the conventional Western-oriented mode. The following section discusses both theoretical study and empirical evidence in presenting the prospect and rationale of incorporating religion and faiths in the realm of governance.

4.4. RELIGION AND GOVERNANCE: NEW TYPOLOGY, A PHILOSOPHICAL INQUIRY

The question still remains as to how religion or faith as another facet of culture fits into the discourse of development within the post-Enlightenment world of modernity values. Under the modernity project, it is not only cultures which are against 'rational' or 'universal' (liberal) values that are not welcomed in the public sphere, or more precisely in the political-economical fields, but they have also been turned into no-go zones for faiths and religions. Such precepts are to be understood from the historical perspective as mentioned in the previous chapter of the failure of church-state domination over the people. Initially, since the decline of religious domination on Western soil, the constant struggle to eliminate religion as a whole from the public sphere became a norm in the major discourse of philosophers, scholars and most Western thinkers.

Despite the initial goal of those who waged this struggle to constrain and deprive the hegemony of religion in secular arts and sciences, and other 'worldly' realms, Kant brought this struggle to a new dimension with a compromising formulation. Through his transcendental idealism, 'religion' was acknowledged as the only means to engage lofty metaphysical issues, but inappropriate for all other matters. For everything save meta-physics, reason is both necessary and sufficient, and it is with this division of intellectual labour that Western modernity was founded. This position taken by Kant, restricting religion to an important set of metaphysical concerns, protects its privileges against state intrusion, but restricts its activity and influence to this specialized sphere (Lincoln, 2003).

The Kantian approach nevertheless is far from useful in explaining the current global trend of the return of religion in many 'secular' territories, and in setting up the foundation which needs to be applied in this research. In reality, the contemporary return of religion goes beyond the 'transcendental' border and encroaches the area in which faiths were once totally banned. In conjunction with this phenomenon, the main thesis of this research is to be constructed. In determining a presupposition to present the focal point idea of this research, which is to introduce Islamic values as part of the contemporary governance discourse, the ground for such debate must initially be prepared. Through the employment of Taylor's multiple modernities

approach, the following argument deals with such concerns. However, a philosophical introduction to how religion constructs an alternative solution for governance is essential.

Religion from the consequential and functional perspectives will lead society to appreciate the innate precariousness of the *nomos* (meaningful order) (Tipton, 1984: 282-84). Equally, from a phenomenological perspective, religion gives the human race a 'sacred canopy' against the threat of the meaninglessness (*anomie*) of the world (Berger, 1967: 28). However, the modern positivistic approach to the discourse of development and governance which devalues religion and other normative elements to stress the quantifiable aspects of human experience rather than the meaning will never be an efficient tool for the functionalist view of religion. The only choice is to shift towards more interpretative and consequentialistic approaches, which seek to interpret human action and focus on understanding the meanings people give to their own actions and the consequence of those actions to the topic of study, which in this research is development and good governance. The emphasis hence is moved from mere observation and description (what is) to understanding (why and how) hence challenging the conventional value-free proposition of positivism (Thompson and Woodward, 2000: 52-3).

With regard to the 'why' and 'how' questions posed earlier, philosophy of ethics represents a useful tool to understand the significant nature of religion. For instance, the philosophy of ethics raises the question of goodness. This question results in many ethical theories each of which leads to different conclusions or answers to the question 'What should one do?' or 'How should one live?' (*i.e.* Kantian ethics, Aristotelian ethics, Mill's utilitarianism, *etc.*). In the same line it also examines moral claims, which underpin a society's core values and social norms. Akin to other ethical and moral theories, religion as another source of ethics and established doctrines provides substantial answers for those questions. By applying the typology of 'tradition' (according to the definition by Alasdair MacIntyre, 2007 [1981])[2]),

[2] According to MacIntyre (2007 [1981]) in his 'After Virtue', the Enlightenment Project that negates traditional morality has failed. We are now left with the remnants of the traditional system that can sustain us. In the book, he also argues for the continued validity of the Aristotelian attempt to ground moral thinking in the virtues, those qualities which develop in us as we seek a vision of the good, striving in collaboration with others towards ends which disclose themselves more fully as we pursue them. He declares liberal individualism to be at odds with this tradition. MacIntyre was accused of being a relativist due to his in profound rejection of absolutist morality. In the prologue of the 2007

religion is to be understood as a conception of 'what good living is about', which is then expressed through social practices performed by believers. Within such concepts, we could conceptualise an early assumption of how religion (as a set of ethical propositions along with its theoretical structure) would fit into the discourse of development and governance.

Similar to the 'tradition' typology of religion, Lincoln's (2003: 5-7) deconstruction of religion, brings another holistic view in explaining the nature of religion. In defining his concept, Lincoln attributes four (what he calls polythetic and flexible) domains as the characteristics of religion: (i) It entails a transcendental discourse (from its claims to authority and truth); (ii) It imposes a set of practices with the goal of producing a proper world according to the religious discourses to which the practices are connected; (iii) It requires a community whose members construct their identity with reference to the religious discourse and its practices; (iv) It depends on institutions that regulate religious discourse, practices, and community, reproducing them over time and modifying them as necessary, while asserting their eternal validity and transcendental value. Lincoln also implicitly constructed religion with a beyond-transcendental and more comprehensive framework. Such a definition also implies a maximalist type of religion unlike the Kantian (and other) minimalists.

Furthermore, religion as a form of ethical doctrine could profoundly act as agent to attain the internal good in development through its doctrines on social cohesion, mutual co-operation and virtue-based community. Practically, the process of development is not an axiological neutral human activity, but like other activities it is impregnated with values and ethics (Cortina, 2007). Apart from mainstream liberal economic ethics (*i.e.* efficiency, competitiveness, economic growth, human rights, *etc.*) there are also other culturally traditional ethics and religious ethics that are worth incorporating into the discourse. It is from this premise that the Aristotelian concept of *praxis* is worth employing to explain how ethics and tradition could

edition, MacIntyre suggests: "... the best type of human life, that in which the virtues is most adequately embodied, is lived by those engaged in constructing and sustaining forms of community directed toward the shared achievement of those common goods without which the ultimate human good cannot be achieved."

enhance society to cooperate in attaining the *telos* (the internal good)[3] and the same goes for religion.

Following this line of argument, governance encompasses the discourse of politics, economics and public administration, thus is value-loaded at its most elementary level and shaped by individual values derived from individual worldviews, as part of individual social construct. Since factors affecting worldviews differ, different worldviews exist leading to different 'systems' for different peoples (Asutay, 2007). Religion and faith are amongst the major determining factors that fundamentally construct worldviews. The meaning (*nomos*) that religion brings through its ontological dimension leads to the construction of distinguishing narratives to development through the governance process. Accordingly, this distinctive religion-based framework represents the endogeneity of non-Western discourses on governance, hence creating narratives instead of the meta-narrative of the modernist projection of universal values. According to the previously-mentioned multiple modernities framework, the acknowledgement of other worldviews allows religion to have its role in the creation of alternative means in the realm of governance. The following section explains the more significant role of religion in development as the aim of governance through the explanation of how religion could be articulated in development, theoretically and empirically.

4.5. ARTICULATION OF RELIGION IN DEVELOPMENT

As previously mentioned in the discussion on modernity, the concept of secularization has been amongst the major prevailing elements of modernity. With the word secularization, it can be understood that religions and faiths are unwelcome in the public sphere, which amongst others, includes the realm of governance. Nevertheless, a closer scrutiny of the subject from the sociology of religion approach as well as anthropology and other current approaches, might show that a certain degree of religion is being accepted beyond its Kantian metaphysical border within the modernity project. Similar to the approaches mentioned in looking into the

[3] By applying MacIntyre's Aristotelian insight into the role of tradition in human life, Cortina (2007: 5-6) concludes that traditional bonds can motivate the work of development in motivating society to attain the 'internal good' within certain ethical and moral frameworks through the cultivation of virtues by different social agents according to certain model facilitated by political, economical, and citizens' institutions based on specific philosophical foundation. With such framework, she claims that people are not means for other ends, but are valuable in themselves.

response towards modernity, the subsequent arguments furthermore look into rationality and on how religion still has the dynamism to exist and function in 'secular' territories including having an impact on development.

In his effort to understand the way in which religion can find its place and function in the public sphere, Casanova (1994: 5-6) employs a sociological approach in proposing the concept of '*deprivatization*' of religion. He explains how secularization (as one of the landmarks of modernity) would allow religion and faith to enter its public sphere in a homeostatic way through the current global uprising of religions around the world.[4] As there is no monolithic way of explaining the nature of the relation between secularization and religion, he insists that this new phenomenon is not a continuation of the decline of the established *caesaro-papist* church that has been rejected and which declined after the final blow it received from the modernity project.

In the same way secularization, as a process of differentiation between various spheres (economic, social, political, religious, *etc.*) and the social and scientific sphere, progressively emancipated itself from the prism of religious institutions and norms. This differentiation process leads to the *deprivatization* of religion, where religion refuses to be relegated to the private sphere. At the same time its claim to enter the public sphere left to it by the process of differentiation that is civil society, redefines the very boundaries of the differentiated spheres. Thus, civil society has been a field where the *deprivatization* of religion has found a way to escape from mere private territories into the supposedly 'secular' realm. Through this new space, religious institutions and organizations pose their repudiation to the *status quo* of positivism by bringing the interconnection of private and public morality, and by challenging the claims of moral spheres and renormativisation of the public economic and political spheres (Casanova, 1994: 5-6).

From another sociological point of view, the *social norms* approach could also explain the consequence of religions as a set of values for social practices (Raz, 1999, 2003). This approach claims that values would be meaningless without shared social practices to sustain them (*i.e.* solidarity, freedom, taxation, mutual co-operation, caring, *etc.*). Values as 'irreducibly social good' are inherent in numerous social

[4] Berger (1999) coins such situation as the '*desecularisation*' of the world.

relationships, such as family, trade unions, interest groups, religious communities, or those bound by a common history or language (Taylor, 1995). These social norms contribute a large degree of involvement towards development through civil society and social capital. This situation is supported by the way faith-based or faith-inspired organizations and movements vigorously utilize the environment to articulate their ideals, hence good governance and development.

In the same way, the anthropologist Talal Asad (1993) rejects the traditional anthropological perception of religion as mere symbols that resemble a system of meanings.[5] He maintains that religion needs coercion, through law and power, to make individuals act according to religious precepts; it also presents social embodiment and constitutive activities of the world which implies the need for a set of practices to express the beliefs, as well as discipline (by institutional structures) to enforce them and a community of believers in which this discipline is exercised and enjoys their allegiance and serves as for base of their identity. Due to the needs of social and public spaces to exercise religious beliefs, he concludes that the religious world and the social world are inseparable and interact in an interdependent and mutual manner. Akin to the previous argument, the recent global return of religion into the public sphere exemplifies this anthropological theory.

It is rather interesting to discover that even the founder of the liberal market economy, Adam Smith (1976: 189-814) also acknowledged the contribution of religion in the realm of the *laissez-faire* economy. In his *magnum opus* 'An Enquiry into the Nature and Causes of the Wealth of Nations*'*, Smith explains the role of established clergy towards the market-oriented economic development process through the 'moral enforcement' mechanism. The values of honesty and integrity as a determination of the veracity of business ethics are essential for the enhancement of business activities. He further advocated an 'open market' and 'freedom of speech' for all religious groups so that rational discussion about different religious beliefs and practices can create an environment of "good temper and moderation", which is essential for sustained growth and development (Smith, 1976: 793-94). This indeed

[5] Here, Asad was replying to the traditional anthropological definition established by Clifford Geertz (1973) that views a religion as (1) a system of symbols which acts to (2) establish powerful, pervasive, and long-lasting moods and motivations in men by (3) formulating conceptions of a general order of existence and (4) clothing these conceptions with such an aura of factuality that (5) the moods and motivations seem uniquely realistic.

indicates that even at the beginning of political economy, religion and values were perceived to be important factors shaping individual choices and behaviour, which indeed came to an end with Marshalian revolution.

Similarly, Khan and Bashar (2008) deconstruct the functions of religion and present the way through which religion can contribute to development from several dimensions. For instance, Islamic ethics will affect productivity through certain personal traits of ethics, thrift, honesty, and openness to people. Furthermore the enhancement of economic growth and development by promoting a positive attitude toward honesty may increase levels of trust and reduce levels of corruption and criminal activity. Religious rituals on the other hand also play a significant role in economic activities by promoting in-group trust and cooperation that help overcome collective-action problems. In the meantime, religions also exert a positive impact on human capital by enhancing education levels through the encouragement of seeking knowledge to epitomize wisdom. All these motivations will accumulate the creation of 'social capital' which is essential to growth and development, hence good governance and vice versa (Guiso *et al.*, 2003; Ruffle and Sosis, 2003; Alkire, 2004; Marshall, 2005; Noland, 2005; Haynes, 2007).

By following this line of argument, it seems that religion acts substantively as a catalyst for the accumulation of 'social capital'[6] and thereby growth, which is a widely-accepted norm in development literature (with different kinds of interpretations and definitions). Following the successive emphasis on physical capital, human capital and knowledge capital, researchers find adding 'social capital' to growth models as an explanatory variable enhances the explanatory powers of growth and development models in an indigenized manner (Khan and Bashar, 2008).

'Social capital' refers to social networks and the norms of reciprocity and

[6] Social capital is a post-Washington Consensus trend to explain the role of social networks and society in cultivating the economic prosperity and sustainable development. Smith (2000-2009) argues that the notion of social capital first appeared in Hanifan's discussions of rural school community centres (see, Hanifan 1916, 1920). The term was used to describe "those tangible substances [that] count for most in the daily lives of people" (1916: 130), which is particularly concerned with the cultivation of good will, fellowship, sympathy and social intercourse among those that 'make up a social unit'. However, it took some time for the term to move into academic debates before Jacobs (1961) utilized the term to coin the "relation to urban life and neighbourliness", and Bourdieu (1983) with regard to social theory, and then Coleman (1988) in his discussions of the social context of education. Finally, the term culminates as a popular term in defining the social relation as another tool for development through the works of Putnam (1993; 2000). It was Putnam who successfully introduced the social capital as a popular focus for research and policy discussion.

trustworthiness which arises from connections between individuals in the same way as physical capital (accumulated by physical objects and human capital) and refers to the properties of individuals. In this way, social capital can be depicted closely to what some have called "civic virtue" (Putnam, 2000: 19). Collier (1998) on the other hand, in explaining how social capital can contribute towards overcoming the issue of poverty, characterizes social capital as the internal social and cultural coherence of society, the norms and values that govern interactions between people, and the institutions in which they are embedded. Social capital, hence, has a significant impact on economic advancement through social networking, which acquires positive externalities and facilitates joint action for mutual benefit outside the market.

Collier (1998: 16-17) further divides social capital into two categories: the 'civil' social capital (non-official) and 'government' social capital (official). The former refers to micro cooperation and coordination which govern interactions between individuals as economic agents through trust, solidarity, fraternity, reciprocity and interpersonal networks, while the latter incorporates the benefits of law, order, property rights, education, health and good government. Through social capital, transaction costs and information costs could be reduced, thus making physical capital and human capital more productive. In this spirit, religion as both the foundation (source) and framework for civil social capital contributes to the building of networks in society.

Despite the externalities that it may produce (and has already produced in many cases), religion, as a motivation for social capital, works very well to enhance the role of civil society, participation, eradicating poverty and corruption, education and accountability. The effects of religion on social capital and development can be seen in the contemporary, empirical studies which show how the current global uprising of religion is contributing towards the fields of the political-economic and the social sphere. As discussed earlier, social capital is also able to generate public order through the production of good citizens who live in mutual cooperation, mutual assistance transcending conflicts, and striving to establish social stability, which are vital in good governance (Coleman, 1990; Newton, 1997), as these lead to capacity development for economic development in communities.

Marshall (2005: 8-12), however, suggests that religion and faith can play a greater

role in development beyond civil society and social capital parameters. In the paper 'Faith and Development: Rethinking Development Debates', she proposes that religion can give hope and meaning to the lives of millions of people through their teachings on core values which are essential to human relationships. This will balance the distribution of wealth through the philanthropic missions by faith organizations to help poor communities. The paper also maintains that faith is another motivational factor for engagement towards development. This has been proven through the global Millennium Development Goal agenda throughout the world in developing educational sectors, dialogue and health issues. In terms of conflicts, faith organizations have also played a tremendous role in providing solutions, preventions and humanitarian support. Faith communities have also contributed immensely towards the recovery of many post-conflict and post-calamity situations. The post-December 2004 tsunami is a prevailing example.

4.6. RELIGION AND GOVERNANCE: EMPIRICAL CASES FROM THE PERIPHERY

Much has been produced in exploring the empirical evidence to show that faith, ethical and moral-based approaches can fit into the discourse of development (Alkire, 2004; Marshall, 2005; Noland, 2005; Haynes, 2007). Amongst them are the studies done on the co-relation between the efficiency of the bureaucratic system and development with Confucius ethics in some East Asian countries (Frederickson, 2002; Harris, 1990). Despite its authoritarian approach, it was proven and acknowledged that the Confucian traditions managed to bring rapid growth to some of the countries (Frederickson, 2002; Harris, 1990; Dellios, 2005). Some argue that, not only did the Western-rule-of-law based governance fail to manage complex social problems with laws and regulations but they also witnessed relentless calls for greater morality amongst their leaders.

Likewise, Roman Catholic social teachings, and in particular those since *Populorum Progressio,* articulate a faith-based view of development in which the contributions of spiritual disciplines and of ethical action to a person's 'vocation to human fulfilment' are addressed alongside contributions made by markets, public policy, and poverty reduction (Reed 2001: 21-30). Meanwhile in Central and Southern Latin America, further visions of development have arisen in the liberation theologies by

some radical Catholic priests,[7] who criticize structural injustice and call for greater religious engagement in political and economic institutions to ensure equitable development processes. Their cause and struggle aim to awaken the people to rise up against the causes of their poverty and deprivation and recognize development as liberation through political education and conscientization. Many point out that these began with the publication of Gustavo Gutierrez's *Theology of Liberation,* and distinct liberation theologies have emerged on other major faiths accordingly (Gutiérrez, 1988; Rowland, 1999; Akhtar, 1991; Phongphit, 1988; Gillingham, 2005).

On the other hand, religions and faiths also play a pro-active role in the field of civil society, particularly in the field of social capital, which is amongst the major factors in the political economic life of a country, as well as its governance. The *Global Civil Society Report* 2004/5 (p. 5) argues that "There is no way we can understand the logic, strategies and dynamics of civil society anywhere in the Third World unless we bring the transcendental dimension back into our analysis. Religious devotion is a fundamental motive for many social movements in the South, from Latin America to Africa and South Asia" (See also Romero 2001: 475-90). Political and social movements and advocacy campaigns have often drawn upon religious motivations and the support of religious leaders. For instance, the churches' mobilization in support of the anti-apartheid campaign and the Jubilee campaign for debt forgiveness was central to their political visibility.[8] In this vein, the Catholic Church was also among the parties mobilized in support of literacy in Latin America (Casanova, 1994: 3-10; Mandeville, 2001).

The emergence of what is known nowadays as global (non-violent) political Islamic movements all around the Muslim world has to some extent contributed towards the democracy and good governance process. Their contribution can be clearly seen in

[7] The Liberation theologies confirm that solidarity with the oppressed has become a religious practice. They believe that any discourse of good governance (such as democracy, human rights, the rule of law and the free market are baseless when social and political relationships derive their authority from a basically unjust and exploitative social order (Kumar, 2003: 19).

[8] The Jubilee 2000 campaign for the cancellation of the unpayable debt of the most highly indebted countries demonstrates the efficiency and how the strong influence of religious organizations could be when they are mobilized as a collective lobby. It also proves that religious actors can play active roles beyond the monasteries and ritual-spiritual issues, and can also act as purveyors of moral values which is important for bringing a fairer deal for a global egalitarian and holistic development agenda (Tyndale, 2003: 26).

the constant struggle against corruption and administrative misconduct of the mainly undemocratic regimes of Muslim states. It is becoming apparent in most Muslim countries that parties with Islamic aspirations emerge as the voice of the people for reform and criticize the massive extent of corruption committed by the regimes that in many cases leads to poverty and the underdevelopment of most Muslim countries. Through the democratic activities of these religious movements, we can see how religion plays a role in the political life of the people (Nasr, 1995; Eickelman and Piscatori, 1996; an-Naim, 1999; el-Affendi, 2003) through a constant struggle to produce a 'better society'.

Consequently, the activities and orientations of those movements manage to influence development on the soil they on which they operate to some extent. By the same token, the Islamism phenomenon also has a significant impact on the social capital of the community in many Muslim nations. Their relentless struggle to provide welfare, charity and education to the people as part of their *modus operandi* benefits a large proportion of the community in which they live. The movements also rigorously manipulate the vacuum left by most of the Middle Eastern and North African states ruled by autocratic and corrupted regimes with their mechanisms and institutions. Despite their initial aim, which is to spread their ideologies as well as for recruitment purposes and using the activities as the pretext, the movements have contributed massively toward tackling many social problems that the regimes have regularly overlooked (Bayat, 2007; Harrigan and El-Said, 2009).

In the field of socio-economic development, the active involvement of religion in governance can be seen through faith-based organizations' (FBO) activities. These organizations, whether they are local, national, or international, within the larger picture of civil society, are significant purveyors of education, service delivery and other non-market activities. Many of the efforts are driven out of their religious motivation and consciousness of their duty in spreading the values to which they adhere (Ferris, 2005). As an example, the most popular and greatest efforts to be studied belonged to the Christian evangelical development agency, World Vision (Myers, 1999). In 2003, they had a cash budget of US $819 million, and an effective budget of US $1.25 billion due to in-kind contributions, which were later utilized for their evangelical works all around the globe (World Vision, 2003).

Another famous example is the Buddhist self-governance '*Savordhaya Shramadana*' Movement in Sri Lanka, which managed to mobilize its members to develop the underdeveloped rural and suburban areas in the country with physical facilities. Inspired by Ghandi,[9] the movement, established by Dr A.T. Arayatne, provided people with educational means, health, communications and job opportunities, which enhanced the economy of the people[10] (Zadek, 1993; Kumar 2003). Akin to those FBOs, the Islamic Development Bank (IDB), Islamic Relief, Catholic Relief Services, the Aga Khan Development Network and others also deliver significant resources hence contributing to the development of many countries all over the globe. According to the holistic contemporary technical definition of governance, these organizations effectively mobilized the third sector to cultivate development and eradicate poverty, which is amongst their essential contribution (Fukuyama, 2001; OECD, 1995; Fukuyama, 2001; OECD, 1995; Eigen, 2005; Ghaus-Pasha, 2005: 2; Ikekeonwu *et al*., 2007).

This is what inspired the establishment of the World Faiths Development Dialogue in 1998 to become a dialogue platform between different religions and faiths and the multilateral development agencies by James Wolfensohn and Lord Carey, then Archbishop of Canterbury (Tyndale, 2003: 26). The World Bank's '*World Development Report 2004: Making Services Work for the Poor*', also maintains that religious schools, institutions and organizations in many countries were referred to frequently as effective delivery mechanisms for the people. The report also highlights the importance of faith groups in providing services, emphasizing the importance of people's participation in planning and running them, as well to make the services accessible to all levels of the community voluntarily (WFDD, 2003)[11]. It should also be mentioned that the World Bank's '*Faiths and Environment: World Bank Support 2000-5*' Report stresses that many positive engagements and the efficient role of faith

[9] Ghandian '*gram-seva'* (village service) ideal has been the basic philosophy for his notion of development. The idea reflects that service was fundamental to community upliftment. According to Ghandi, development as part of the nature akin to life and time is cyclical. Development according to him is not a process of human endeavour but rather as a process of life. 'Service' is thus to find a sense of satisfaction in service and not in its outcomes and targets. Service is to build a society based on compassion and respect where diversity of cultures, religions and ethnicities could flourish together. This very ideal is derived from the cardinal principles of the Hindu worldview, '*Seva*' (service) which aims to create an interdependent and harmonious society based on sharing and caring. (Kumar, 2003: 16-17).

[10] The famous slogan used to get its members participating in the voluntary activities was "We build the road and the road builds us", see: http://www.sarvodaya.org/.

[11] www.wfdd.org.uk/programmes/wdr/WFDDWDR2004.pdf, retrieved on 25th March 2009.

organizations and institutions around the globe have contributed proportionately towards the preservation of the environment and sustainability of their countries with the support given by the World Bank (World Bank, 2006).

Having said all that, the involvement of faith in civil society and the social capital sphere emerged to fill the gap in the current Western-oriented liberal system of governance. Despite the role they played, the discourse of development based on religious precepts was not well developed as a separate discipline of knowledge from the religions' unique ontological roots, but rather a mere response to certain circumstances and realities. In fact, evaluation of the existence of religions or faiths or culturally-inspired factors along with their paradigms were still viewed and evaluated using the conventional economic paradigm, without any appreciation of their own unique cultural cognitive paradigm. Furthermore, the variables used to evaluate the rationale of incorporating religion or culture into the current governance paradigm still represent considerable bias in favour of Eurocentric modernity values in examining the subject.

Thus, since religion and culture-based models are as rational as conventional paradigms in economic development and governance areas, exploration of culture and faith as alternatives for the conventional Western paradigm requires a formulation that is based on their unique worldviews, epistemologies, histories, and the arts (Alatas, 2001: 59) and not just merely filling in the gaps in the existing system. It must also appreciate and acknowledge unique paradigms of religions or cultures in explaining how ideal 'governance' should be with the objective of galvanizing the concept for the acceptability of the societies in which such concepts will work out. In this case, the establishment of such alternative epistemological paradigms should precede the exploration of its mechanisms. Moreover, religion or cultural-based paradigms, as alternatives with their relevant surroundings, are creative, non-imitative and original, non-essentialist, counter-Eurocentric, autonomous from the state, and autonomous from other national or transnational groupings (Alatas, 2001: 59).

The proposed approach in terms of endogenizing culture and religion despite its radical nature must not be interpreted or lead to the consequences of the total

rejection of what is 'Western'. The Western experience,[12] especially in the field of governance, without doubt has given a great deal of benefit to human history. The systems, mechanisms, tools and institutions that operate within the modern Western atmospheres have indeed delivered justice for their inhabitants under the banner of freedom and democracy. Development, high quality of life, welfare system, eradication of tyrants and depriving regimes, accountability, transparency, respect for the rights of others were amongst the intrinsic universal values of most cultures and societies. Instead of emerging as rivals to the conventional Western paradigms, they would enrich them and widen the current parameters, thereby transforming them from closed paradigms based upon modern Western assumptions into open-ended universal human paradigms based on knowledge of all cultural formations in all of their specificities and manifestations and attempt to arrive at a higher level of abstraction and, therefore, universality (el-Messiri, 2006: xiv).

4.7. CONCLUSION: 'ISLAMIC GOVERNANCE' AS ANOTHER CULTURAL APPROACH TO GOVERNANCE

In accordance with the previous rationale, Sardar's (1989: 7) assertion that the pluralist world demands from people of different cultures to work out 'their own ways of being, doing and knowing' is worth acknowledging. Such an effort will lead to the construction of cultures' own 'science and technologies', hence undertaking 'their own civilization project' instead of blindly imitating the Eurocentric paradigms. Furthermore, he maintains that no civilization can retain its vitality if it does not possess its own science, just as the American sciences can be said to be different from Europe's. Based on this premise, Sardar (1985: 104) concludes that efforts to revitalise Islamic thought by establishing its own character from its own unique worldview and epistemology are crucially essential in order to put an end to what he calls 'Western epistemological imperialism', which presupposes that knowledge is neutral, separated from values and essentially 'secular' (Sardar, 1985:104; 1989: 48).

Based on the previous arguments, Islam as one of the major world cultures and faiths is another field to be explored in formulating alternative means for conventional

[12] This will take into consideration both the institutional dimension of modernity (Giddens, 1990) and the cultural project of modernity (Habermas, 1990), which are inter-related, in developing the modernity project.

theory of development (through good governance concept). Islam as a belief system and a way of life, as perceived by Muslims, provides a comprehensive ground for such an inquiry. Thus, in some relative manner, Islam could not find itself comfortable within the rather narrow framework of the post-Enlightenment concept of religion[13]. As Iqbal (2008) suggested, the essence of Islam comprises the matter of faith, feeling, and intellectual, doctrinal, philosophical and other spheres of human life. Furthermore, Maxime Rodinson's (1973) characterization of Islam as an *ideologie mobilisatrice*, that is an ideology that facilitates social and political mobilization, could shed some light on how Islam is capable of establishing its own inner foundational ground to drive Muslims toward development.

This corresponds with the global penchant amongst some contemporary Muslim intellectuals who insist on the need to establish knowledge and discipline articulated from their own episteme that was unjustly ignored, abandoned and isolated. However, their challenge then is to formulate a new alternative at successive levels of refinement, to diversify its articulation, and to relate it to multiple contexts to replace the existing discourses. Hence, this new normative and cognitive 'paradigm'[14] encompasses the implicit 'concepts, theories, perspectives, and worldviews as well as beliefs and values' (Mona Abul Fadhl, 1990: 15-38; 1991: 15-44; 1994: 309-13). The creation of these new paradigms requires an epistemological approach to reconstruct the field from new fundamentals that are far from a cumulative process by articulating or extending the old paradigm (Kuhn, 1996: 11).

[13] Religion is translated as '*al-dīn*' in Arabic. The term connotes two different definitions due to its usage and context. The general definition for '*al-din*' refers to the way of life and all manners that relate to conducts from both ritual-spiritual aspects and the secular. This comprehensive meaning of '*al-din*' was acknowledged by al-Shatibi through his saying: "(*al-dīn* as the way of conduct) is but an act of worship that encompasses rituals (*'ibādāt*), customs (*'ādāt*) and human relation (*mu'āmalāt*)", and his remarks on another occasion, "All the human conducts that are recognized by the *Sharī'ah* is but an act of worship". Such a wide scope for the meaning of '*al-din*' comprises every action and conduct of humans which will find its general and moral guidance in al-Quran and *sunnah* (Prophet Muhammad's traditions), implicitly and explicitly. While the specific meaning of '*al-dīn*' refers to the 'ritual-spiritual context' which the Muslim scholars define '*al-umur al-dīniyyah al-ta'abuddiyyah*' and does not involve any other human conduct such as economics, politics, education, culture and etc. (al-Uthmani, 2009: 86-105). In our discussion, the main concern will focus on the general meaning of '*al-dīn*' as the way of life as perceived and believed in strongly by many Muslims. It is from such a worldview that the epistemological issues regarding the subject of governance can be explored and derived.

[14] El-Messiri (2006: 4) defines paradigm as: "a mental abstract picture, an imaginary construct, and a symbolic representation of reality that results from a process of deconstruction and reconstruction".

Consequently, the development of a new paradigm requires a fresh look into both ontological and epistemological issues concerning the subject. In dealing with this matter Al-Faruqi (1992) asserts that Muslims should embrace their own identity to shape their own civilization based on an Islamic worldview (and epistemology) and not one taken from others. Alternatively it must emerge from the core of Islamic creed, *tawḥīd* or unity of God, which is considered as *a priori*, and believed to explain the 'truth'. It is from this (assumed) *a priori* 'truth' that the reality of life and the world are explained, and hence it becomes the Muslims worldview. This worldview illuminates the ideal of Islam and conceptualizes an epistemological paradigm from which Muslims derive their knowledge. Accordingly, the attempt to explore Islamic ideals as an alternative to conventional governance set-up must embark from this starting point[15].

Therefore, a new method is required[16] to undertake this task to uproot Islamic principles of governance with a fresh new method to construct a new alternative epistemological paradigm within the magnitude of a value-laden ontology-determined epistemological system. This new approach must transcend the current (nature-matter) materialistic monism of governance by replacing the ends of its process with transcendental values, and by making humans as a starting point of the subject and not as mere commodities. Furthermore, it must fit into the framework of (comprehensive contemporary usage of 'good') governance from the ontologically-determined Islamic epistemology through the deductive method. In formulating this, all Islamic principal values concerning material, spiritual and ethical issues related to the subject will be articulated in the form of mathematical axioms. As far as the term epistemology is concerned, the exploration will also involve Islamic heritages and classical contributions on the subject, but without literal transcriptions, rather it denotes the ongoing, creative attempt to apprehend the paradigm implicit in different Islamic texts and phenomena.

[15] Thus, such an effort is not a mere de-Westernizing science as stated by Tibi (1995), but it is an emerging process of knowledge production as asserted by el-Messiri (Hirafi, 2009).

[16] Due to such rationality, this thesis is not an emulation of the conventional legal positivistic approach of the jurists (*fuqahā*) in dealing with the subject, which often comes with the notion of reclaiming the past experience in its literal meaning into current reality. The investigation will also avoid the adoption of the textual literalists' method in imposing their literal understanding of text and the ideal of the Prophet's period into the current framework despite the differences of context, needs, underlying rationalities (*'illat*) and the spirit of the higher objectives (*maqāṣid*) to be achieved from Islam.

This attempt should be generative in looking into the subject of governance and be manifested as an incomplete certainty as a result of the continuous *ijtihad* progression. It must not aim to give an alternative meta-structure design of reality as the modernities claimed. Furthermore, this emerging comprehensive theory will not try to reduce reality into its materialist components or dimensions, nor will it try to eradicate dualities. It will not stress the whole at the expense of the part or *vice versa*; similarly it will not stress continuity at the expense of discontinuity or *vice versa*. In contrast, it relates the particulars to general without necessarily reducing the part to the whole or the particular to the general and it attempts to reach the pivotal point where one phenomenon is related to another, yet remains distinct from it. In applying it to the discourse of governance, the individual and small social units cannot be eradicated in the interest of the state, and the human cannot be disregarded in pursuit of the natural. Hence, the deliberation on the issue of governance will not focus on the materialistic components such as institutions or mechanisms or growth *per se*, but it will encompass the holistic nature of human life in accordance with the Islamic worldview.

On the other hand, due to the new nature of 'governance' that engulfs diversities of social, legal, political and economic dimension, a new distinctive approach is essential in dealing with the issue from an Islamic methodological perspective. In relation to that, Choudhury proposes that modern political economic issues be treated by applying modern socio-economic analysis with new presupposition established from Islamic epistemology (1992, 1995, 1999, *etc.*). This kind of approach suggests that the theoretical foundation of Islamic political economy should emanate from the complete substitution of the neo-classical idea of replacement and its later variations by the '*Principle of Universal Complementarity*' (Choudhury 1994). This approach is essential to this research as a study of Islamic ontology's epistemological role in ethico-economic and political systems with governance as its grand subsystem as a new emerging theory and not merely a 'patching-up' process.

The following chapter deals with this foundational issue by establishing *an Islamic* method to the subject. Here, al-Faruqi's *tawhidic episteme* is needed to prepare the underpinning of such a foundation. In an attempt to organize the 'foundation' (worldview) for a new model of governance, the principle of *tawḥīd*, is identified to formulate the epistemology of Islamic conception of governance. However, in

establishing this 'Islamic' foundation and paradigm, this new framework does not negate the 'others'' values and wisdom. Taylor's multiple modernity approach enshrines the similarly-suggested Islamic message that by its nature promotes 'epistemic humility' in forming a universal value through a hybridism of cultures and orientations.

Islamic epistemology as formulated by the Quran and the *Sunnah* (Prophet's tradition) welcomes the symbiosis of wisdom from other sources even from the non-Islamic. This ideal was addressed in the Quran (49: 13), where the verse dedicates its message to the whole human race by urging it to welcome the diverse nature of the human race by mutually learning from one another. This is expounded in detail within the following chapter on Islamic epistemology. Without a meticulous investigation of this very fundamental basic, it is impossible to verify the Islamic character of the outcome.

Nevertheless, it is the ontology that will maintain the core identity or endogeneity of Muslims' identity. The rereading of the Malay mythical legendary warrior Hang Tuah's motto '*Tak kan Melayu hilang di dunia*' (Never should the Malays feel lost in the world) should represent the very nature of this approach. Despite Hang Tuah's odysseys around the world, and his cosmopolitan spirit in knowledge and wisdom, he still managed to preserve the Malay-Muslim worldview within himself without losing his self-confidence or his identity (Noor, 2009).

CHAPTER 5

SEARCHING FOR ONTOLOGICAL AND EPISTEMOLOGICAL SOURCES FOR ISLAMIC GOVERNANCE

> *"And, irrespective of what one might assume, in the life of a science, problems do not arise by themselves. It is precisely this that marks out a problem as being of the true scientific spirit: all knowledge is in response to a question. If there were no question, there would be no scientific knowledge. Nothing proceeds from itself. Nothing is given. All is constructed."* Gaston Bachelard (1934)

5.1. INTRODUCTION: ONTOLOGY AND WORLDVIEW

As discussed in the previous chapter, any quest to provide an alternative to the conventional conception of 'Good Governance' due to having been sourced from different 'light' must not only represented as a process of presenting different pictures, or mechanisms with its own values and norms, but also must be preceded with different ontology and epistemology in formulating them. While in the field of governance, the creation of alternatives implies not only the materialization of new systems but also a whole new structure of knowledge that reflects how reality is being perceived by different views from the existing paradigm. Hence, the alternatives in such structures represent a whole new branch of knowledge with its own epistemology. However, the quest for epistemology in any branch of knowledge can never be achieved without being preceded by a proper scrutinization of the ontological aspect, the exploration of which provides a bigger picture of the knowledge by representing the notion of the 'reality' of the world it represents.

The notion of reality in one's mind is a socially constructed reality through the values of a particular worldview emanating from a particular ontology. This worldview later describes the notion of reality for its subscribers. In articulating the accurate meaning, function and importance of the worldview in a person's life, an individual without a worldview is like "a man who has an abundance of furniture and is continuously moving it from house to house" that nothing is ever fully unpacked or put in its right place so proper use can be made of it (Shariati, n.d.). In the same

meaning, to having a great deal of compartmentalized knowledge without a foundation of a definite world view is akin to have all the materials needed to build a building but lacking a design as to what should be built. To simplify, worldview represents a paradigm that summarizes the comprehension that a person has about 'being' or 'existing'. It explains the meaning of 'knowing' such as the meaning of life, society, ethics, beauty and ugliness, truth and falsity (Palmer, 1996: 114; Cobern, 1991; Vidal, 2008).

A worldview could be seen as an articulated perception of social reality in the idealism of Hegel; the dialectic materialism of Marx; the existentialism of Heidegger, Jaspers and Sartre; the absurdity of the futilism of Albert Camus and Beckett; the Taoism of Lao Tze; the '*karma*' of Hinduism; the pain and *nibanna* or nirvana of Buddha; the *wiḥdat al-wujūd* or unity of being of Ḥallāj; the pessimistic determinism of Khayyām; Schopenhauer and Metternich, etc. Unlike modernity's universal reality, the variety of worldviews reflects the 'cognitive rationality' that constructs human's way of thinking and perceiving the 'world' and 'life' they live within. In the same token, in supporting the differences of worldviews, Eaton (1990: 7-8) states that people's perception and people's interpretation of reality varies from one to another. Even the very obscure surrounding environment, which appears the same before everybody's eyes, would have different meaning in one's apprehension. Context, surrounding, beliefs, physical structures, norms, amongst others are involved in shaping the differences of the way people think and envisage, and hence the rejection of objective reality. According to such premise, the current assertion of Western modernity on its universality upon others in an attempt to impose it *ad infinitum* is no longer valid in the post-modern or multiplicity of the modern world as it assumes that there is only one fixed single view to determine the conduct of humankind and neglecting the multiplicity cognitive nature of the human mind (el-Messiri, 2006: 20).

Such a universalist view of modernity, however, reflects the cultural imperialistic nature of Eurocentric hegemony (self) upon the 'others' by imposing one symmetric geometric pattern of reality based on monism of reason, causality and absolute control rather than incomplete, asymmetric patterns that are more representing the plurality of human life. This neo-imperialism is also exemplified in the modernity framework that asserts only one single method from that single (world)view to

explain reality. Such paradigm is based on the assumption that the centre of the universe exists within the modern Western materialistic ontology and not beyond it, while 'others' are expected to converge towards the Eurocentric 'reality' in order to be 'accepted'. This indeed represents an inconsistency with reality, which comprises various cognitive paradigms and worldviews.

The term ontology is etymologically derived from a Greek word, *onto* which means 'something that exists', and *logos*, which means 'logical knowledge'. Thus, literally, the term ontology refers to the knowledge of 'reality or characteristics of something that might also exist in abstract terms' (Runes, 1976: 219). However, interestingly this term was never used in ancient philosophy even during the time of the Greeks. It was first constructed by Lohard in his '*Liberdeadeptione*' (1597) and '*Ogdoas Scholastica*' (1607) as "the metaphysics, which considers all things in general, as far as they are existing and as far as they are of the highest general and principles without being supported by hypotheses based on the senses" (∅hrstrom *et al.*, 2005: 425). While technically, the term ontology is defined as "a branch of philosophy concerned with articulating the nature and structure of the world" (Wand and Weber, 1993:220), and might also briefly be defined as well as "a set of terms and their associated definitions intended to describe the world in question" (Uschold and King, 1995:1). In the same meaning, it is also defined as "a theory concerning the kinds of entities and specifically the kinds of abstract entities that are to be admitted to a language system" (Webster's Third New International Dictionary, 2002). In sum, the ontological question is about answering, "what is the form and nature of reality and, therefore, what is there that can be known about it".

The ontological and epistemological questions concern what is commonly referred to as a person's *Weltanschauung* or worldview. *Weltanschauung* could be defined as "a comprehensive view or philosophical conception of life, world and universe especially from a specific standpoint" (The Concise Oxford Dictionary, 1995: 1592; Collins English Dictionary, 1998: 1731), which is also best described as "a set of implicit and explicit assumptions about the origin of the universe and the nature of human life" (Chapra, 1992: 1). Different worldviews lead to different values and norms, simply because through one's worldview he sees and explains the world and his place in it. As a building with its foundation, worldview serves as an essential base for man since the way he thinks, acts, behaves and his reflections towards

everything are directly influenced by his worldview (Chapra, 1992), which, as argued later, justifies the Islamic governance through the Islamic worldview.

The modern Western Eurocentric realm developed their worldview based on an adverse experience of the pre-Enlightenment period. The Enlightenment was perceived as the rebirth of a new world, which rose from the ashes of the dark ages into a new 'civilized' future. The Churches, which represented religion and religious institutions, were blamed for the pre-Enlightenment state of darkness and the uncivilized world. The philosophers and thinkers during the Enlightenment and post-Enlightenment period hence formulated 'science of man' instead of depending on 'God centred knowledge' (Porter, 2001: 19). This new formulation directed the dominance of an empirical-scientific approach to knowledge (positivism), claims of individualism, negative freedom, and instrumental rationality (Taylor, 1999: 156)[1]. Eventually, 'secularism' had dominated all the domains in people's life in the West. Any attempt to bring out God from church into the public domain was considered as taboo, uncivilized and a move towards the dark past.

It was the search of certainty and rationality that drove post-Enlightenment Europe to reject all metaphysical and religious dogma from the field of knowledge and reality. Uncertain divine laws were replaced with the certainty of the empirical results of the senses and observation. In the same token, divine providence was replaced by

[1] Such methods became the major principals of the Positivist philosophers. They insisted that true knowledge is based on scientific statements. The statements can only be verified based on empirical results, and could only be derived from observations and logical deductions from them. According to these methods, any statements that could not be disconfirmed by observations such as values, ethics and moral judgements were meaningless and not scientific, hence the negation of religious beliefs from the body of knowledge (el-Messiri, 2006: 29-38). This conclusion then becomes the cardinal principal of the Vienna circle. Reuben (1996) writes that: "In the late nineteenth century, intellectuals assumed that truth had spiritual, moral and cognitive dimensions. By 1930, however, intellectuals had abandoned this broad conception of truth. They embraced, instead, a view of knowledge that drew a sharp distinction between 'facts' and 'values'. They associated cognitive truth with empirically verified knowledge and maintained that by this standard, moral values could not be validated as 'true'. In the nomenclature of the twentieth century, only 'science' constituted true knowledge. Moral or spiritual values could be 'true' in an emotional or non-literal sense, but not in terms of cognitively verifiable knowledge. The term 'truth' no longer comfortably encompassed factual knowledge and moral values." However, positivism hence requires the framework of 'secularism' as its competent worldview. The dark ages of the European continent caused by the amalgam of churches and the state causes the transition to secular thought in the whole Western realm, which later claimed its universality. Secularism is but the triumph of reason (science) over superstition (metaphysics) to Western civilization. In tandem, religious faith is portrayed as inferior to and in constant conflict with reason (the true knowledge). Consequently, secularism is glorified as the most vital pillar for modernity (Tawney, 1926). While the Enlightenment, which is the period where secularism and positivism emerge is perceived as the dawn of the Age of Reason, where the world and the people are enlightened by reason, science, and a respect for humanity.

providential progress. No knowledge, under such worldview can be accepted as valid upon an unquestioned foundation if the sphere of reason is wholly unfettered because even the most firmly held notions can only be regarded as valid 'in principle' or 'until further notice', failing that, "they would relapse into dogma and separated from the sphere of reason, which determines the validity of any premises" (Giddens, 1990: 49). This worldview as claimed by the Western philosophers had dynamited obsolete religious myths about man and his place under God, thus breaking with '*mythopoeia*' thinking and advance "from myth to reason" (Porter, 2001: 19).

Such worldview connotes the unity of sciences and the mind's ability to accumulate information and recreate reality in accordance with natural law, which reinforces the idea that only science can guide societies and rationalize them. With regard to the subject governance, a closer glare into the way development and growth (as the goals of good governance) are being defined by contemporary economists, we could identify the concept of nature-matter and materialist monism is derived from value-free positivism underlying its whole framework. Both development and growth is but a variation on the natural and economic structure, a one-dimensional entity that can be explained within the framework of the modern Western worldview of economics based on materialism and causal monism. Hence, both concepts are both quantified and measured in general materialistic terms and become an end to themselves, and not a means to achieve an end. In replacing the non-rational values, (materialistic) development itself as a manifestation of progress is considered as the ultimate value. With such a background, materialistic progress is becoming *ad infinitum* on the level of theory and *ad nausem* on the level of practice (el-Messiri, 2006: 40-41), while the heterogeneous 'other' understanding including Islamic worldview perceive these through different means and value systems and norms through different paradigm. The rest of this chapter thus explores the Islamic worldview to establish the ontological foundations needed in attempting to construct a new paradigm of Islamic good governance through the ontological and epistemological construct of Islam.

5.2. CONSTRUCTING THE CONCEPT OF ISLAMIC GOVERNANCE: ONTOLOGICAL AND EPISTEMOLOGICAL BUILDING BLOCKS

After the brief introduction as part of the previous chapter, this chapter begins with the issue of ontology as a core fundamental principle for 'Islamic' alternative to current paradigm of governance. The discussion starts with the presentation of the '*tawhidic* reality' as the *Ḥaqq* (truth and reality) presents the very ontology of Islamic knowledge and the central principle, through which Muslims interpret reality and which is expounded in detail. The ontology then articulates to the reality through 'epistemology' derived from Islamic ontology, which constitutes the foundation of the new 'Islamic' theory of governance as the worldview of Islamic governance. The epistemology reflects the originality of the theory, which is in a way to develop a new paradigm of knowledge in the field of development studies.

The discussion continues with the articulation of both elements in classical and contemporary literatures dealing mostly with political and economical issues through the framework of Islamic thought. The literatures will be analytically and critically analyzed to locate gaps and lacunae that will justify the exploration of this research, hence formulating a different method and paradigm in establishing an alternative model for governance.

5.2.1. *Tawhidic* Reality

In contrast to the aforesaid Western paradigm as a worldview, Muslims derive their worldview from the Qur'an or the revealed knowledge, which explains its *a priori* ontology by insisting the very core and comprehensive concept and application of *Tawḥīd* or the Oneness and uniqueness of God the Almighty. *Tawḥīd* as an axiom derived from the premier principle of Islamic theo-centric cosmology encapsulated in the declaration of *Shahādah* (*Lā ilāha illa Allāh*) which proclaims the denial of any other god apart from Allāh and also the affirmation on the *sui generis* of Allah as the 'almighty God' to be worshiped and glorified[2]. This principle implies that Allah is

[2] Despite its basic definition, *tawḥīd* implies the unification of Allah and the denial and rejection of any association of Allāh with the creatures; different theological schools of thought define *tawḥīd* with different elaboration in detailed comprehension of the concept. The classical Muslim theological philosophers (who were also known as the '*Mutakallimūn*' (theologians)) were divided into two major sects: the *Muʿtazilah* (pure rationalists) and the *Ashāʿirah* (moderate rationalists). Both sects interpreted '*tawḥīd*' based on the Islamic theo-philosophical method as the understanding of affirmation of the unification of Allāh in His essence (*dhāt*) and attributes (*Ṣifāt*). However, in details

one in His essence (*dhāt*), one in His attributes (*Ṣifāt*), one in His names (*Asmāʹ*), one in His works (*afʿāl*), and the only object of worship. Such principle also solicits the other interrelated principle of *tanzīh* (no compromise with the transcendent purity of Allāh) for His existence (*wujūd*); and rejection of any type of relationship of ontological proximity and identification between the absolute (Allah) and the relative (created beings) in His status as the Creator and administrator of the universe (*rubūbiyyah*) and the only worshipped God (*ulūhiyyah*). Any actions that contradict or breach this principle of *tawḥīd* is considered as *shirk* or associating the absoluteness of Allāh with other beings. The state of *shirk*, which is antithesis of *tawḥīd*, condemned strongly in the Islamic belief system and those who committed it were disqualified from being true Muslims.

The *Tawḥīd* concept becomes the *axis mundi* of *homo-Islamicus* (or the Islamically re-affirmed individual) ontology and determining the 'truth' and the 'reality' for Muslims. It represents the ultimate truth or reality, which is known in Islam as *Ḥaqq* in their life. This concept, clearly articulated through the status of human beings from an Islamic perspective, was deliberately elucidated in the Qur'an through the story of human creation, and accepted as '*a priori*' in Muslims' faith. The purpose of the human race creation has been described in the Qur'an a few times through a dialogue between God and the angels (2: 30-39; 15: 28-44; 38: 69-74). There, God expressed His will to the angels the creation of a new being who would be the best of all His creatures and hence would be assigned the status of His vicegerent (*Khalīfah*). As a vicegerent, man is responsible not only for himself, but also for everything in the universe including the animal kingdom and nature. In order for man to understand his responsibility and status, God frequently demands him to observe, ponder and use his

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they diversify in defining the relation between the essence and the attributes. As for the *Muʿtazilah*, *tawḥīd* requires the separation of essence as the pre-existent and eternal and His attributes. The *Ashāʿirah* in contrast believe that both the essence and the attributes are eternal and in fact belong to a single entity, which is Allah Himself. Nonetheless, both of the sects agreed that Allah's attributes are *sui generis* and nothing is equal to His glory and greatness. On the other hand, the *Muḥaddithīn* (scholars of Ḥadīth) along with others who reject the theo-philosophical tendency of the *Mutakallimūn* opt a literalist approach to *tawḥīd*. Ibn Taimiyyah, whom the new formulation of *tawḥīd* paradigm spearheaded this school of thought enumerated *tawḥīd* into three major categories, *tawḥīd ulūhiyyah (*Believing that Allah is One with no partner or associate in His divinity), *tawḥīd rubūbiyyah* (Lordship) and *tawḥīd al-asmāʹ wa al-ṣifāt* (names and attributes). Despite of the differences of methods in defining the 'unity' or 'oneness' of Allah in His essence and His attributes, all agreed in one common conclusion that *tawḥīd* entails transcendence (*tanzīh*) which is the act of denying or rejecting anything that will lead to immanence (*tashbīh*) between Allah and His creation. Any act of such will be considered as a blasphemy act of associating (*shirk*) Allah with the creation.

rationality[3]. The ability of man to rationalize is simply based on his possession of reason (ʿ*aql*), physical and intellectual capabilities, knowledge and other resources. This endowment by God in a way is the *raison d'être* of human superiority upon other creatures.

Equally, the Qur'an also speaks of a covenant between man and God (7: 172) in which man recognized God's position as his Creator. In other words, this covenant implies that the ability to perceive the existence of the Supreme Being is inborn in human nature. By highlighting the rights and obligations of God over man, and man over man, the Qurʹān establishes the point that man serves God mainly by serving humanity and other creatures. By comparison to the 'secular materialistic' position of the Western worldview, the *khilāfah* (vicegerency) position and the covenant taken by the human race to execute their responsibility (Qurʹān, 33: 72), is to worship God by living according to His guidance (ʿ*ibādah*) (Qurʹān, 51:56) and to develop and administrate this world in a harmonious way for the benefit of all creatures (ʿ*imārah*) (6:165; 45:13). Such responsibility or trust has been rejected by other creatures, but accepted by human beings: hence, they are living in this worldly life in the state of being tested (Qurʹān, 6:165).

As a prerequisite of being tested, man was also endowed with freedom or *ikhtiyār* to choose. Such freedom, which made man different from the angels, gives man a determining power to deliver his responsibility, thus, making him accountable before God. For every decision or choice an individual takes, he is accountable[4] as being mentioned in the Qur'an (75: 36; 23: 115; 76: 2). It is through this responsibility-accountability paradigm, the Qur'an points out that worldly human life is connected to the Hereafter. Human life in this world (as a testing ground) will be the major determination of his new life after his demise. It is his choice then which will lead him either to *falāḥ* or salvation in this world and in the Hereafter or otherwise. Thus, the objective of individuals is to achieve *iḥsān* or beneficence to achieve *falāḥ*.

In essence, Muslims believe that reality, namely life, has two dimensions: eternal and temporary. The temporary worldly life was created for man to be tested in

[3] Look, for example, 4:82; 7: 24; 23:68; 38: 29; 47: 24.

[4] And also, Prophet Muḥammad has mentioned it in myriad, and amongst the famous was the report which mentioned that every single individual is a leader, and everybody will be accountable for his leadership (narrated by al-Bukhārī (1985: 1/304) and Muslim (no date: 2/ 1459)).

determining his eternal life in the Hereafter (Qur'an, 6: 165). "Islamic ontology presents a comprehensive integrated unique bi-dimensional worldview, this world (universe) and the Hereafter"[5] yet interlink, as this world is perceived to be the 'fields' of the Hereafter. Such ontology differentiates between ontological proximity of the post-Enlightenment West and of the worldviews of other religions. The repercussion of this '*tawhidic* reality' can clearly seen in the way Muslims respond to their worldly life, in which governance is part of it (Iqbal, [1974] 2008: 155). Within a pristine understanding of this *tawhidic* reality, governance as a process and development as the result of the process are taken out from the Western materialist monist paradigm absolute *donnee*. Instead, the implication of *tawhidic* reality expands the implication of the governance process and its end beyond the materialistic notion towards achieving *falāḥ,* a 'multi-dimensional comprehensive salvation'.

This state of 'multi-dimensional comprehensive salvation' or *falāḥ*[6] in the worldly life can be achieved through the comprehensive well-being in one's life as a result of conformity to guidance (see: Qur'an, 2:189; 3:130; 3:200; 5:35; 5:100; 24:31; 28:67; 24:51). This comprehensive well-being could be obtained through preservation of the highest objectives of *Sharīʿah* (*maqāṣid*), which is interpreted as human well-being, when the guidance is being followed and implemented in one's life. Furthermore, the *tawhidic* reality that shapes an individual's worldview will turn him to a 'being', 'doing' and 'functioning' individual who will try to secure and promote the *Maqāṣid* to ensure *falāḥ* not only for himself but also for the community and the human species in the universe by enhancing *iḥsān*. This also indicates that *tawḥīd* necessitates social well-being alongside individual well-being and makes also the responsibility of the individual to contribute to the social well-being. The Qur'an states this 'functioning' individual's mission as the continuation of Prophet Muḥammad's mission as the mercy agent to the universe, as evidenced in the

[5] Which is totally against the views of existentialists like Jean Paul Sartre, Martin Heidegger and others' opinions, which say that human life or human existence is without purpose (Baheshti and Bahonar, 1993: 161-4).

[6] *Falāḥ* is derived from the root of *Fa-la-ha* and originally means, 'to plough' (Ibn al-Manẓur, 1955: 2/ 547). Plough implying going through a route with difficulty and eventually reaching to harvest, the word has been apparently adapted to have a general meaning of reaching safety and salvation after struggling for it. In the context of Islam, *falāḥ* means attaining triumph and prosperity in the worldly life and the Hereafter. This of course can be reached when God is pleased with his servant (although this pleasure is the result, to a great extent, of God's own extreme mercy and forgiveness).

following verse of the Qur'an: "For I [Allāh] have created you [Muḥammad] to be nothing but a blessing for all creation"[7].

It should be noted that an important social articulation of *tawḥīd* is being the source of justice as well. In other words, the true meaning of *tawḥīd* in human life also emphasizes the importance of justice as part of *tawhidic* implication on individual conduct. *Tawḥīd* implies the vertical ethical axiom implying justice, which necessitates individuals to live with the spirit of justices amongst themselves. However, *tawḥīd*'s articulation of justice is related to vertical ethicality and hence refers to individuals having equal distance to God. In other words, this implies that individuals are equal in their relationship with God. It is upon such a concept of equality that justice must prevail as the common value shared by the individuals, hence equality in the sight of Allāh. This has consequences on the *falāḥ* process as part of *iḥsān*. Consequently, *falāḥ* of a human being during this life and the Hereafter is reflected by the eternal life in Heaven.

This '*tawhidic* reality' worldview, which is a *sine qua non* for Muslims, provides a unique dimension for the inquiry of Islamic epistemology of knowledge[8]. *Tawhidic* reality as the ontology needs to be articulated by the epistemology to bring itself into reality. The following section, hence, explores Islamic epistemology that is inspired by *tawhidic* reality in order to prepare the ground for further exploration of Islamic governance.

5.2.2. Islamic Ontological Quest for Epistemology

Quest for epistemology is the quest to answer three major questions: 'What knowledge?'; 'What can we know?', and if we think we know, it raises the third main question: 'How do we know that we know?'. In other words, in an easier

[7] Al-Qur'an, 21:107.

[8] Davutoglu (1994: 78-9) developed his own 'Qur'anic System of Semantics' in establishing what he called 'Ontologically determined epistemology' through linking the frequently used terms in al-Qur'an which he believes indicate significant messages on the topic. He further elaborates that Allah (mentioned 2800 times) is the Owner of the universe (*Rabb*, mentioned 950 times) that He created (*kawn*, mentioned 1300 times). He is communicating (*qawl*, to say, mentioned 1700 times) through His *Rusul* (messengers) that brought His *ʿilm* (knowledge and to know (verb), mentioned 750 times) to be conveyed to human beings. He also develops the etymological relation between Allah as *ʿAlīm* (the all-Knowing) with the *ʿālam* (world or creatures) through His *ʿalam* (signs) by imparting to them His *ʿilm* (knowledge). He insists that within the framework of this semantic system, it is impossible to separate the context of knowledge from the context of being, hence the strong attachment between Islamic epistemology of knowledge with the ontological antecedents.

manner, the field of epistemology as an intellectual enterprise is replying to the quest of what constitutes knowledge and the methodologies for acquiring it (Khan, 1999: 109). Since Islam provides a particular ontological base, the establishment of 'Islamic epistemology' enables Muslims to provide the foundations for liberatory philosophy that will bring Muslims out the darkness into the light (Islam) of *ḥikmah* (wisdom) (Khan, 1999: 109). This confirms what Nandy (1988) asserts that any effort to establish a non-modernist or non-Western knowledge in the world must first claim its own epistemological primacy by decentring the 'Western notion of knowledge'. Islamic epistemology in such meaning provides the foundations needed for a new Islamic paradigm of 'governance'.

By referring to the dominion of *tawhidic* reality, 'the quest of epistemology' as foundation for Islamic theory of knowledge must begin from the arch-principal that all knowledge is dominated by its sacred quality and nature. Muslim scholars never separated knowledge from revelation unlike post-Enlightenment Western epistemology (Nasr, 1994:123). Such an assumption derives from the very ontological argument that Allah, which Muslims believe as the only omnipotent God and the Creator had created everything. Consequently, such belief affirms that all knowledge, including those produced by human logic or reasoning like everything else in the universe ultimately originates from Allah, as they are related to knowing what Allah created on earth. Allah as believed by Muslims is the all-Knower, all-Seeing, and the source of all the knowledge in this world. Allah equipped human with reason and knowledge of this world. These qualities enable humans to be the guardian and the *khalīfah* or vicegerent of Allah in the universe.

It was through this vicegerency task that Adam has been exalted and elevated above other creatures despite of its earthly origin (Qur'an, 2:30)[9]. The elevation and the

[9] The answer for those questions should depart from the gist of the *Tawhidic* reality that explains that the human race was created as the 'vicegerent' of God on earth. However, this vicegerency was envied by *Iblīs* (Satan) who believes that he is superior to Adam and his offspring (al-Qur'an, 2:34). It is true, that Adam's earthly origin made him as well as his children weak thus making them easy prey to the resentment and machinations of *Iblīs*. *Iblīs'* first ever victory in deceiving the human nation was his ability to seduce both Adam and Hawwa which lead to their expulsion from Heaven (al-Qur'an, 2: 36). This victory remarks the beginning of the endless conspiracy of *Iblīs* to make Adam's children prone to the ignorance of *Iblīs* and to lose the Names (the keys of knowledge) given to them. The expulsion prepared a new dimension of human history on earth that remarked the genesis of human chapter on earth. Adam and Hawwa realized their mistake and repented to God, who later promised both of them His guidance. As long as the pair and their offshoot obeyed and followed divine guidance, they would be safe from the machinations of *Iblīs* (al-Qur'an, 2: 37-8). The guidance will also assist them to fulfil

choice was made by Allah who had taught Adam *all the names* (Qur'an, 2:31) or the nature of the world as a preparation for such position. Many exegesists interpret 'the names' as the *key of knowledge* (El-Sheikh, 1999: 61). God also bestowed Adam with *ʿaql* (reason) to distinguish him from the non-human nation. These two elements (reason and knowledge) qualified Adam and his consort, Hawwa to be the leader of God's creatures in heaven and earth. A general conclusion can be drawn from this event as part of Islamic epistemology that God or Allah is the main source of knowledge. Since He was the one who created the universe, and He was the one who endowed Adam and his offspring with knowledge and reason, Muslims believe that He is the origin of everything and the ultimate source of knowledge (He is *al-ʿAlīm*: The all-Knower) (al-Qur'an, 6:59; 34:26). In describing such nature, Allah Himself asserts: "If the ocean were ink (wherewith to write out) the words of my Lord, sooner would the ocean be exhausted than would the words of my Lord, even if we added another ocean like it, for its aid" (Qur'an, 18:109). Hence, since Allah teaches the way of knowing, Qur'anic knowledge constitutes the source of Islamic epistemology as well.

This could also be identified from the far-reaching understanding of the Qur'anic verse (25:35) which indicates that God is "The light of the heavens and earth". Ibn Sina argues that all knowledge existing in this world is part of God's knowledge, and it is revealed to us through a divine, active intellect and that the intellect bestows light upon light (guidance upon guidance) on human beings (Yezdi, 1996: 14-16; 193-94). God in this specific verse declares himself as the main source of knowledge

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their ultimate goal both in the *dunyā* and the *ākhirah*. This 'guidance' then becomes the medium of how God communicate with His beings in imparting His knowledge to them. As Soroush (2009: 2000) maintains in his analogy of such situation, it is just like taking the water from the ocean. The human can never be able to take the whole ocean, but only receive a small portion of the ocean water in a pail or container that transmitted it from its original source. This promise of guidance entails the continuous mission of the Prophets whom have been chosen by God as a mediator or messenger for the guidance of their fellow man (Qurʹān, 62: 2; 74: 1-3; 87: 6-9). The guidance that consists of true knowledge from the Creator is sent in the form of revelation (*waḥy*) or times in the form of *kutub* (books) or *ṣuḥuf* (scrolls). In them, He taught human beings His positive commands, His prohibitions as a test for them, His promise (*waʿd*) and His threat (*waʿīd*), the *ghaybiyyāt* (unseen), the life Hereafter (*ākhirah*) and the prophecies of events that would occur in the future (*nubuwwāt*). The Messengers or Prophets in such cases acted only as 'the' channel of communication and not as 'the God' in human form or the 'revelation' itself. Al-Qur'an clearly states that: "Say: The knowledge is with Allah only, and I am but a plain warner" (67:26). However, Prophets and Messengers as the chosen individuals for such a task were equipped with certain qualities that qualify them to deliver the mission. Hence they are infallible, wise, aided by an evident miracle, bring about deductive knowledge and the knowledge in fixity, and also responsible in conveying the details and the true understanding of God's guidance.

(light) for the human being. While in many other verses, it is indicated that God declares profoundly He is *ʿAlīm* (the All-Knower), *al-Ḥakīm* (the All-Wise), *al-Ḥaqq* (the All-Truth), *al-Khabīr* (the All-Aware). For that reason, it is a religious duty upon every Muslim to pursue their search for truth and knowledge and to accomplish their duty as '*khalīfah*' on earth. This, thus, clearly identifies the ontological nature of Islamic epistemology.

The relation between ontology and epistemology of Islam is clearly identified from the acceptance of the revelation sent to the Prophets as mentioned by the Qur'an. It was described that prophets were sent or chosen from mankind to preach to their people on the guidance (books and scriptures) revealed for them to follow. As for the final Prophet as believed by Muslims, Muḥammad was chosen and trusted with al-Qur'an that is affirmed by Muslims as the 'final revelation'. The Qur'an as guidance was given numerous titles to manifest its capacity as the major epistemological source for Muslims such as *Kalāmullāh* (God's word), *al-Furqān* (the criterion between truth and false) and *al-Kitāb al-Mubīn* (the clear book). Along with the Qur'an, Prophet Muḥammad was considered in Islamic ontological antecedents as the other major epistemological source for knowledge, as he is the guide to the guidance. Hence, his traditions (known as *Sunnah* or *ḥadīth*), in which his words, actions and tacit approvals being recorded are but a part of that general meaning of revelation as understood and agreed widely by Muslims[10] despite of its humanly nature. Nasr (1996: 27) coins that for Islamic philosophy to be accepted as 'Islamic', it must rooted from these two epistemological sources.

In sum, *tawḥīd* is the root of the Islamic worldview and system of values (Yezdi, 1996). With it, Muslims confirm that God's Oneness is the cause and effect of the 'interactively integrated' process of the universe and is expressed both in the realm of comprehension and in the order of cognitive reality. As a result, in the epistemology of *tawḥīd*, the difference between Kantian *a priori* and *a posteriori* does not exist, and the ontological difference between form and reality is also inessential (Choudhury, 1993). The Qur'anic verse (20: 114) "My Lord! Increase me in

[10] Muslims since the day of al-Shāfiʿī had agreed that *Ḥadīth* or the Prophet traditions is recognized as revelation though not at par with al-Qur'an but has the legal authority equal to it (el-Khadduri, 1987: 109-16). There are many indicators in al-Qur'an indicating the importance of *Sunnah* as part of the revelation and as a complement to al-Qurʾān, (Qur'an, 3:31; 3: 132; 4: 65; 4: 80; 16: 44; 24: 63; 33: 36; 49: 1; 53: 3, 4; 59: 7, and others) (Azami, 1977; al-Hafnawi, 1991; Mahmoud, 1998; al-Sibaʿī, 2006; Qaraḍāwī, 2007).

knowledge" indicates that God enjoins Muslims (through Prophet Muḥammad) to literally plead Him for knowledge. The verse implies that God declares that He is the fountainhead of all knowledge in the universe; hence, the human being should seek His guidance in their search for knowledge (Mir, 1999: 99). Based on this '*tawhidic* reality', revelation (*waḥy*) received by all prophets from the Divine source, is considered the most certain knowledge,[11] which constitutes the knowledge and the articulation of the divine knowledge in their understanding of the world.

5.2.3. Rationality (ʿ*aql*) and revelation

After identifying the nature of Islamic ontology and epistemology, it is also important to identify how these works in the generation of knowledge. Thus, the articulation of knowledge according to ontology and epistemology necessitates some other foundational axioms, one of which is ʿ*aql*. As it is through ʿ*aql*, individuals perceive and comprehend the knowledge created and disseminated by God through revelation.

In this *tawhidic* paradigm, revelation also stimulates human ʿ*aql* to recognize the beneficence of their Creator, to worship Him alone, to execute the mission as Khalīfah on earth. ʿ*Aql* alone is not sufficient without the efficacy of the senses as mechanisms to digest the experiences as part of the mankind knowledge. Revelation, as guidance from the Creator, must be informed by the reason and to be stimulated by

[11] Amongst the perceptions on the relation between knowledge and religion amongst the post Enlightenment Western community, is that God has been hiding the knowledge from human being just like the churches once hid the knowledge of reading and writing from the people. The discovery of the knowledge of reading and writing by the majority of people lead to the revolution against the church (Behishti and Bahonar, 1993: 145-7). However, this is not the case in Islam, the first verse to be revealed to the Prophet Muḥammad was "read" (al-Qur'an, 96: 1). Despite of the illiterate nature of the Prophet himself, the whole idea of Islamic teaching was the value and the virtue of knowledge. Adam was created with knowledge according to al-Qur´ān. He was equipped with knowledge to make him more superior than the rest of the creatures, hence entitled to be the trustee of the world (Qur'an, 2: 30-33; 31: 20; 11: 61; 67: 15; 17: 70). Moreover, knowledge has been regarded very special in Islam. There are several places in the Qur'an where God praises those who posses knowledge (2:32; 39:9; 58:11). In the same token, a lot of statements being narrated to Prophet Muḥammad that place men of knowledge at the level of the heirs of the prophets, praise the seekers of knowledge and those who impart it to others, and also stress the obligation upon every Muslims to seek knowledge. In sum, Islam indentifies knowledge as a marker of privilege. Thus according to this '*Tawhidic* reality', the act of attaining knowledge is not only a possibility but is indeed necessary and regarded as an obligation upon all Muslims unlike the Greek and sophists, who in contrast view knowledge as vain imagination (Wan Daud, 1989: 62). Having said that, instead, knowledge "possessed a profoundly religious character, not only because the object of every type of knowledge is created by God, but also the intelligence by which man knows is itself a divine gift" (Naṣr, 1994: 123). According to Naṣr (1994: 150), the ultimate aim of knowledge in Islam is to be able to "perfect and actualise all the possibilities of the human soul"; that leads to "that supreme knowledge of the Divinity which is the goal of human life".

the senses (Qur'an, 7:9; 67:23). The Qur'an reminds Muslims to be grateful for such a precious gift, "the faculties of knowing", bestowed upon them by the Almighty. These faculties are important as sources of empirical knowledge of the world were very much emphasized. It has also been emphasized that the physical senses as instruments of knowledge do have their limitations (Bakar, 1999: 6-7).

On the other hand, by acknowledging the *ʿaql* and the senses, al-Qur'an asserts that there are indeed other sources of knowledge in which proper study and orientation compliment the truth of revealed knowledge. However, these other sources do not carry the same status as *waḥy* as the non-revealed knowledge is not directly bestowed by Allah to man. On the other hand, it is vulnerable to methodological and axiological limitations. To acquire non-revealed knowledge, humans are equipped with all the necessary faculties of knowing which enable them to search for all that they need to know (Wan Daud, 1989: 36-37). The status of *ʿaql tābiʿiy* (pure reason), has been recognized by both al-Qur'an and Sunnah as a prerequisite for the inquiry of such knowledge. In the same meaning, al-Qur'an reiterates the importance of comprehending, contemplating, thinking, pondering and other activities that relate to the reason (*ʿaql*) and reasoning[12].

Furthermore, al-Qur'an also regards the universal phenomenal as '*āyāt*' or signs of God's universal system to remind "those who are possessed of intellects" (*li ulī al-Albāb*) (3:7, 190), and are capable of invoking reason. Likewise, al-Qur'an also constantly encourages, urges or exhorts human beings to spare no effort in utilizing their sensory faculties to 'hear', 'carefully listen', 'look and insightfully see', 'ponder' all the '*āyāt*' in the Qur'an itself (revelation) and the '*āyāt*' around them. Those who refuse to do so were abhorred and condemned as *ḍiʿāf al-ʿuqūl* (possessed of weak intellects or minds), *la ʿaqla lahum* (possessed of no intellect at all), *la yaʿqilūn* (incapable of sound reasoning) (5: 58, 103; 10: 42; 22:46; 59: 14), and even castigated as being mindless as beasts (*anʿām*) and understand nothing "except a shout or cry" (25:44; 2:171).

[12] i.e. al-Qur'an invokes reason consistently by using verb roots referring to the use of the intellect (and their clusters), such as *fahama* (understand, realize), *faqaha* (understand, comprehend), *fakkara* (think, reflect), *tadabbara* (ponder, deliberate), and *ʿaqala* (search for causes, find reasons and connect ideas in order to comprehend). In the same vein, the verb *ʿaqala* is repeated in the Qur'an about fifty times, and the rhetorical refrain '*afalā taʿqilūn*' (Can't you reason?) is repeated at least thirteen times in various context of reasoning (al-Sheikh, 1999: 72).

This is simply because the human mind or *ʿaql* was inherited with the 'nature knowledge' of 'names' that was endowed to Adam and his offshoots. This nature of knowledge embedded within *ʿaql*, which some call rationality just needs to be simulated by experience, and then it will lead to the expansion of the mind itself. This kind of knowledge is also a field of acquisition. The Qur'an story about the son of Adam who murdered his brother and learned from the crow on the way to bury the corpse of the murdered[13] indicates an important epistemological lesson on the role of experience and rationality. The traditions of Prophet Muḥammad himself have recorded myriad of statements implying the importance of *ʿaql* and rationality as sources of knowledge. Amongst them was the Prophet's reply to Muʿādh bin Jabal amid sending him to Yemen as a judge. After asking Muʿādh on his references in giving his judgement to the people, Muadh replied: al-Qur'an and the *Sunnah*, and in the absence of both sources while dealing with issues, he resort to using his rationale by doing *ijtihād* (*Ajtahid bi raʾyī*). The Prophet testified Muʿādh's method of judgement as the one affirmed by Allah and His messenger[14].

Prophet Muḥammad also confirmed in his word: "I have been sent only for the purpose to complete good morality."[15] This tradition apparently indicates that Islam recognizes the good morality and good values of others as Islam was sent through the Prophet to complete them. In the same meaning, the tradition emphasizes on the need to learn from the *ʿaql* which is the source of the moral which is not derived from the revelation. This can clearly be seen in the Prophet's practices in a couple of events such as remaining some of the pre-Islamic etiquettes, acknowledging some of the pre-Islamic political conventions such as *ḥilf al-fuḍūl*[16], *ḥaq al-jiwār*, *niẓām al-*

[13] "Then Allah sent a raven, who scratched the ground, to show him how to hide the shame of his brother. 'Woe is me!' Said he; 'Was I not even able to be as this raven, and to hide the shame of my brother?' Then he became full of regrets" (Qur'an, 5:27).

[14] Narrated by Aḥmad (2000: 37/333), al-Arnaut recommends this ḥadīth as authentic due to its meaning and wide acceptance by Muslim scholars despite of its weak (*ḍaʿīf*) chains of narrators (*sanad*).

[15] Narrated by Malik in *al-Muwaṭṭaʾ* (Ibn Abdil Bar, 1968: 24/333), and recommended as authentic (*Ṣaḥīḥ*) by Ibn Abdil Bar (1968: 24/333-334). The ḥadīth was also narrated by Aḥmad (2000: 14/512-13).

[16] *fuḍūl* commonly means 'virtuous', while *ḥilf* literally means 'alliance' or 'confederation', but the term is often translated as 'Alliance of the Virtuous' (Ibrahim, 1982: 355). It was a pact of the pre-Islamic Meccan people in which Prophet Muḥammad was involved in its formation during his youth. The pact was formulated in order to establish justice in the Arabian peninsular for maintaining the harmonious environment amongst the tribes for better trade by upholding the principal of justice, helping the vulnerable parties and collective intervention in conflicts to establish justice. The famous pact was pledged by various chiefs of tribes in the house of ʿAbdullāh bin Jaʿdan. After receiving the revelation, the Prophet lamenting about the pact and affirmed on the legitimacy of such pact before the

Muwālāh, etc.

Another practical example of the status of human *ʿaql* in Islamic epistemology is the tradition, which was reported by one of the Prophet's Companions, Ṭalḥa who narrates: "I was walking with the Prophet when he passed by some people at the tops of their palm trees. He asked: 'What are they doing?' They answered: 'Pollinating the male into the female.' He replied: 'I do not think that this will be of benefit.' When they were told about what the Prophet said, they stopped what they were doing. Later, when the trees shed down their fruits prematurely, the Prophet was told about that. He said: 'If it is good for them they should do it. I was just speculating. So, forgive me. But if I tell you something about God, then take it because I would never lie about God'."[17] Another narrator added that Prophet Muḥammad said: "You know your worldly affairs better than me (*antum aʿlam ʿan umūr dunyākum*)."[18]

Another tradition that implies the same spirit of the importance of learning from the experience is Prophet Muḥammad's decree on '*ghilah*', which literally means the occurrence of sexual intercourse during the period of nursing a child. The pre-Islamic Arabs strongly believed that such practice was harmful for the nursing baby if its mother were to become pregnant, which in reality has no logical basis. Regarding the matter, Prophet Muḥammad was recorded as saying: "I had almost intended to forbid '*ghilah*'. Then, I noticed that the Byzantines and Persians do that without it causing any harm to their children."[19] The Prophet's affirmation on the experience of the other nations was indeed an indication of a testimonial way in describing the reality, which is part of empirical approach in searching for knowledge and truth[20].

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revelation by saying, "If I were invited to a similar alliance or treaty in Islam, I would welcome the idea." (Narrated by Aḥmad). Ramaḍān (2007: 20-2) formulates three principles from this pact of alliance that will benefit the contemporary Muslims: 1) Islam embraces values derived from the human conscience and rationality; 2) Islam acknowledges the righteousness of non-Muslims and the importance of preserving justice as a universal value regardless of faith and belief; 3) The message of Islam is not a closed value system, but an open one and welcomes any mutual understanding and co-operation with other value systems on the basis of common interest.

[17] Narrated by Muslim (no date: 4/1735).

[18] Narrated by Muslim (no date: 4/1836).

[19] Narrated by Muslim (no date: 2/1066).

[20] Amongst them, an example from a *ḥadīth* narrated by Muslim (no date: 3/2222) from ʿAmru Bin al-ʿĀṣ, which he was reported as saying: "I heard the Prophet (Peace be Upon Him) and he said: 'On Judgement Day most of the People will be Romans'." ʿAmru said to him: 'What do you mean by what you say?' He said: 'I say what I heard from the Prophet'. He said: 'It may be because they have four qualities: they are patient and refrain from civil unrest; they are quick to rouse themselves and recover after a disaster; no sooner have they fled then they attack; they are charitable to the poor and the orphan and the weak; and fifth: they have prohibited the oppression of kings'." Furthermore, this is the spirit

The important role of *ʿaql* in developing knowledge and Islamic recognition of it leads Muḥammad Abduh to stress that: "If it were upon the Prophet to explain the natural and astronomical sciences, that would be the end of the activity of human senses and intellect, and that would spoil human freedom…. Yes, the Prophet advised people briefly to use their senses and intellect on whatever improves the welfare, broadens their knowledge, and in the end advances their souls…. Therefore, the doors for these sciences are intellect and experimentation not tradition and religious sciences" (al-Dhahabī, 2:420). However, despite the appreciation of the role of *ʿʿaql*, the realm of rationality in Islam is still a bounded one, as this type of rationality only finds its legitimacy within the framework of the ontology or '*tawhidic* reality'. Any transgression beyond the parameter of the worldview or any contradiction with it nullifies the authority of *ʿaql* in Islamic tradition. This *bounded rationality* distinguishes Islamic epistemology from the Western[21].

Accordingly, Islam does not deny the fact that knowledge could be attained and truth could be achieved. However, the plausibility for the attainment of knowledge in Islam is derived strongly from the basis of Islamic ontology that all the knowledge originated from Allah, the all-Knower and the sole Creator. Allah's knowledge has been imparted to mankind as the '*khalīfah*' or the trustee in two ways: first, through revelation (*waḥy*), which was only revealed through a few selected people through the divine act. This type of knowledge despite of its divine origin was being disseminated to all mankind as part of their duty as God's messengers to the world. In addition, such knowledge was not confined to the metaphysics *per se*, but also included the guidance of human worldly affairs for their well-being (*maṣlaḥah*) in both worlds. The knowledge of the metaphysic, or known in Islamic tradition as the *ghaybiyyāt* or the unseen can only be known through this way, and accepted as the

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of cohesion conveyed by al-Qur'an, in which the humankind are addressed by al-Qur'an to learn from each other due to the differences in cognitive rationality they may have. See al-Qur'an (49: 12) "O People! We have created you out of a male and a female, and We have made you tribes and sub-tribes that you may recognize (and do good to) one another. Surely, the most honourable of you in the sight of Allah is he who guards against evil the most. Verily Allah is All-Knowing, All-Aware."

[21] According to the Western worldview, religion is the domain of faith, where reason and faith could, at times, be mutually exclusive. However, in Islam, religion is the domain where reason is exercised to its own limits, and admits the existence of true, incorrigible and infallible knowledge, which is obtainable only from genuine and authentic messages of God.

iʿtiqād (belief) with the level of certainty (*yaqīn*)[22].

The other way Allah imparted His knowledge to mankind was through the 'names' (key of knowledge) that been thought to them. The natural knowledge, which is inherited cognitively, makes them able to understand the nature (names) of the world and its surroundings. With that natural inherited talent, humans stimulate their rationality (*ʿaql*) and their senses (*ḥawās*) by experience to establish their knowledge about the world, its nature and the system of things (*sunan al-kawniyyah*). This type of knowledge could be attained through acquisition (either through invoking the rational by thinking, through empirical means or others), hence known as the acquired knowledge (Abu Bakar, 2001: 67-68).

In responding to the demarcation between Godly knowledge and human knowledge, Ibn Rushd (1966:185) suggests that human knowledge must not be confused with the divine because of their essential differences and that 'true' knowledge is the knowledge 'of God'. This hierarchical structure of epistemology is derived from the strict ontological hierarchy in Islamic thought that according to Ibn Rushd, is to dignify the *nubuwwah* (prophecy) as the sole source of the revealed knowledge. He deliberately emphasizes this classification to differentiate Islam as the 'true' religion from Greek myths on which Plato built his epistemology (Ibn Rushd, 1966:251).

In the same vein, Al-Ghazālī in his earlier writings, namely *al-Mankhūl min Taʿlīqāt al-Uṣūl* (The Sifted of Jurisprudence Commentary) had identified ten levels of knowledge. The ten levels start with the knowledge of the existence of the self (*al-ʿilm bi wujūd al-dhāt),* pain and pleasure, followed by knowing the impossibility of the agreement of contradictions and ending with the knowledge that results from narrations (*samʿiyyāt).* While dealing with the epistemological issues of knowledge in Islam, al-Ghazālī stresses the role of logic and reason as one of the sources of knowledge refuting the *al-Ḥashawiyyah* group who restricted the sources of knowledge to only the Qur'an and *Sunnah* without any room for the former. Al-Ghazālī also concludes that rational discernment (*tamyīz)* is the source of knowledge

[22] According to the Muslim theologians, the level of certainty (*yaqīn*) also varies according to the *imān* (innate belief). The *ʿilm yaqīn* (certain knowledge) is only the first step towards believing, established through the knowledge of things. The *'ayn al- yaqīn* (knowledge by sight), which is the second step in believing of the *ghaybiyyāt* through experience, in which the certainty of the believed things is gained after experiencing some spiritual encounters. The utmost certain knowledge, the *ḥaqq al-yaqīn* (knowledge by the unity of subject and object) is the highest level of knowing and believing and is only attainable by an elect few (Akhtar, 1995).

to humans and that there is a certain level of discernment (not rational but instincts) possessed by the animals making them incapable of seeking truth and knowledge[23] (al-Ghazālī, 1970, 50).

This enumeration of knowledge by al-Ghazālī might not be helpful if being accepted in its literal and classical manner. The superficial understanding of the argument will lead to the replication of the earlier attempts of the Muslim scholars in enshrining their ideals of 'Islamic' political sciences. However, in establishing 'Islamic Governance' as a new emerging knowledge, the subject should be explored from the ethos and moral perspective instead of lengthy discussion on the mechanistic institutional or *fiqhī* (legal) approach. In contrast with the conventional political institutional approach to the issue of governance, which deal mostly on the deductive based mechanistic problems, the ethos and moral horizons dealing with the epistemological issue should found the base for a new paradigm.

Despite of the enumerations and classifications in which the revealed knowledge was

[23] However, in the later stage al-Ghazālī (Bakar, 2006: 203) formulates new categories of knowledge specifically in both his treatises, *Mīzān al-ʿamal* and 'The Jewels of the Qurʼān'. In those pieces, he suggests that knowledge can be classified into four major categories: theoretical and practical sciences; presential (*huḍūrī*) and attained knowledge (*huṣūlī*) sciences; religious (*sharʿiyyah*) and intellectual (*ʿaqliyyah*) sciences; and *farḍ ʿayn* (obligatory on every individual) and *farḍ kifāyah* (obligatory on all) sciences. However, he gives more extensive emphasis for the third category. Religious sciences (*al-ʿulūm al-Sharʿiyyah*) is defined by al-Ghazālī in his 'Book of Knowledge' as "those which have been acquired from the prophets and are not arrived at either by reason, like arithmetic or by experimentation, like medicine, or by hearing, like language" (al-Ghazālī, 1962: 36-7). Where else, the intellectual sciences (*al-ʿulūm al-ʿaqliyyah*), it has been defined by al-Ghazālī as those sciences which are attained by the human intellect alone (al-Ghazālī, 1937: III, bk. 1, 1372-4).
However, his definition of religious sciences was not consistent since in the same book he divided the praiseworthy religious sciences into four parts: 1) Science of the sources (*uṣūl*) which constituted by four major sciences, the Qur'an; the *Sunnah* (Prophetic traditions); the *ijmāʿ* (concensus of the Muslim mujtahids); and *athār al-Ṣaḥābah* (Traditions of the Companions); 2) Science of the branches (*furūʿ*), that is *fiqh* (jurisprudence) and science of the Hereafter; 3) Preludes of the sciences (*muqaddimāt*), such as linguistic sciences to understand the Qurʼān and the Sunnah; 4) Supplementary (*mutammimāt*) sciences such as the science of Qur'anic interpretation.
Ibn Khaldūn (2005 [1967]: 344) enumerates these sciences under the category of the transmitted sciences (*al-ʿulūm al-naqliyyah*), which is wider and larger scope than al-Ghazālī's first definition of the religious sciences.
Despite of the different categorizations by al-Ghazālī, Bakar (2006: 205) denies any contradiction between the definition and al-Ghazālī's latter classification since al-Ghazālī himself gave the title of *muqaddimāt* (preludes) and *mutammimāt* (supplementary) to the third and fourth categories rather than calling them the religious sciences by themselves. Consequently, al-Ghazālī (Bakar, 2006:205, 222) positions the sciences of ethics and politics under the category of religious sciences rather than intellectual or philosophical unlike al-Farābī who preceded him in the classification of knowledge. In his *al-Munqidh min al-Ḍalāl* (al-Ghazālī, 1952: 19), al-Ghazālī clearly states that the Muslim philosophers' teachings in the political and ethical sciences were drawn mainly from the revelation send to the Prophets. The philosophers, according to al-Ghazālī never separated their knowledge of both sciences from the revelation by independently relying on reason. From such a premise and in conformity with his definitions, he concludes that political and ethical sciences must be included into the division of the religious sciences.

given further emphasis and higher status in Islamic intellectual milieu, Muslim scholars never maintained that the empirical sciences are useless or harmful. In fact, the history of Muslims has shown how that empirical knowledge emerged and flourished parallel with other revealed-based knowledge. Although a few incidents did happen when some knowledge perceived by certain groups of Muslims as contradicting with the fundamentals of Islamic teachings, thus, threatening the originality of Islam, it has never managed to shape the mainstream understanding of Islam and the tradition of Islamic intellects. The rejection of non-revealed knowledge or any discrimination towards empirical knowledge will result in the decline of Muslims in their worldly affairs. With regard to such issues, Faruqi (1992:1-5) asseverates that all sciences in Islam, whether religious, moral, or natural are essentially a quest to discover the order underlying the variegated world of multiplicity.

In responding to such a classical dilemma, Ramaḍān (2009) proposes the reading of 'two books' (the revelation and non-revealed knowledge) in order to establish a new Islamic paradigm in producing knowledge in the contemporary period. While enunciating the limitation of the classical methods of the jurists (*fuqahā'*) and the *maqasidic* approach with a little appreciation of its universal deductive, he insists on the need to explore the universal experience. The universal experience, which was part of the product of time, is but another verse (*āyāt*) from God for Muslims to comprehend and stimulate their rationality to work on it. This universal experience should be understood together with the revelation that guide Muslims with its general principles and detailed guidance in some of its parts. Thus, such a suggestion indirectly implies the need for a discursive formation between some of the adequate Western epistemological strategies with an Islamic one.

It should be noted that this demarcation of knowledge leads to different classifications of knowledge amongst the classical Muslim scholars, based on the rule of priority they believe in. The enumeration prepares the foundation for an alternative ideal for governance. This alternative ideal will be structured on the '*ontological determined epistemology*' or the 'articulated *tawhidic* reality epistemology'.

Similarly, *tawhidic* reality oriented epistemology also implies that knowledge possessed by human beings is only valued by obeying God's guidance in the

terrestrial life[24]. By implementing such, human beings will guarantee their *falāḥ*. In this case, such articulation of '*tawhidic reality*', is obviously contrasting the post-Enlightenment Western epistemologies, which are literally based solely on the metaphysic negation ontology, which is classified by Davutoglu (1994) as *ontological proximity*. This rejection of 'God' interference in the field of knowledge flourished in the Western scholars' inquiry of reason and rationality in defining the reality hence formulating the 'humanistic' episteme, which is in a total contradiction with Islam. El-Messiri (1994) argues that such materialistic and humanistic epistemologies ignite the very idea of imperialism, which is the continuation of physical colonialism.[25] The internationalization or universalization of these humanistic worldviews lead to the exclusion of 'others' worldview, which entails the denial of other's values, beliefs, faiths and norms in the field of knowledge. Other's knowledge was merely considered as myth, non-valuable, useless and tales before the Westerners.

5.2.4. Epistemological Sources: Methodological Concerns

The ontological and epistemological aspects are the most crucial elements in establishing the foundation required for the axiomatic approach in developing 'Islamic governance'. Philosophical enquiries in establishing the grounded theory, which contributes to knowledge development, must have its own unique foundational dimension, which differentiates it from the others. Hence, knowledge from '*tawhidic*' understanding is not the result of inventing or rediscovering or knowing something

[24] This notion of knowledge requires a holistic approach that entails the embracement of socio-political and moral aspects. One who possesses knowledge in Muslim history is also the one who is himself furnished with high morality and ethics. The possession of knowledge invokes the owner of the knowledge to act upon their beliefs and commit themselves to the goals, which Islam aims at attaining. Hence, the Islamic theory of knowledge encompasses knowledge (the process of acquiring information), insight, social actions and the fruits of the knowledge itself. While in the same manner, the ultimate purpose of *ʿilm* or knowledge according to the *Tawhidic* reality is for one to execute his mission as *Khalīfah*, and in the same meaning, the attainment of knowledge is also for the well-being of the human life in both worlds[24]. In such manner, this paradigm can guide Muslims to separate between 'good' and 'bad' knowledge and ideas according to their worldview (Mir, 1999: 101).

[25] The imperialistic epistemological vision according to el-Messiri, stood upon certain 'Eurocentric' pillars such as rationalisation, secularisation, expansion and invasion, which lead to the centricity of Western sciences upon the others. This worldview has lead to the calamities and genocides on the non-Western soils by the Westerner colonial powers under the banner of secular imperialism based on materialistic, utilitarian and rational view. He even insists that the historical baggage of this Imperialistic epistemology vision also encompasses the disaster perpetrated by the Nazi in European soil itself (el-Messiri, 1994).

unknown, but the rediscovery of that which has always been known. This challenges the post-Enlightenment West worldview's domination on knowledge.

Upon such rationale, the quest to formulate an Islamic model of governance requires new *ijtihād* to converge both revelation and acquired knowledge. New methods, which are more dynamic but at a same time normative, should be employed to proliferate Islamic ideals on the governance issue in conforming to the parameter of '*tawhidic* reality' determined epistemology. This new method must have the role of the rational to abstain any literalist approach towards the texts (revelation). A new way in looking into the substantive issues within the text by taking into the account the context and socio-historical elements in applying certain interpretation of the text relate to the field of governance is indispensable. Moreover, (bounded) rationality is also vital in developing holistic ethical and moral concepts from the revelation for the field of governance. Furthermore, such 'moral foundation' could be developed through a thorough examination on the universal values and common senses from the highest objective of *Sharīʿah* (*maqāṣid al-Sharīʿah*) through the 'universal inductive method' to achieve 'human well-being'.

Accordingly, this new method demands for an exploration of significant ontological determined epistemological sources to ensure the originality of the new model (as a new emerging knowledge) in terms of sources, framework, concepts and objectives. Revelation, represented by al-Qur'an[26] and *Sunnah* (Prophet Muḥammad tradition) are major references in the realm of Islamic epistemology[27], while the history of the four guided Caliphs (*al-khulafāʼ al-rāshidūn*), as a historical proof on the articulation of the revelation is another undisputed source in such formulation. However, this does not give any divinity to their experience or any impeccability to their actions. Finally, *maqāṣid al-Sharīʿah* (the higher objectives of *Sharīʿah*) as another approach towards understanding revelation will be another epistemological source in

[26] Davenport ([1882] 2009: 48-49) says: "The Qur'an is the *general code* of the Muslim world, a social civil, commercial, military, judiciary, criminal, penal and yet religious code. By it everything is regulated – from the ceremonies of religion to those of daily life, from the salvation of the soul to the health of the body, from the rights of general community to those of each individual, from the interest of man to those of society, from morality to crime, from punishment here to that of the life to come".

[27] Gibb (1958: 73-74) explains: "For Muslims its proof-texts were to be found in the Koran and Prophetic Tradition; and on this assumption the jurists and theologians of the second century elaborated a structure of Law that is, from the point of view of logical perfection, one of the most brilliant essays of human reasoning".

fathoming any 'implicit general idea' or hidden wisdom of *Sharīʿah* in its bigger picture to be reflected unto the field of governance.

In the quest of Islamic epistemology, the *tawhidic* reality only provides the foundation for the question 'what is worth to know'. The proposition in replying to such a question leads to the establishment of the sources of knowledge without further explanation on how to derive knowledge from the sources. The revelation is that represented by al-Qur'an and *Sunnah* requires certain esoteric methods in formulating knowledge. The status of reason in corresponding to the revelation also demands another epistemological method in bringing the harmonization between the two sources. In responding to such topics, Muslim scholars, mainly the *uṣūliyyūn* (jurists) have elucidated few methods, which resulted to different approaches in extracting rulings and knowledge from the sources.

Al-Shāfiʿī for instance, adopts the textual analysis through procedures for interpreting the meaning of the revealed text, and extends its application to actions and events not directly addressed by revelation (Khudari Beq, 2002: 5). This method resulted in the emergence of many new knowledge, such as *fiqh* (Islamic rulings), *ʿulūm ḥadīth* (Sciences of Ḥadīth) and *ʿulūm al-Qurʾān* (Sciences of al-*Qurʾān*) and *uṣūl al-Fiqh* (Islamic Jurisprudence) itself as a science of epistemology. In dealing with the revelation, al-Shāfiʿī strongly emphasized the language and literature explanation of both al-*Qur'an* and *Sunnah* without neglecting the context which was supported by the *asbāb al-nuzūl* and *asbāb al-wurūd* (al-Shafiʿī, 1940 [1358H]). Al-Shafiʿī's method was later emulated by master *uṣūl al-fiqh* scholars, known as the Shafiʿites or *al-Mutakallimūn*. In contrast to the *Shafiʿites*, the Hanafites tried to enumerate certain groups of rulings from the revelation based on its similarity and the common ground thus clarifying their logical underlying causes (*ʿillāt*) which lead to the rulings instead of looking into the details of the evidence from al-Qur'an and *Sunnah* separately or particularly. From this extraction methodology, the Hanafites formulate certain principles, tenets and categories (*qawāʿid istinbāṭ*) to be applied on new events, which *Sharīʿah* is silent on. Such methods reconstruct the sequences of dialectical reasoning (text-context), starting from legal answers and working its way up towards the codification and theoretical fundamentals (Khudari Beq, 2002: 6).

Realizing the limitation of revelation (Qur'anic text and the Prophet's tradition) Muslim scholars resorted to the method of (*fiqhī*) *qiyās* or legal analogy. For centuries, the method being accepted by nearly consensus of scholars as a primary procedure for extending the rules of *Sharīʿah* to new events which no provision could be found in the revelation about them. However, these two methods only work excellently in the field of positive legalistic or mainly utilized as the tool of deriving the *fiqhī* rulings or the Islamic jurisprudence from revelation. Its limitation in covering larger and wider events for the narrow result of such procedure (by comparing two particular objects or events only) leads to its inability to cover other aspects of knowledge concerning human life.

Along with the aforementioned limitations, the two previous methods are also ostensibly absent of the overarching principles of general *Sharīʿah* rulings, which are useful to establish new formulation of a new method in harmonizing revelation and reason (Safi, 1996: 90-1). Despite of the wide acceptance of the two methods for centuries in the field of *fiqh*, they failed to formulate a useful tool for the Muslim intellects to communicate with the social sciences based on Islamic epistemology and worldview. This phenomena lead to the scarcity of literatures in such fields for several centuries. Eventually loopholes invoked Ibrāhīm al-Shāṭibī (died 790H) to establish his thesis of *maqāṣid al-Sharīʿah* (the higher objectives of *Sharīʿah*) based on the procedure akin to Ibn Sina's 'form of argument'[28], which promotes the pattern of syllogism (logical *qiyās*) and induction (*istiqrāʾ*).

Al-Shāṭibī (1996: 2/ 29-39) argues that the particular or *juzʾī* rules of *Sharīʿah* are not operating independently by themselves, but rather governed by the universal laws (*qawānīn kulliyyah*). These laws, according to al-Shāṭibī could be indentified through a thorough reading on the revelation, which represents the '*Sharīʿah*'. This thorough reading or what he coins as *istiqrāʾ kulli*ī (complete induction) procedure expands the scope of *ijtihād* from its early narrow limitation of particular legal *qiyās* to the wider universal laws to govern the rules of new events all over the time. This new procedure utilize both induction (particular to general) and deduction (general to

[28] Ibn Sina (1960: 169-75) notes that the movement of thoughts (*fikr*) in reasoning entails the production of new knowledge. The movement of thoughts can only produce scientific knowledge if it follows the form of an argument (*ḥujjah*). The argumentation could then follow the two main patterns of syllogism (logical qiyas) in which is designed to ensure the validity of the argument (*ṣiḥaḥ*) with its formal rules; and induction (*istiqrāʾ*), which is beyond the normal, applied deductive reasoning.

particular) methods in harmonizing revelation and reason. Such a comprehensive new approach, however, is distinguished from the classical application of inductive method by al-Shafiʿī (through his demarcation of generality (*ʿām*) and specificity (*khās*)) by its functional purpose. Instead of applying it only as a tool for textual analysis, al-Shāṭibī includes *istiqrāʹ* as a methodological tool for deriving principles. In the same token, al-Shāṭibī also managed to integrate inductive and deductive reasoning into a unified methodology.

The *maqāṣid al-Sharīʿah* approach also implies the new utilisation of logical *qiyās* (syllogism) to replace the conventional *fiqhī qiyās* (legal analogy) in legal reasoning. The tool that was so popular in *kalām* (theosophical) tradition as well as the philosophical works has been introduced by al-Shāṭibī to replace the *tamthīlī qiyās* (analogy) or *fiqhī qiyās* (legal analogy) as the only allowed form in *fiqh* studies throughout the centuries. The syllogism became so essential in the process of formulating *Sharīʿah* rules from the revelation after al-Shāṭibī managed to prove the necessity to combine both induction and deduction approaches for the systemisation of *fiqh*. Based on the syllogism, al-Shāṭibī concludes that the universal laws or higher objectives (which he calls *maqāṣid*) of *Sharīʿah* are to protect and promote human interest (*maṣāliḥ*) in the terrestrial life and also in the Hereafter. This *maqāṣid* is to be categorized into three hierarchical levels, in which the *maqāṣid al-ḍarūriyah* (necessary purposes) resides at the top, and followed by the *ḥājiyyāt* (exigencies) and *taḥsīniyyāt* (facilities) respectively[29] (al-Shāṭibī, 1996: 2/326).

In sum, al-Shāṭibī managed to establish a new epistemology in producing new Islamic knowledge through his *istiqrāʹ kulliyy* (complete induction) method. The classical Muslim scholars of *manṭiq* (reason) who employed the procedure of induction in their arguments (*ḥujaj*) differentiated between *istiqrāʹ tāmm* (complete induction) and *istiqrāʹ nāqis* (incomplete induction). The application of the former will lead to the production of definite (*qaṭʿiy*) knowledge while the former gives a *ẓanniyy* (probable) knowledge (al-Ghazālī, 1993: 1/51-2). In doing such, al-Shāṭibī

[29] The *al-maqāṣid al-ḍarūriyyāt* is essential to human life and is indispensable for the attainment of the 'interest of religion and life', without which destruction and disorder would prevail. There are five necessary purpose of *Sharīʿah* in this category: the preservation and the promotion of religion (*dīn*), life (*ḥayāt*), progeny (*nasl*), property (*māl*) and intellect (*ʿaql*); while the *ḥājiyyāt* are the corollary principles intended to ease hardship and extreme difficulties which could lead to idleness and inactivity; and the *taḥsīniyyāt* are to promote the positive in human life which belongs to the area of virtue and morality (al-Shāṭibī, 1996: 326).

sheds specific light on this rule-extracting process and imposes a general deductive approach in the light of the said higher objective.

According to such approach, examination of texts cannot be carried out unless public interest (*al-maṣlaḥah al-ʿāmmah*) is taken into account. Ultimately, the preservation and promotion of the *maṣāliḥ* (interests) are only determined to serve the higher objective set up by the divine Lawgiver. This method harmonizes revelation and *ʿaql* (rationality), or even more, it gives rationality an enormous role in interpreting the revelation (Al-Qaraḍāwī, 2004: 70). It might be one of the useful tools in the creation of new knowledge based on ontology-determined epistemology. Furthermore, the understanding of the universal laws of *Sharīʿah* from the *maqasidic* approach will give a wider scope of exploration on the moral issues in the governance field. Despite of its heavy dependence on reason, the *maqasidic* approach still keeping the *tawhidic* reality thus remains as the bedrock for its ontology.

However, the post-modern world urges the Muslims to deal with the texts beyond the aforesaid traditional and classical way of the *fuqahā´* (jurists). Texts must not be confined in the classical orthodox epistemological framework, but must be expanded to an epistemological enquiry by looking into its meaning for the contemporary sciences. In achieving such means, Muslim intellects should depart from their initial traditional paradigm in dealing with the sources. With due respect to the aforementioned comprehensively evolved method developed, the expansion of the *Qur'an-Sunnah* episteme requires a re-reading both of the scriptures of the texts. The new reality of human knowledge due to the changes in life, in specific the humanities, demand a new approach[30] in looking into the two sources (Al-Alwani, 1991). This new approach, however, is not the modification of the sources, but rather a transformation of the mind and eyes that read them, which are indeed naturally influenced by the new social, political, economical, and geographical and scientifically environment in which they live. A new context changes the horizon of

30 The call for renewal and the re-reading the texts is not a new phenomenon. The late al-Afghānī and his disciple, Muḥammad ʿAbduh promoted it in the calling for reform (*iṣlāḥ wa tajdīd*). As for al-Afghānī, ʿAbduh and the proponents of reform, amongst those causes that can rejuvenate the *ummah* (Muslim community) is the new interpretation of the Qur'an. ʿAbduh (1966) with his eclectic theology approach proposes that the *Sharīʿah* is equivalent to natural law (with the exception of religious rites (*taʿabbudiy*) (Enayat, 1982)). In expanding the guidance of al-Qur'an and shunning away from the limitation of the traditional literal exegesis of al-Qur´ān, ʿAbduh believes, for: "On the Last Day God will not question us on the commentators on how they understood the Qur'an, but He will question us on His Book which He sent down to guide and instruct us" (Jansen, 1974: 19).

the text, renews it and sometimes gives it an original purport, providing responses never before imagined (Ramaḍān, 2006: 4).

5.2.5. New Approach to the texts: Epistemological method-related concerns

In referring to the topic of governance, the *maqasidic* method could be crystallized by having a holistic and comprehensive contemplation of the Qur'anic verses and the authentic Sunnah[31]. They are to be understood to derive some concepts, principals and terms based on their accurate and proper understanding and their usage without neglecting the socio-historical factor during the Prophetic era.

In dealing with the texts for the establishment of new principles of governance, the exploration of the Qur'anic episteme is to be used in extracting moral and ethical principles and values that correspond to the issue of governance.[32] It is worth also to look into the texts from the *consequentialistic 'moral and value' perspective*, since the resulting hermeneutic of legal rulings is based not so much on specific rules

[31] Al-Diḥlawī (Hermansen, 1995: 387) asserts that: "There is no way for us to obtain knowledge of the divine laws ... except through the report of the Prophet... There is also no way for us to have knowledge of the sayings of the Prophet … except by receiving reports which go back to him by successive links and transmission, whether they are in his words; or they are interrupted Traditions whose transmission was verified by a group of the Companions and the Successors...and in our time there is no way to receive these reports except to follow the literature written in the science of Tradition."

[32] As an example: Al-Buraey (1985: 237), derives certain principles related to politics and administration which is useful in the exploration of the discussion of governance:

1. Sovereignty: General (2:255) (3:26) (6:18) (13: 9, 16, 41) (18:26) (20:6) (21:23) (23:88) (36:83) (38:5) (59:23) (95:8) (114:1-3). A. Sovereignty of God alone (2:107) (3:154) (6:57) (7:54) (12:40) (16:28) (18:26); B. Legal Sovereignty (2:229) (5:44,45,47) (7:3)
2. Fundamental Right: General (2:258) (3:105) (4:29,93,148) (5:78,79) (6:109,165) (17:33) (24:23,27) (31:18) (49:6). A. Security of Life (17:33); B. The Right to Private Property (2:188,267); C. The Right to Human Dignity (49:11,12); D. The Right to Privacy (24:27,58) (49:12); E. The Right to Dissent (3:110) (4:59) (7:165); F. The Right to Religious Tolerance (6:108) (29:46); G. The Right to Legal Defence (4:58) (17:36) (49:6); H. The Right to equality Before the Law (28:4); I. The Right to Basic Necessities (51: 19); J. Freedom of Association (3:104); K. Freedom of Belief and Conviction (2:256) (10:99); L. The Principle of Personal Responsibility (6:164).
3. Principles of State, Government and Administration: General (4:58,59) (5:2) (7:69,74,128,129) (21:105) (22:40,41) (24:55) (35:39) (38:26) (42:38) (49:13) (57:25)

A. Rights of the State over Citizens: (i. Loyalty (4:59); ii. Maintenance of Law and Order (2:191) (5:33) (7:85); iii. Co-operation and its limits (5:2) (76:24); iv. Participation in Defence (9:38,39));

B. Principles of Foreign Policy: (i. Mutual Respect for Pacts and Treaties (8:58) (9:4,7) (16:91) (17:34); ii. Honesty and Integrity in All Dealings (16:92); iii. International Justice (5:8); iv. The Quest for Peace (8:61); v. Respect for Neutrality and Non-Combatants (4:89,90); vi. Prohibition of Imperialist Exploitation (16:92) (28:83); vii. Protection and Support for Muslims Abroad (8:72); viii. Friendly Relations with Neutral Powers (60:8,9); ix. Kindness in International Relations (55:60); x. Just Retribution for Transgressors (2:194) (16:126) (42:40-2));

C. The Administration of Justice (4:58,135) (5:8,42) (6:153) (7:29) (16:90) (24:2) (42:15) (57:25); D. The Ruler and the Ruled (2:124,247) (4:58,59) (5:2,33,34) (12:55) (18:28) (26:151,152) (49:13); E. People's Authority (2:247) (3:26) (4:59,83); F. The Principle of Consultation (*shūrā*) (3:159) (42:38); G. The Principle of Leadership (2:124,247) (3:118) (4:58,59,83) (18:28) (26:150-2) (38:28) (39:9) (49:13).

spelled out by the text as it is on the ethical principles revealed as God's purposes behind the text.[33] Such approach is indeed in the line with the spirit of the revelation itself in which most of the verses and rulings understood from the verses (even those that directing to the total obedience to God), justified or reasoned by their moral aspect, which is the ramifications of the acts that can benefit the worldly life thus going along with reason.

According to Abduh (1966), human reason must be used in the line of the Qur'anic guidance, since throughout its text, the Qur'an asserts the importance of using human reason and knowledge as a way to know God and be a good Muslim.[34] Abduh asserts the importance of using one's practical sense when interpreting. He critiques the approach of using the classical understanding of al-Qur'an, which fails to have useful answers to many of the contemporary questions being asked by ordinary people and the intellectuals during his period who have been strongly influenced by the rational thinking of the 'West'. It was his aspiration to see religion (Islam) to be involved in their life, instead of remaining an abstraction and existing only in the mosques' sphere[35].

However, it ought to be noted, that all the worldly rulings and the instruction did not explicitly expound in al-Qur'an. Or else, it would not be a sustainable guidance for human beings due to its contextual nature from the exoteric meaning of the Book. The Qur'an can only function as the last long guidance through its enlightening approach towards worldly matters. Verse 69 in chapter 16 implies that the Book (al-Qur'an) as '*tibyān*' (enlightening) for everything. Any attempt to explain the verse otherwise will bring a massive contradiction with the reality. The divine Enlightenment from the text thus must be translated into the general guidance through the process of '*tadabbur*' (reasoning and contemplating).

[33] For instance, al-Qur'an replete with comments on social matters such as often taking a humane stand on behalf of the weak (Ahmed, 1985:47), mutual cooperation amongst the people, and the need for social justice in order to maintain stability in this worldly life and the life Hereafter. In the spirit of such critical revisiting of the way to deal with al-Qur'an, one can learn from al-Ghazali critiques on the effort to understand al-Qur´ān from its literal meaning. In referring to such methods, he insists that the method is not sufficient for an understanding of the realities of the real meanings (*haqā´iq al-maʿānī*) of al-Qur'an." (Heer, 1999: 241).

[34] In many verses, the Qur'an gives an indication of this issue, amongst them (2:102) and (114:1-7). As for the importance and use of reason, see, for example, (79:26).

[35] It can be seen on his passion that … "Islam should be the moral basis of a modern and progressive society, but that it could not approve everything done in the name of modernization ... A Muslim society could adopt European ideas and sciences without abandoning Islam itself" (Hopwood, 1998: 6).

Accordingly, the consideration of the socio-cultural and socio-political context of the verses, which could be detected through historical events concurrent with their revelation, will assist the understanding of the underlying causes of those verses. This approach helps the exploration of Islamic ethical messages and philosophical precepts that are worth to be applied to the field of governance, hence developing a new science called Islamic governance. Such an approach brings the implicit messages related to the governance issue unearthed from the two sources to be more morally and rationally reasonable than the dominant discourse of the traditional (relatively) deontological legal positivistic *fiqhī* approach. However, this approach does not imply the negation of all the existing exegesis formulated by the classical scholars. Classical *mufassirūn* (scholars of *tafsīr* or exegesis) have contributed their best in preserving the original meaning of the revelation that suits the situation they were living with[36]. Despite of their contextual-oriented exegesis, it prepares a general outline for the later generation in dealing with the text through the understanding of proper usage of certain semantic and technical terms, concepts and principals in the Qur'an. The semantic and metaphoric elements in the Qur'an lie strongly from the full comprehension of the Arabic language. Consequently, the classical exegesis, which is strongly based on the tradition and full understanding of the Arabic language, enables one to comprehend the messages conveyed by the Qur'an. The unfamiliarity with the Arabic language, its style, and the Islamic faith may be barriers to a true interpretation of the Qur'an (Al-Baqillani, 1951)[37].

Equally, Prophet Muḥammad's tradition or the *Sunnah* also requires a new method to deal with.[38] Sunnah as a whole is not to be viewed with monolithic lenses; in fact, the classical scholars divided the actions of the Prophet into distinct categories. The division of *Sunnah* into legislative (*sunnah tashrīʿiyyah*) and non-legislative *Sunnah*

[36] The Classical approach to the exegesis and commentary of al-Qur'an can generally divided into two major methods: interpretation of the Qur'an according to the traditions (*tafsīr bi al-maʹthūr*), in which the interpretation of the Qur'an through the Qur'an itself, or the Prophet's traditions (*sunnah*), or the opinion of the Companions (*ṣaḥābah*) and the early generation of Muslims (*al-salaf al-ṣālih*); while the second method of interpretation of the Qur'an was known as the interpretation according to individual opinion (*tafsīr bi al-raʹy*), in which the exegetes use their own reason in understanding the meaning of the Qur'an (Ayoub, 1984: 22-23)

[37] As al- Baqillani (1951: 31) says in his '*Iʿjāz al-Qurʹān*' (Miracle of the Qur'an): "no one could appreciate its miracle like the well-versed Arabic linguists."

[38] In this research, I would opt the moderate way in dealing with *Sunnah*. Only authentic (*ṣaḥīḥ* or *ḥassan*) *ḥadīth* will be accepted in this thesis. In dealing with the method of identifying authentic *ḥadīth*, I rather combine the method of the *mutaqaddimūn* (the early scholars of *ḥadīth*) and the *mutaʹakhkhirūn* (the later generation of the scholars of *ḥadīth*).

(*sunnah ghayr tashrīʿiyyah*) as an example, has provided useful guidance in order to distinguish between a ḥadīth, which provides a basis for a *fiqh* rulings and a ḥadīth, which does not (al-Qaraḍāwī, 1998). Furthermore, the *Sunnah*, concerning the political field is to be demarcated between what is '*tashrīʿ*" (legislative / legally binding) and what is '*siyāsah*' (politically oriented / not legally binding)[39]. These are the rulings, which originate from the Prophet in his capacity as imam or head of the state in his dealing with political issues and state administration, and are heavily depending on the contexts. This type of *Sunnah* does not entitle individuals to any right, nor oblige them unless a lawful authority to that effect gives a decree (al-Qarafi, no date: 1/205-09).

Those politically oriented decisions made by the Prophet, as crystallized by Ibn al-Qayyim (1973: 4/ 373), "to realize the benefit of the public (*ummah*) on that specific context and situation". He coined such kind of *Sunnah* as '*siyāsah juzʾiyyah*' (specific policy)[40]. Consequently, for this type of *Sunnah*, it is not legally binding on Muslims in later generations; rather it is a political decision made by the Prophet that can be accepted or rejected due to the benefit of the public on the context and situation in following the footstep of the Prophet from whom derives the judgement out of such principle (Uthmānī, 2006: 14). Such a stance relates to the doctrine that Prophet Muḥammad did resort to his reasoning (*ijtihād*) in worldly matters that do not relate to the rituals, morals and core tenets of the creed (Shaltut, 2001: 499-503).

Such demarcation was explored even during the days of the Prophet. The

[39] The Classical *Uṣūl al-Fiqh* scholars discussed the demarcation between various instructions of the Prophet in his capacity as a 'political leader' and those actions and instructions in his capacity as a 'divinely inspired prophet'. They are: a) Special legislative actions not predicated upon revelation, but special or specific actions relating to managing the state. For these type of *Sunnah*, They are not binding upon the whole *ummah* or future generations; b) Actions related to the public interest, which the Prophet acting as a 'head of government' and without which harm may occur to some specific circumstances and not a general rule for legislation; c) Actions/inferences, based upon a mere personal choice and preference. This is where the Companions of the Prophet would always distinguish between His actions as a [divinely inspired] Messenger and those as a political and military leader. In regard to this category of *Sunnah*, the Prophet frequently consulted the relevant people on matters related to their expertise many occasions (i.e. such as warfare) due to the Qur'anic advice to him "consult them about the matter"; d) Actions related to non-religious matters, the scholars differentiated between the *ʿibādah* (worship) and the *muʿāmalah* (social interaction). However, Ibn ʿĀshūr (2006: 34) expounded more on the issue and divided the Sunnah into 12 categories: Legislation (*tashrīʿ*), issuing edicts (*fatwā*), adjudication (*qaḍāʾ*), political leadership of the state (*ʿimārah*), guidance (*hady*), conciliation (*ṣulḥ*), advice to those seeking his opinion (*ishārah*), counselling (*naṣīḥah*), spiritual uplifting of people (*takmīl al-nufūs*), teaching of transcendent knowledge or lofty truth (*taʿlīm al-haqāʾiq al-ʿāliyah*), disciplining (*taʾdīb*) and non-instructive ordinary statements (*tajarrud ʿan al-irshād*).

[40] It was categorised by Ibn ʿĀshūr as '*al-tashrīʿāt al-juzʾiyyah*' (specific jurisdiction), (Ibn ʿĀshūr, 2006: 36).

Companions have shown their concern on what is 'revealed' and what is 'rational' from the Prophet's decision[41] (al-Qaraḍāwī, 1998: 38). They repeatedly asked the Prophet before putting their opposing ideas to the Prophet's, "Is that what was revealed to you, or was it merely your idea?" or "Was that from the revelation, or was that a strategy for war?", etc. These are related to policy matters which could best be dealt with by the concerned leadership through the process of consultation (*shūrā*). It is therefore argued that a distinction should be made between a decision made on a question of law and a decision made on a question of policy. These decisions concerned policy issues and were not intended to become permanent legal rules (al-Qaraḍāwī, 1998).

However, such enumeration does not imply the negation of religion and its values in Muslims' life. The terrestrial affairs conducted by Muslims albeit its *ijtihādī* (rational) nature are still within the radius of their *tawhidic* worldview, hence not detached from its foundational core. The Prophet himself advised his Companions by saying: "If I command you of the religious matters, execute them; and what I command you due to my rationale, verily I am a human being"[42]. In the same vein, as for the political and economic issues, the decisions taken by the Prophet was merely based on rationality but still taking into account the revealed knowledge in determining the aim and impact of the decision. In dealing with this type of traditions, they should not be taken as definite, rigid, and defined rules meant for all times and all situations to come as mentioned earlier. Instead, we should focus on *what the Prophet intended to achieve* (Rahman, 1996: 147-8).

Those traditions should be understood to have meant to 'prevent a certain public harm and to acquire a certain public interest (*maṣlaḥah ʿāmmah*).' The spirit of 'the prevention of public harm (*mafsadah*) and the acquisition of public interest' should

[41] There are many incidents to prove such claim. For instance: during the battle of Badr, Hubab bin Mundhir, one of the Companions voiced out such worry when he counter-proposed the Prophet's decision to place the Muslim army on the top of the hill; in the same token Omar objected to the Prophet's decision on the fate of Badr's prisoners of war; While on an other occasion, the Prophet's decision to maintain the people of Medina inside the city was opposed by the majority, who preferred to leave Medina and engage in an open fight with the Makkan army during the battle of Uḥud; in the same way Salman's idea to dig a ditch surrounding Medina during the *Aḥzāb* battle (also known as the battle of the ditch (*Khandaq*)) was adopted due to his experience witnessing the Persian strategy in countering the enemies siege; and many more reflect how the Companions managed to differentiate between what is 'revealed' and what is a mere 'rationale' from Prophet's decisions (al-Mubārakfūrī, 2002: 195, 208, 222, 273).

[42] Narrated by Muslim (no date: 4/1835).

be pursued. However, the means used to prevent public harm or to achieve public interest may differ and the qualification and quantification of such benefit differ from one context to another. In dealing with those traditions, Ibn al-Qayyim (1973: 4/ 373) asserts that most of the policies were taken *for the sake of justice* and *to be defined by public interests*. Furthermore, it was not the actions to be understood or emulated literally, but the spirit and the underlying causes that could be fathomed.

In concluding on such discussion, Riḍā (1984: 10) states that "any rules derived from the *sunnah* (traditions), if they are not directly related to religious matters (*al-aḥkām al-dīniyyah*), are the fruit of Prophet's *ijtihād*, and we are not obligated to follow him in 'civil, political, and military matters' (*al-maṣāliḥ al-madāniyyah wa al-siyāsiyyah wa al-ḥarbiyyah*)", is a useful guide to be implemented in revisiting the epistemological aspect of the *Sunnah*. He further suggests that: "God has entrusted (*fawwaḍa*) to Muslims the management of their worldly affairs, both individual and collective, particular and general, on the condition that the worldly offend neither religion nor the guidance of the *Sharīʿah*". This statement should be a maxim to enlightening the whole process of investigating the ethical and moral messages from the *Sunnah* in relation with the topic governance.

While in the matter of governance, although it is not necessary to emulate or impose literally the Prophet's traditions that are merely based on his political judgments, nonetheless they are needed in order to understand the underlying ethical and moral rationalities with all the values hidden in them from the aforementioned *consequentialistic* value and moral approach. The Prophet's actions and decisions along with the wisdoms beneath them should be viewed under the universal principals extracted from the Qur'an earlier to provide the stable moral framework for the governance process as could be seen in the ensuing chapter. The inter-connection between these two sources is utterly essential in expounding the comprehensive and integrated meaning of Islamic guidance according to the *tawhidic* worldview. The negation of any of these two sources will lead to the incomplete picture of Islam, hence giving the wrong result and misleading message. By formulating such mechanism, the *tawhidic* episteme will be overarching the establishment of 'Islamic' governance.

In looking into how the revelation from both the Qur´ān and the *Sunnah* could be

articulated into different contexts and situations, the experience of the four guided Caliphs, as the first righteous leaders in Muslim history must be taken into account. The decisions and actions taken by the Caliphs in their governance reflect their social realization understanding of the text on how it works within the realm of political-economic life different from the time it was revealed (the Prophet's period), and not dealing with them with a mere consequential independence deontological approach. The differences of *ijtihād* taken by them will enshrine the more holistic view on how the messages could be implemented amid changes and in different ways yet still be inspired and enlightened by the same principals and spirit. However, by exploring the epistemological aspects of Caliphatic history does not necessarily mean they have to be emulated literally without taking the context and the socio-historical factors of the time into account and which are discussed in the following section to provide historical contextualisation for the use of ontology and epistemology of Islam in developing principles and policies.

5.2.6. Historical Context of Islamic Epistemology: Experience in the *Khulafā´ al-Rāshidūn* Period

Unlike the teleology, dialectic and historicism approach, Muslims' approach to history focuses mainly on the lessons (*ʿibar*, singular: *ʿibrah*) that can be learned from it (Ibn Khaldūn, 2005). Many lessons could be learned from Muslim history since the first day of revelation. However, the period of the Prophet's Companions occupy a special position of eminence and merit in Islamic epistemological inquiry as well in Islamic faith (Ibish, 1966: 108). It is simply because they were the first to believe in Islam, and they witnessed the revelation, living with the Prophet, and the recipients of the message when it was first handed to the human being and then articulated into the worldly life. By such virtue, and of their closeness to the Prophet they were regarded as the best authority for the knowledge of the Prophet's tradition. Despite the fact, it was the four-right guided Caliphs (Abu Bakar, ʿUmar, ʿUthmān and ʿAlī) who were the most prominent followers amongst the Companions according to Muslims apart from the Shi'ite tradition (Ibish, 1966: 110). As for the epistemology of Islamic governance, the practices of those four Caliphs are to be taken as part of the way of how revelation guidance is to be articulated into their governance style.

The first four Caliphs are regarded as the orthodox pious rulers of the Muslim *ummah* and Islamic community. As Muslims believe, it was during their period that Islam was practised perfectly and, with the dramatic conquests and the expansion of the Islamic state, was described by Lewis (2006:12): "it appeared that 'God smiled on Muslims'". Thus, the *khulafā´ al-rāshidūn* period served as the ideal reference for both spiritual and temporal achievements for the later generations of Muslims (Ahmed, 1985: 57; Watt, 1996: 40). The *raison d'être* of the pious Caliphate was the continuation of the divine basis of the polity through strict imposition of Qur'anic injunctions and the rulings of the Prophet. The Caliphs exercised their own *ijtihād* and many of the rulings came to be regarded as part of the experiments-turned-guidance for later generations in dealing with their political life. In articulating the importance of this era to the Muslims, Lindholm (1996: 79) remarks:

> Remembering their glorious world-conquering past, Muslims have not pictured the 'City of God' in the Christian manner as beyond ordinary ken, achieved in the radiant future by faith and renunciation. For them, God's mandate was actually realized in historical reality, under the authority of the Prophet himself and the four pious rulers after him.

Lindholm (1996:80) observes that Muslims over-glorified these periods as "divinely ordered social formation" thus the Muslim thought was "saturated with longing for a return of this ideal era". However, this does not indicate that their experience became sacrosanct thus bearing a kind of sacredness. The essence of their experiments was merely the method in dealing with issues according to the clear and purified understanding of the two major sources of Islam, elsewhere; they were merely fallible humans (ʻUthmānī, 2006).

With due respect to this experience, it cannot bypass its own time and place. As long as the political practices were relative, so is the case of the pious Caliphs' experiences. Islamic political doctrine is an ongoing process with huge room for *ijtihād* (reasoning) an innovation unlike the ritual-spiritual elements of Islam. The experiment of the Caliphs should be viewed from a *revelation-guided social constructivist* point of view. It is rather wrong to emulate their experience literally into the different socio-economical context of other period. Hence, what could be learnt from those experiences are the methodology applied by the Caliphs in dealing with the situations based on their epistemological orientation, which was purely inspired by the *tawhidic* worldview. Upon that, the Caliphs' methods in interacting

with the changing Islamic reality, with reference to their governance and administrative *ijtihād* are also essential lessons to be studied and critically analyzed in enriching the effort to develop new ideals for Islamic governance.

The best way to deal with the experience of those Caliphs, hence, is to explore the common principles and guidelines followed by them in executing their task of governance in helping to structure the nature of Islamic epistemology in practice. Any close scrutiny on the subject will find the '*maqāṣid al-Sharīʿah*' (objectives of *Sharīʿah*) that was tried to be achieved by the Caliphs in their actions and judgements, with the attainment of justice for '*falāḥ*' will be the main motivation. These universal principles remained the determining factor in shaping the governance methods taken by them. The importance of understanding the *maqāṣid*, as mentioned in the discussion on developing new knowledge from the revelation, is also essential as a key in dealing with the four Caliphs' experiences to understand its value as an epistemological source. Without such tool, the emulation of history might result in imposing an imagined reality into the current reality, which will never answer any of the contemporary problems. In understanding the *maqāṣid*, and in bringing the *maqāṣid* as an efficient tool in developing the concepts of 'governance' according to the *tawhidic* episteme, the following discussion will engage in the descriptive inquiry of the subject.

5.2.7. *Al-Maqāṣid al-Kulliyyah* (the Comprehensive Objectives)

In harmonizing the rational and revelation, thus avoiding a literal textual approach to the revelation, Muslim scholars have engaged with both the Qur'an's and the *Sunnah*'s implicit messages through varying methods. Those methods were applied to deduct the universal meaning to understand the hidden objectives God tried to convey to human beings. Such meaning prevails in the words of Ibrāhīm al-Nakhaʿī (died 96H) as: "Verily, the rulings of Allah have their own specific objectives which are reflected as benefit and wisdom upon mankind" (Obeydi, 1992:132). With the same understanding, another classical jurist, Al-Izz bin Abdul Salam (Abdul Salam, n.d.: 1/9) claims that "the greatest of all the objectives of the Qur´ān is to facilitate benefits (*maṣāliḥ*) and the means that secure them and that the realization of benefit also included the prevention of harm". It could be comprehended from his word that all the obligations of the *Sharīʿah* were predicated on securing benefits for the people

in this world and the next, and it is the duty of Muslims to discover them and thus observing those objectives in their life and during the implementation of those duties (Obeydi, 1992).

These objectives were later expounded by al-Ghazālī (1993) who maintains that the objective of *Sharīʿah* is to preserve or protect the *maṣāliḥ* (singular: *maṣlaḥah*), exemplified by five main essentials of human beings: faith (*dīn*), life (*nafs*), intellectual (*ʿaql*), property (*māl*) and lineage (*nasl*)[43]. Al-Ghazālī believes that the major purpose of *Sharīʿah* law is to 'safeguard' or preserve those essentials, which eventually bring benefit for human life. Due to such rationale, al-Tufi (1989: 239) concludes that the preservation of these objectives consists in both "attracting utility" (*jadhb al-nafʿ*) and "repelling harm" (*rafʿ al- Ḍarar*), and should be used as the major source of law after the Qur'an and the Sunnah. He adds furthermore that in some cases of *muʿāmalāt* (contracts and transactions), *maqāṣid* would supersede some minor rulings in the Qur'an and the Sunnah to achieve the highest objectives. However, in the issues of *ʿibādāt* (rituals or spiritual duties) which is the direct interactions with God, and considered as God's rights, the human mind cannot and should not attempt to discern the reasons behind the textual injunctions unlike the *muʿāmalāt*, where God delegated to humanity the right and duty to set up just rules and regulations in accordance with the public interest (*maṣlaḥah*).

It could be noticed that prior to al-Shāṭibī's definition of *al-maqāṣid*, other writers namely al-Juwaynī, al-Ghazālī, and al-ʿIzz bin ʿAbdul Salām emphasized more on the notion of 'protection' and 'preservation'. The word '*hifẓ*' (protection) has been recognized as the ultimate objective of *Sharīʿah*. As aforesaid, al-Ghazālī (1993: 1/172) coins in his *al-mustaṣfā* that the highest objective of *Sharīʿah* is to 'preserve' or 'protect' faith, life, intellectual, lineage and wealth or property[44]. Al-Juwaynī

[43] Al-Ghazālī suggests that: "In its essential meaning it (*maṣlaḥah*) is an expression for seeking something useful (*manfaʿah*) or removing something harmful (*maḍarrah*). But this is not what we mean, because seeking utility and removing harm are the purposes (*maqāṣid*) at which the creation (*khalq*) aims and the goodness (*ṣalāḥ*) of creation consists in realizing their goals (*Maqāṣid*). What we mean by *Maslahah* is the preservation of the *Maqāṣid* (objective) of the *Sharīʿah* law, which consists of five things: preservation of religion, of life, of reason, of descendants and of property. What assures the preservation of these five principles (*uṣūl*) is *Maṣlaḥah* and whatever fails to preserve them is *mafsadah* and its removal is *Maṣlaḥah*" (al-Ghazālī, 1993: 1/286-7).

[44] Al-Risuni (1992: 124) maintains that ʿAbdul Mālik bin ʿAbdullah al-Juwaynī or known as *Imām al-Ḥaramayn* (478H/ 1085 AD) (the Imam of the two holy sanctuaries) was the first person to classify the *maqāṣid al-Sharīʿah* into three major categories: Essential, Complementary or Embellishment and Desirable or Luxury (*ḍarūriyyāt, ḥājiyyāt, taḥsīniyyāt*) all relating in one-way or another to *maṣlaḥah*.

(Awdah, 2006: 16) who preceded al-Ghazālī also points out that the *maṣlaḥah* (benefit) (which he classified into three categories) are to be 'protected'. Al-ʿIzz (Abdul Salam, n.d: 1/9) despite of his general statement of *maṣlaḥah* as mentioned earlier (which is the general meaning of *maqāṣid*), happened to seclude the meaning of *maṣlaḥah* into the connotation of '*ḥifẓ*' or protection too.

Nevertheless, al-Shāṭibī manages to bring a better and more comprehensive meaning of the *maqāṣid*, when he added the element of 'promotion' instead of protection or '*ḥifẓ*' *per se*. He suggests that *Sharīʿah* is not only being revealed to protect or preserve the *maṣlaḥah*, but it also promote the *maṣlaḥah* in order to realize the benefit for human life. The five essentials in the human life (or six according to some) are not only being protected and preserved, but also being promoted and propagated as could be fathomed from the deduction reasoning of the revelation. Hence, the word '*ḥifẓ*' might not be suitable in such sense; instead, the word '*riʿāyah*' or observance, which is more comprehensive and extensive, is a more suitable term for such a notion.

With such extensive concepts of *maṣlaḥah*, it could be interpreted as infusing a real substance into the external shell (of Islamic rulings and law), thus proves that moral obligation is related to Divine Omnipotence and Will and how the former in fact necessarily flows from the latter (Rahman, 1979: 115). With the proper understanding of such philosophy, the application of the true understanding of revelation could avoid the legal positivism approach, which acts according to the formulated law without responding to the moral consequences of it.

Drawing on the Qur'anic verses: "We sent you not but as a mercy for all creatures" (107: 21); "Allah does not wish to place you in difficulty, but to purify you, and to complete His favour to you" (6: 5); and "In the Law of Equality there is (saving of) life to you"(179: 2), al-Shāṭibī concludes that "Upon exploration of *Sharīʿah* we have concluded that it was only set up to serve the interests of man. This is a conclusion that no one can dispute. Canon laws were made for only one purpose and that is to serve the interests of humans in this life and in the Hereafter". In his *magnum opus*, *al-Muwāfaqāt*, which is one of the foremost treaties in this field, al-Shāṭibī

His pupil, al-Ghazālī later on developed Juwaynī's idea further, by classifying the *Maqāṣid* into the preservation of the five essentials as discussed earlier.

categorizes into three classes the *maqāṣid* that divine messengers were sent to fulfil in the lives of humans. There are *maṣāliḥ ḍarūriyyah* (essential requirements) without which life will be ruined, *maṣāliḥ ḥājiyyah* (requirements pertaining to general needs) without which man can survive but maybe in distress and hardship, and *maṣāliḥ taḥsīniyyah* (ameliorative requirements) whose absence would not seriously undermine the quality of life (al-Shāṭibī, 1996: 2/ 326).

However, Ibn al-Qayyim (n.d, 4: 309-11) presents the *maqāṣid* from a different angle through emphasizing that justice and equity in ensuring welfare, as the utmost *maṣlaḥah* to be preserved through Islamic *Sharīʿah*. Furthermore, he insisted that the means to justice and equity could never be captured by a finite list; hence, reason will guide the Muslims on how to ensure both justice and equity in changing circumstances. The articulation of *maqāṣid* from this expanded point of view will be helpful in the effort to develop policies based on Islamic ontology in this thesis.

Similarly, Al-Qaraḍāwī (1991) views the more inclusive approach to *maqāṣid* and further extended the list of the *maqāṣid* according to the contemporary reality and discourse to include social welfare and support (*al-takāful*), freedom, human dignity and human fraternity, among the higher objectives and *maqāṣid of* the Sharīʿah. These are undoubtedly upheld by both the detailed and the general weight of evidence in the Qur'an and the *Sunnah.* Apart from him, a few other contemporary scholars also proposed other essentials, which emerged as the result of modernity and the development of human life. Environment and quality of life are amongst the themes included in the proposal as part of the new *ḍarūriyyāt* (essentials) being observed by *Sharīʿah*.

To conclude the discussion about the importance of *maqāṣid*, we could summarize that the *maqasidic* method represents a comprehensive holistic but rather universal approach towards *Sharīʿah*. Any studies conducted on Islam, the *Sharīʿah* or the epistemological sources of Islam must never abandon the discussion on *maqāṣid.* In the same vein, *maqāṣid* is but a crucial tool in understanding the revelation or the texts of the sources, in which the negation of it will lead to the misinterpretation of the texts, hence Islam as a whole (Awdah, 2006).

In presenting a new normative governance theory based on Islamic epistemology, highest objectives of the *Sharīʿah* or *maqāṣid al-Sharīʿah* should be the focal point of

the discussion, as *maqāṣid* helps to operationalize and articulate Islamic knowledge into a mechanism of and principles for governance as a practical reality. In other words, under the shade of such argument, the *maqasidic* approach will assist the quest to develop the aim of *tawhidic* reality into an Islamic governance model. As the aforementioned ontological maxim is concerned, the aim of the vicegerency mission of individuals is to fulfil the attainment of *falāḥ*, which leads to the benefit in both worlds. The articulation of *falāḥ* could be found in the comprehensive achievement of *maqāṣid al-Sharīʿah*. The accomplishment of all the tiers of *maqāṣid* (*ḍarūriyyāt*, *ḥājiyyāt* and *taḥsīniyyāt*) in the governance process can be a benchmark of an accomplishment of 'good' in the governance process. This situation can be explained in the modern jargon of 'human well-being'.

If the *maqāṣid* is to be perceived as the aim through the articulation of *falāḥ* then it is no longer a mechanistic element to the governance process. It is a means and goal by itself. By such, good governance from an Islamic point of view is a governance process that consists of the *maqasidic* elements to fulfil the *maqasidic* end. Accordingly, within this paradigm, the governance process is not just a consequence of an independent deontological activity for just a sheer discharge of responsibilities for the sake of delivering the vicegerency tasks. In fact, it is to be viewed from a virtue based consequentialistic paradigm. It is a process to attain a holistic end for the benefits of individuals through its *tawhidic* individualistic paradigm, which goes beyond the instrumental value meaning. This paradigm imposes multi-dimensions of benefits, which encompass both individuals and community benefits, in this world and the Hereafter.

Additionally, *maqāṣid al-Sharīʿah* provides valuable intellectual foundation for the subsequent development of Islamic governance theory. One of the principal objectives of the Sharīʿah is the prevention of *mafsadah*[45]. The induction of textual proofs in abundance point out the fact that removal of corruption (*darʼ al-mafāsid*)

[45]The word *mafsadah*, derived from the root word *fasada* or *fasad*, has been mentioned almost fifty times in the Qurʼān and has a wide range of meanings, amongst others: "a state of disorder, or disturbance, or of destruction, annihilation, waste, or ruin" (Lane, 1978: 1/ 2396). It also connotes mischief, corruption, exploitation, wrong, and all forms of injustice, mismanagement, anarchy, and chaos[45]. *Fasād* is the opposite of *iṣlāḥ*, derived from the root word *ṣalaḥa*, which literally means "good, incorrupt, sound, right, or a proper state, or in a state of order" (Lane, 1978: 2/216). *Iṣlāh* refers to a state of equilibrium where things are in a proper order and balance. Muslim jurists have also used the words *sharr* (evil) and *ḍarar* (harm) as synonymous with *mafsadah*.

and acquisition of good (*jalb al-maṣāliḥ*) are "the comprehensive objective of the *Sharīʿah*" and the "fundamental universal rule of the *Sharīʿah*" (el-Mesawi, 2006: 88-90). Muslim jurists are of the opinion that any measure that prevents a *mafsadah* is in line with the objectives of the *Sharīʿah* even if the latter does not provide any indication as to its validity or otherwise provided however, that it should not turn a prohibited act into a permissible one and vice versa (al-Ghazālī, 1993: 1/ 139-40). The prevention of public harm or evil (*mafsadah ʿāmmah*) should be amongst the priorities of Islamic governance according to the orientation of *maqāṣid al-Sharīʿah*.

However, the harm (*mafsadah*) due to the dynamic interaction of human life presents itself in a variety of forms. It varies in degrees due to different contexts and societies, and can hardly be enumerated, not even through the revelation for the dynamism of the development of the human mind and its needs. Hence, the prevention of a certain public harm (*mafsadah*) to public interest in a certain context requires diversity of approaches and policies. In dealing with the issue of governance, *maqāṣid* determines the radius of policies governing the society by accumulating general benefits and avoiding harm to the whole community to enhance public interest (*maṣlaḥah ʿāmmah*) (al-Qaraḍāwī, 2000: 2/ 986). The eradication of *mafsadah* (in its various forms) that may lead to underdevelopment, unemployment, and economic crises and impede the accomplishment of the *maqasidic* goals is indeed an act of good (Islamic) governance.

Above all, the whole idea of *maqāṣid* implies a comprehensive implementation of justice in the community through the preservation and promotion of human well-being, which is the ultimate aim of a governance process. *maqāṣid* part of epistemological sources in Islam is becoming a foundation to define human well-being. Thus, the articulation of Islamic ethos that might be useful for governance will be taken under the shade of this *maqāṣid*ic-based human well-being consideration. The articulation of this approach will be seen in the formulation of the axioms relate to governance from Islamic epistemology in the following chapter.

The activation of *maqāṣid* within such understanding can be understood within the spirit of verse (2: 177) in al-Qurʾān:

> It is not righteousness that you turn your faces towards East or West; but it is righteousness to believe in Allah and the Last Day and the Angels and the

> Book and the Messengers; to spend of your substance out of love for Him, for your kin, for orphans, for the needy, for the wayfarer, for those who ask; and for the ransom of slaves; to be steadfast in prayers and practice regular charity; to fulfill the contracts which you made; and to be firm and patient in pain (or suffering) and adversity and throughout all periods of panic. Such are the people of truth, the God-fearing.

5.3. HISTORICAL ARTICULATION OF ISLAMIC ONTOLOGY AND EPISTEMOLOGY: CONTRIBUTIONS OF MUSLIM SCHOLARS IN THE DEVELOPMENT OF KNOWLEDGE BASE FOR GOVERNANCE

A visit to both classical and contemporary Islamic literature relating to the governance discourse is essential in this research to locate how Islamic ontology and epistemology is articulated throughout history in developing the notion and policies related to governance. It will illuminate the quest to trace how Islamic ontology and epistemology could contribute towards the subject. Due to it being a recently developed notion, specific research directly dealing with the relation with the concept and notion of governance in Islam is scarce. However, classical literature on Islamic polity and economics or anything that brings close meaning to the notion of governance would serve as references to this research, which can help to see how Islamic ontology and epistemology is articulated in historical knowledge. The long history of Muslim and Islamic civilization constitutes a long series of experience of Islamic polity. Long before Hobbes, Mills, Rousseau and other Western political thinkers and writers propelled their masterpieces the Muslim scholars had been dedicating themselves in producing literature related to political thought and the political system alike.

Since the dawn of Islamic civilization, Muslims' governance experience, which encompasses institutions and rulings, has been part of Muslims' life. Cahen (1970: 2b: 531) suggests that political matters were conceived in terms of religious affairs since the dawn of Islam. Indeed, politics and economy have been part of the wide range teachings of Islam. Prophet Muḥammad himself was both a ruler or administrator (of Madinah and the Muslim nation) and a prophet. Being part of *Sharīʿah* rulings, political and economic issues were discussed by classical Muslim scholars under the shade of their epistemological sources. In tandem, Muslim empires, throughout the centuries also contributed in preserving the tradition and the

system in varying manners. Some implemented the teachings literally, and some have been very selective, and some others chose to rationalize them with the context.

It was these experiences that motivated Muslim scholars throughout the centuries to preserve Islamic contents of politics and economics by producing a mountain of literature on the subject. Methods of developing the literature might vary, but the contents, which involve political, economic, constitutional and administrative aspects, are still the same. Classical literatures were mainly authored during the period where Muslims were living under the shade of their geo-politically diverse and pervasive empire state. The Caliphate institution also stood proudly as the supreme political institution across the Muslim lands despite of its feeble condition in some periods. The discussions in those literatures, therefore, mostly focus on the context the authors were living in. In general, classical jurists (*fuqahāʾ*) mainly attributed their writings for two major disciplines; the jurisprudence (*fiqh*) and theology (*ʿaqīdah*) with the issue of Caliphate or *imamate* remained as the centre of the discussions (Tibbi, 1986: 15).

Contemporary literature on governance, on the other hand, was produced during the situation where Muslim nations were in a feeble state, without a Caliphate and when other Islamic political institutions were not functioning. Reactions towards the colonialization of Muslim lands and the remedies for weakness of Muslim leaders were amongst major motivations for the production of the relatively recent literature. Writings from this category engage predominantly on the topics of the 'Islamic state', 'Islamic Caliphate' or the means to re-establish the classical Muslims' political system or thoughts. However, in formulating an emergent paradigm to a new framework (governance) that might not be the case of previous literature, a different way of revisiting those opuses is needed.

In surveying the existing relevant literature, generally, the literature could be divided into eight categories: The classical institutionalism approach; classical *fiqhī* (jurisdiction) method; literature produced by Muslim philosophers; 'mirrors' for the rulers; literature produced by reformists; literature developed by the revivalists; literature produced by neo-revivalists and researches produced by academics.

5.3.1. The Classical Institutionalism Approach

Historically, most of the literature produced using the institutional approach engaged heavily on the topic of *khilāfah* or *imāmah* (leadership), political institutions, duties and obligations of the institutions. The institutionalism approach of the classical scholars gives a glimpse on the concepts of governance practiced by Muslims throughout history. There were many institutions established by the Muslim rulers, especially during the Abbasid period, which reflects the understanding of efficient and effective public administration as part of the 'good governance' in those periods. It is important to note that most of the governance institutions established in the classical period were merely a continuity of the existing system inherited from the previous powers, i.e. the Persians, the Romans, *et al.* Those institutions were kept intact with few adjustments for the assimilation process with Islamic values and norms (al-Buraey, 1985: 233).

Buraey (1985: 257, 261) suggests that these institutions are examples of the functions and values that were embedded within the Muslim community in the past and could be a guideline for contemporary Muslims. They enshrine the manifestation of the Muslim administrators on how to govern efficiently throughout their worldview. There are numerous pieces produced by classical Muslim scholars based on such methods. However, the most prominent ones in dealing with the topic of governance are as follows:

(i) *Al-Aḥkām al-Sulṭāniyyah* (Governance of the rulers) by al-Māwardī (circa 364 H/975 AD – 450 H/1058 AD)

The book was written as a reaction towards the fatigue of the Abbasid Caliphs, and the emergence of the non-Arab (Buyids) domination upon the Islamic empire (Hanne, 2007: 55-102). It comprises twenty chapters with topics ranging from the major issue of the Islamic political system, the Caliphate or *Imamate* (central leadership of the Muslims) to administration of justice, finance, and natural resources. It engages also in the discussion of the institutions within the Islamic state, from the executive power, judicial, governors to the security forces within the state (al-Mawardi, 2005: 37-82). There is also a full chapter on the '*Dīwān*', which is similar to the modern-day bureaucratic system and its regulation on corruption as a landmark of the Muslims governance since the day of the second rightly guided

Caliph, Umar, and during the Abbasid reign (al-Māwardī, 2005: 282-308). Al-Mawardi ends his book with the final chapter on the *ḥisbah* institution, which focuses mainly on the accountability of both people and the government (al-Māwardī, 2005: 337-362), thus becoming known to be the first author to treat the subject.

His treatment on *ḥisbah* brought a new dimension of Islamic concept of accountability, transparency and participation embodied in institutional appearance. While dealing with the issue of separation of power, al-Māwardī brings the concept of the administration of judiciary (*quḍāt*), which is separated from the office of the Caliph and the viziers. The concept of the rule of law is enshrined clearly in his discussion on the topic of *maẓālim* in his treaty as part of the institution existing during his time to deal with the administrative cases involving the higher government officers including the governors and the Caliph himself (al-Māwardī, 2005: 116). However, from the first page to the end of the concluding part, the topic *Shūrā*, which is the most essential element of Islamic governance, is absolutely invisible. Though he discusses the issue of *ahl al-ḥil wa al-ʿaqd* (the people who loosen and bind) and their duty in selecting the Caliph (though in brief) (al-Māwardī, 2005: 6-7), but the concept *Shūrā* as a mechanism of empowerment was never mentioned.

(ii) *Ghiyāth al-Umam fī al-Tayyath al-Ẓulam* (The Saviour of the Nations from the Chaos of Darkness) by ʿAbdul Mālik ibn ʿAbdul Alah ibn Yūsuf ibn Muḥammad al-Juwaynī (419 H / 1028 AD – 478 H – 1085 AD)

This book was also known as *al-Ghiyāthī* (the Saviours). It was originally written by al-Juwaynī as a gift to the grand vizier of ʿAbbasid during his time, Niẓam al-Mulk, to serve as a legal advice for the vizier to carry out his duties as defined by the Sharīʿah rulings (Khir, 2007:80). *Al-Ghiyāthī* significantly discusses the condition of Muslims in the state of the absence of Islamic government. In other words, it had a two-fold purpose: to examine the form of Islamic government and the options open to the Muslim community in case of the non-existence of such a government. The book starts with dealing with the issue of the ruler (*khalīfah*) and all issues related to the institution. While in the second part of the book, the author normatively explains how the political and religious life of the Muslim community in the absence of the *khalīfah* should be conducted (al-Juwayni, 1979: 18-22).

Al-Juwaynī (1979: 72-76) treated the political system with the notion that it is a fertile ground for *ijtihād*, and not bounded with definitive evidence. Hence, he adopted a critical approach to the prevalent political realities and uses his independent mind to analyze and judge the wide array of views about their legality (Khir, 2007: 81). He was critical also to al-Mawardi's method, which according to him was too simplistic in dealing with the text, and further accused him of trying to impose his own *ijtihāds* as if they were definitive evidences. Helmi (al-Juwaynī, 1979: 23) suggests that most of the Sunni authors on the Islamic political system and thoughts who came after al-Juwayni, such as Ibn Taimiyyah and others were influenced by '*al-Ghiyāthī*'.

(iii) *al-Siyāsah al-Sharʿiyyah* (Statecraft according to the Sharīʿah) and *al-Ḥisbah fī al-Islām* (The Institution of Ḥisbah in Islam) by Taqiy al-Dīn ʿAbul-ʿAbbās Aḥmad ibn ʿAbd al-Halīm Ibn Taimiyyah, (661H/1263 AD-728H/1328 AD)

In his '*al-Siyāsah al-Sharʿiyyah*', Ibn Taimiyyah implicitly brings the conduct of the ruler within the preview of the Sharīʿah. As a realist of his era, he maintains that there is no single official Islamic form of government in Islamic traditions. The classical forms of the Islamic *Khalīfah* state were merely built based on opinions, circumstances and custom (Ibn Taimiyyah, 2005). Rulers are to be elected by the people, or by the choice of the majority to be their servants through the doctrine of *wilāyah*, which is a mutual contract between the people and the ruler. A ruler hence, holds the responsibility to look after the people and to implement justice in his territory (Ibn Taimiyyah, 2005: 13). He strongly opposes the idea of dictatorship and appointed rulers; as well he was against the idea of the small elite choice in electing leaders (Ibn Taimiyyah, 2005). Unlike his predecessors, Ibn Taimiyyah did not put most effort in his treatises dealing with the issues relate to the Caliphate as the ideal of the state symbol in Islam and the institutions supporting it[46].

He advocates a kind of political pluralism involving participation in the state in his discussion on the matter of *Shūrā*. He tried to give a more democratic interpretation

[46] This happened during the reign he lived in where Muslim territories were fragmented into independent states and the Caliph was no longer the central power of the Muslim nation (Ibn Taimiyyah, 2005: 257-60).

of *Shūrā* by involving every citizen in the process of *Shūrā*, and not to confine it only to a certain group of people. People according to him, should not only be subjects of obedience, but also must be actively involved and participate in the affairs of the state by the power given to them by the *Sharīʿah*. They must play the role of check and balance in the power exercised by government (Ibn Taimiyyah, 2005: 250). In maintaining the order and the ideal of just and virtuous state, Ibn Taimiyyah suggests that collaboration between the leaderships and the *ʿulamāʼ* is essential. *ʿUlamāʼ* or the religious scholars, as the representatives of society, according to Ibn Taimiyyah must play the role of a mediator between the ruler and the ruled (Zubaida, 2005: 100).

He also touched upon the issue of effective governance by pointing out elements of ineffective administration of a state, such as favouritism, nepotism and incompetency of administrators and government's officers. He discussed in detail about duties and responsibilities of executive power, the principle of competence in personnel selection, the right person for the right post and so forth. He suggested that the more qualified person is better and more suitable for any governmental post than the one who fears God most but is incapable of executing the tasks. The trust to preserve the benefit of the larger community and the need to serve the best for the religion demands such decisions (Ibn Taimiyyah, 2005: 9-14 and 21). Accordingly, public function, in what Ibn Taimiyyah believed as the most Islamic and efficient model is the one rested on two bases: capacity (*quwwah*); and trust (*amānah*) (Ibn Taimiyyah, 2005: 20). The issues of equity in management, justice in collecting and distributing funds, consultation, decision making, and many others related to governance were also part of the discussions in the book (Ibn Taimiyyah, 2005: 37-60). Based on his contribution to the world of administration and management in this book, some scholars crowned him as the father of Islamic administration (Bureay, 1985: 277).

Another significant treaties by Ibn Taimiyyah regarding the matter of politics and governance is his classical book '*al-Ḥisbah fī al-Islām*' (the institution of hisbah in Islam), which has become the major reference for the discourses on Islamic political thoughts and Islamic economy. In this particular book, he insists that religion could not be practiced without state power. The religious duty of enjoining good and forbidding evil (*amar maʿrūf nahy munkar*) which is the gist of *ḥisbah* institution can never be exercised in the absence of power and authority of a leader (*imām*) (Ibn

Taimiyyah, 1985). The book was divided into two major chapters. In its first chapter, Ibn Taimiyyah deals with the concept, principles and mechanisms for the management of an Islamic economy and highlights how different institutions of Islam play their respective roles to achieve the objectives of justice and freedom in society (Ibn Taimiyyah, 1985: 17-70). In chapter two, the author deals with the principals of the Islamic society, which are based strongly on the concept of enjoining the righteous and forbidding the evil, the *imamate* (leadership), its institution, responsibilities and some elements relate to the issue along with the elaboration on the relationship between the ruler and the ruled with regards to their rights and responsibilities (Ibn Taimiyyah, 1985: 73-133)

(iv) *Al-Muqaddimah* (Prolegomena) by Ibn Khaldūn (732H/1332 AD – 808H/1406 AD).

Ibn Khaldūn's *magnum opus* was his '*kitāb al-ʿibar*'[47], a seven-volume universal history book, of which the first, the Introduction or '*al-Muqaddimah*', is where he sets out his main theory. In '*kitāb al-ʿibar*', he analyzes the basic conditions of Islamic life with a mind open to facts as a keen and shrewd observer. In the book, he interprets history and reveals its secret through comparison, theoretical comprehension and the analysis of the nature and causes of historical events, from which he derived the general laws which lay behind those events (Lambton, 1981: 155). *Al-Muqaddimah* independently serves as a key to past history and being recognized as literature that can facilitate practising statesmen towards a better judgment and a better appreciation of present-day events (Walzer, 1963: 45).

Ibn Khaldūn compares the lives or cultures of civilized people (*ʿumrān ḥaḍārī*) in the city with the life of the Bedouin (*ʿUmrān Badāwī*) and tried to establish a relation between the two (Ibn Khaldun, [2005] 1967: 91-122). The major thesis of the book was the author's view on the importance of *ʿaṣabiyyah* for any state, empire or community[48]. The *ʿaṣabiyyah's* importance within the tribal unit is shown

[47] The full title of the book reads '*Kitāb al-ʿIbar wa Dīwān al-Mubtada´ wa al-Khabar fī Ayyām al-ʿArab wa al-ʿAjam wa al-Barbar wa Man ʿAṣarahum min Dhawī al-Sulṭān al-Akbar*'. Rosenthal translates it as 'Book of lessons and archive of early and subsequent history, dealing with the political events concerning the Arabs, Non-Arabs and Berbers, and the supreme rulers who were contemporary with them (Ibn Khaldun, [2005] 1967:1, 13)

[48] The word *ʿaṣabiyyah* could be translated to a modern abstract sociological terms like 'a collective group united by a sense of solidarity' and 'the irrational feeling of solidarity' (Walzer, 1963: 58); While Rosenthal (Ibn Khaldūn, [2005] 1967) translate it to 'Group feeling'.

exhaustively, he believes, but its application goes far beyond mere tribal life and are of an almost universal validity (Ibn Khaldūn, [2005] 1967). He thoroughly understood the importance of the religious element in the actual events of Islamic history, and demonstrated how thoroughly 'religious' and 'political' forces are intertwined. Thus, he concludes that the *ʿaṣabiyyah* alone without an additional great force provided by the religion will never be sufficient to establish great civilization and vice versa[49] (Mahdi, 1957: 199-201). *Al-Muqaddimah* expounds historic-sociological themes far excellent than its contribution towards the discourse of governance. The opus proportionately enlightens a holistic approach in understanding human nature, and Muslim socio-historical context needed to formulate a new *ijtihād* for a new model of governance.

5.3.2. Classical Contribution of *Fuqahāʼ*

Classical Muslim jurists (*fuqahāʼ*) have prolifically produced enormous volumes of *fiqh* encyclopaedias in dealing with political issues concerning Muslims. The topic of *imāmah* (leadership), its responsibilities, the qualification of an *imām* or caliph, its authority, the *bayʿah* (oath of allegiance) and issues surrounding it, the *Shūrā* mechanism and its institution, and other things are amongst the themes discussed in those encyclopaedias. Methods applied by the *fuqahāʼ* also heavily emphasize the purely legalistic mechanism of determining the rulings rather than dealing with philosophical and historical elements. On the other hand, there are a few literature of the kind that deal with some specific political-economic issues in separated volumes. This type of literature normally engages with the issues discussed in rather specific and directed areas and most of them have become major references for some selected fields.

Amongst those books were *Kitāb al-Kharāj* by Abū Yūsuf (circa 113H / 731-182H / 798), *Kitāb al-Kharāj* by Yaḥya bin Adam (130H / 752 AD - 204 H / 818 AD) and *Kitāb al-Amwāl* by Abū 'Ubayd al-Qāsim bin Salām (150/4H/ 770 AD - 224H / 838 AD). However, apart from Abu Yusuf's *Kitāb al-Kharāj*, the two other books were

[49] Helmi (al-Juwaynī, 1979: 24) coins in his work that Ibn Khaldūn's idea of '*aṣabiyyah*' (solidarity or social cohesion) was in reality taken exactly from the idea of '*shawqat*' (power, i.e. the ruler must be the one who has the might and accepted by the people) discussed by al-Juwayni in al-*Ghiyāthī* (1979: 96). However, this claim seems to be rather blunt since Ibn Khaldūn did not even mention either al-Juwaynī's name or his work as his reference, while in the same time he pointed out that he benefited or referred to the writing of al-Māwardī and other scholars.

merely compilations of Prophet Muḥammad's traditions along with the Companions' views, with little comments and idea from the authors.

(i) *Kitāb al-Kharāj* (Land taxation) by Abū Yūsuf (circa 113H / 731 AD - 182H / 798 AD)

Kitāb al-Kharāj is the only work surviving among the many treatises Abu Yusuf produced. The book deals with *Kharāj* (Land taxation) issue and other topics related to the political issues such as public finance, penal code (*al-Jināyāt*), the rulings on apostates, the position of the judges and government officers, the issue of loyalty and treason which probably existed during his time. His work was more judiciary in nature due to his background as the chief judge and a jurist of his time (al-Jneidal, 1986: 2/135). After his death, the Hanafī School used his work as a textbook for study. In his introduction to the book, Abu Yusuf states his reason for writing the book, which was originally replying to the request of the Caliph Harūn al-Rashīd (Abū Yūsuf, 1934: 3). Some of the contents in the book also imply advice from the author to the Caliph, which he structured on a question-and-answer basis. There, he supported his arguments with evidence from the Qur'an and the Prophetic traditions, which he articulated in reasoning form based on his own analysis.

Abū Yūsuf's contribution towards the idea of the governance of a country's economic development based on Islamic ontology can best be summarized into three major points: The importance of justice and piety in the governance of the national treasury and policy by abiding God's rule and avoiding forbidden revenue and expenditure; respect for individual private ownership and non-interference of the state on people's wealth; and finally, the positive role of the state to develop the country through the encouragement of labour and land exploration rather than keeping them under welfare and as a regulator to regulate the market from any misconducts through the *ḥisbah* mechanism (Abū Yūsuf, 1986). The arguments and examples given by the author might only be suitable within his context; however, the substantial part of his justifications in those arguments exemplify the *fuqahā´* method in producing new *ijtihād* to the subject and is worth to be studied.

5.3.3. Muslim Philosophers' Contribution to the Relevant Literature

Literature that has been produced by such methods emphasize mostly on the philosophical side of politics. In most of the treatises, the philosophers tried to harmonize the Hellenistic philosophies with Islamic values. The most prominent of all Muslim scholars from such a method was Abū Nasr Muḥammad al-Farābī (260H/ 870 AD - 339H/ 950 AD). In both his treaties, namely '*al-Madīnah al-Fāḍilah*' and '*al-Siyāsah al-Madaniyyah*' he discusses the ideals and the aim of the '*Madīnah al-Fādilah*' virtuous or excellent city (Walzer, 1985).

Al-Farābī's teaching concerning political life and government is based on his understanding of Plato's political philosophy and the manner in which he tried to introduce it to a society governed by divine law (al-Najjār, 1980:112). Concerning the issue of leadership, al-Farabi enumerates the quality of the supreme ruler (the Caliph) in more or less orthodox terms while dealing with the opinions of the inhabitants of the virtuous city (*Madīnah al-Fādilah*) (Walzer, 1985: 247-9). However, unlike the other authors who deal with the issue of Caliph and the prerequisites of one in becoming a Caliph for the Muslim community, al-Farābī in '*Siyāsah al-Madaniyyah*' does not discuss much about the religious qualities but rather discusses the philosophical requirement needed from a Caliph. He believes that a ruler for the ideal regime must combine the philosophic with the prophetic faculty. In the same piece he abandoned any reference to God, revelation and Sharīʿah, instead points out that the most important quality of the first ruler is the love of truth and wisdom (al-Farābī, 1959: 105-8).

While in his other piece, '*Fuṣūl Muntazaʿah*', al-Farābī points out that the supreme ruler (*Raʾīs Awīwal*) of the virtuous city must posses the quality of wisdom, perfect prudence, excellence of persuasion, excellence in imaginative representation, physical ability to wage war, and a perfect physical body (al-Farābī, 1971:46). The ruler with all those qualities is called by al-Farābī '*al-Dustūr*'. This view caused some researchers to imply the possibility that al-Farābī could be a Shi'ite. However, Lambton (1981:72) refutes such claims proving that al-Farābī did not subscribe to the idea of 'chosen' or 'selected' lineage to be the major condition of becoming the '*Raʾīs*' (leader) of the virtuous state, especially in his book, '*Taḥṣīl al-Saʿādāt*'. Furthermore, al-Farābī asserts that in the case of the absence of a ruler with such

qualities, the administration of the state then must be delegated to a group of men who combine these qualities among themselves. They are known then as the select chiefs (*ruʹasāʹ akhyā1r*) and their regime is called the regime of the excellent. In case such a group is not found, then the chief of the city should be knowledgeable of the laws and traditions laid down by those who managed the cities previously. In such a situation, the ruler must have the wisdom and the correct opinion to interpret and apply these laws to new circumstances, and the other qualities as a credible elder as well as the ability to wage war. He will then be called the King of the Laws and his regime the Kingdom of the Laws. Finally, if such a person is not to be found, its place must be replaced by a group of men combining all of these qualifications, and they would then be known as the Chiefs of the Laws (al-Farābī, 1971: 66-7).

Al-Farābī sets freedom as the major principle of a virtuous and democratic city, where each one of the citizens is given free rein and left alone to do whatever he likes and no one has any claim to authority unless he works to promote their freedom. Another major principle is equality, which implies that all the citizens are equal, and their laws say that no man is in any way at all better than any other man (al-Farābī, 1959:141). Al-Farābī upholds that the citizen must have consent to participate in political activities, even if in a limited role, because they must strive for happiness by utilizing their ability to reason. However, Al-Farābī opposes the idea of rendering the decision-making process by government to the masses. Such a position is also applauded by Ibn Rushd who views the *jumhūr* or the majority of the people as 'the people of rhetoric' (al-Najjār, 1980:111).

Furthermore, Al-Farābī maintains that the rulers should be able to maintain power and not be forced to succumb to wavering political ideas of the citizenry. Furthermore, the citizens' city must live with the spirit of *taʿāwun* (mutual co-operation) and must avoid greed, selfishness and individualism (Walzer, 1985: 229). Such a city according to al-Farābī will be desired by many to live in (Zakaria, 1986: 86, 88). Neither Plato nor Aristotle mentioned this quality of mutual co-operation. One could conclude that in such a way, al-Farābī had managed to give a new meaning to the 'ideal state' based on the Islamic spirit of '*ummah*' (nation) and '*ukhuwwah*' (brotherhood) in which the ideal of Islamic governance was based throughout its history. However, al-Farābī did not contribute much to new ideas but rather explained Plato's *Republic* in Muslim jargon (Hofmann, 2001: 4).

5.3.4. Mirror[50] Approach

The closest approach of classical Islamic literature to the topic of governance was the 'mirror' approach. The 'mirrors' have been defined as advice given to the rulers (*khalīfah, sulṭān, emīr*) on the ethical conduct of their government and to uphold the concepts of justice and *Sharīʿah* laws. They normally deal with the ethical, technical and details of governance and administration of the state. Mirrors are concerned with the art of government and governance. Mirror's authors are learned men often experienced in political and administrative affairs as viziers (ministers) or officials of the Muslim states and empires. Their method is that of anecdotes based on or resulting from political aphorisms. Their goal mainly is to educate the subject through their advice and examples. There are many mirrors produced by classical Muslim scholars in various languages. However, the most prominent amongst them all are the following:

(i) *al-Adab al-Kabīr, al-Adab al-Kabīr al-Saghīr* and *Risālah fī al-Ṣaḥābah* by ʿAbdullāh Ibn al-Muqaffaʿ (103H/ 721AD – 139H/ 757AD)

As the pioneering mirror literature in Muslim history, these treatises were miniature mirrors for the addressee, presumably the prince of the caliph, and were very useful in reflecting the Islamic ethos in the respected realm as administrative text. In these pieces the author addresses al-Manṣūr (who may have never seen it) on specific problems facing the new ʿAbbasid regime that succeeded the Omayyad's with no logical arrangement. Three major institutions of governance have been treated acutely in these books: the army (*al-jund*), the judiciary (*al-qaḍāʾ*) and the land taxation (*al-kharāj*). The literal contents of the books might not be a suitable piece for contemporary democratic governance; however, it is a prescriptive reference in understanding the political and socio-historical atmosphere of the time and *fuqahāʾ* responding to it. The author insists on the essential of an ethnically mixed body that should be taught only the tenets of a clear, concise religious code issued by the Caliph. In ensuring the army's standing, morale, and future loyalty, the author suggests certain reforms on the welfare and meritocracy, including the removal of fiscal duties from the military, officer recruitment from the ranks based on merit,

[50] Mirrors are those literature reflecting principles of Islamic ethics produced in the pre-modern period mainly by Kings' advisor to crown princes or to the kings themselves as advice on how to appropriately conduct their affairs as a ruler.

religious education, inculcation of integrity and loyalty, regular pay linked to inflation, and maintenance of an efficient intelligence service throughout the empire (Ibn al-Muqaffaʿ, 1998). Apart from the suggested technical reforms, these mirrors also describe the ideal personalities and good conduct that Caliphs should live by.

(ii) *Siyāsat Nāmah* by Niẓām al-Mulk (408H/ 1017AD – 485H/ 1091AD),

This landmark treatise on Islamic mirrors comprises fifty chapters, compiled by the vizier Niẓām al-Mulk just before his death. It was actually an answer to Mālik Shah's request on how to deal with the cause of the troubles mounting in his kingdom (Lambton, 1984: 55). His answers in the book are mostly substantiated and illustrated by a large number of anecdotes[51] mainly taken from history and tradition to explain every principle of political conduct (Niẓām al-Mulk, 2002: xvi-xvii). Good administration of a state according to Niẓām al-Mulk must bear certain characteristics that will ensure justice, stability and harmony. Primarily, he emphasizes on the need of stability in a state by fulfilling the needs of the people, and the full control of the market through a planned economy by the state (Rivzi, 1977: 111, 165-67). According to his idea, the state works as both benevolent protector of the people and market regulator. The people's interest and welfare are the responsibility of the state in ensuring stability and the people's well-being.

In tandem, the people must also adhere to the same principle to create the God-fearing atmosphere. In such a way, an ideal Islamic government is the one that depends for its existence on the presence of law and moral-abiding subjects (Rivzi, 1977: 96). Moreover, Niẓām al-Mulk concludes that only by abiding the Sharīʿah, the supreme law in the state, the ruler will attain his support from the people. This shows how unity between religion and politics is crucial in an Islamic state. Throughout such an ideal, Niẓām al-Mulk has given a new definition of 'state' as a political institution with strong moral, social and humanitarian attributes (Rice, 1961: 97); while the moral attributes in this case derive from the sovereignty of Allah. He insisted the importance of judiciary independency, rule of law and an accountability system to be exercised within the Muslim community and to be the major principle of

[51] Some of the anecdotes are not correct and had been mentioned loosely by Niẓām al-Mulk to make his point (see: Rivzi, 1977: 31)

the state. Apart from the worldly quality of the ruler, the foremost quality that should furnish a Muslim ruler is *taqwā* (piety) (Niẓām al-Mulk, 2002).

The significance of this book is such that the main principles enunciated in the book still guide nations and rulers in their relations with one another and in their domestic affairs. This is perhaps attributed to the high degree of pragmatism and viability inherent in the ideas propagated because the book is an expression of a realistic political theory which emerges out of an actual political situation, and, therefore, helps us to understand the stage that the development of Muslim polity reached in the 5th century AH / 11th century AD. Thus, there exists a strong cohesion and cogent embodiment between theory and practice, partly arising out of the position of Nizam al-Mulk as a real-life statesman.

(iii) *Naṣīḥāt al-Mulūk* (Counsel for Kings) by Muḥammad Abū Ḥāmid Al-Ghazālī (450H/ 1058AD – 505H/ 1111AD),

The title of the book implies that the theme of the book is similar to Niẓām al-Mulk's *Siyāsat Nameh*. The book deals solely on the ethical and moral lessons relating to statecraft and administration like other mirrors. It does not indulge with the issues of systems and institutions of the Islamic state, but the advice may be drawn for the improvement of the administrative and bureaucratic machinery of the contemporary world (Bureay, 1985: 277). Al-Ghazālī started his book with the issue of creed by explaining the principles of creed with special emphasis on the attributes and glory of God, and the issue of the Hereafter. The introductory chapter implies the importance of accountability (Bagley, 1964). Though he did not specifically mention the word accountability for the topic of the chapter, thus can clearly be understood from the message he tried to convey within the sentences he used in the discussion. The message can obviously be comprehended in his reminder to the rulers that their power is but an endowment and trust of God to them. Their duty is to care for the people and to commit him to the ideals of fairness and justice, for justice is the value that upholds any government's legitimacy.

Al-Ghazālī reiterates to the addressee that they will be accountable before God during the resurrection day and will be questioned on their performance and delivery. Al-Ghazālī proposes ten principles to the rulers to follow in order to succeed during the day of judgement. Those principles imply good conduct and good administration

values that should be followed by the rulers (Bagley, 1964). Al-Ghazālī defines the aim of politics is to determine the destiny of man in the life Hereafter[52]. He also mentioned other qualities of political institutions that were created to support the rulers in their administration. As an example, he discusses comprehensively about the function of the *kuttāb* (secretaries) as a pillar of good government. Bagley (1964) insists that al-Ghazali reflected his Aristotelian and Persian tendencies in the piece through some of his thoughts and advice which he decorated within an Islamic framework. On the other hand, Diyab (1990: 442) diagnoses that al-Ghazali's political views were shaped by the context he was living in, where there was widespread political dissension, hence he so felt a need for an authority which would bring about political unity, demonstrate it's sovereignty and regulate cultural and political life.

5.3.5. The Contribution of Reformists on the Relevant Literature

During the eve of the collapse of the Ottoman dynasty and during the calamity of the Ottoman Caliphs, few writers bloomed to present their critiques on governance issues in Muslim states. Most of the issues discussed by those who were then called reformist, were concerned with people's rights, the despotic nature of Muslim leaders, freedom of politics and Muslim unity. European Enlightenment remnants on the political life of the Europeans have shaken those reformists intellectuality. Their exposure to the freedom of people and the invisibility of the despotic nature in the Western world made the reformists began to contemplate the situations in Muslim countries. Amongst prominent contribution made by the reformists are the following:

(i) *Ṭabā'iʿ al-Istibdād* (The Nature of Dictatorship) and '*Umm al-Qurā*' (Mother of the cities) ʿAbdul Rahmān al-Kawākibī (1854-1903).

Ṭabā'iʿ al-Istibdād (The Nature of Dictatorship) was al-Kawākibī's critique of the Muslim rulers of his time. While '*Umm al-Qurā*' on the other hand, articulates his ideal of the *ummah* unity under one unified commonwealth (Imarah, 1988; Abu

[52] This answers why al-Ghazālī (Bakar, 2006:205, 222) positions the sciences of ethics and politics under the category of religious sciences rather than intellectual or philosophical unlike al-Farābī. In his *al-Munqidh min al-Ḍalāl* (al-Ghazali, 1952: 19), al-Ghazālī clearly states that the Muslim philosophers' teachings in the political and ethical sciences were drawn mainly from the revelation send to the Prophets. The philosophers, according to al-Ghazālī never separated their knowledge of both sciences from the revelation by independently relying on reason. From such premise and in conformity with his definitions, he concludes that political and ethical sciences must be included into the division of the religious sciences.

Hamdan, 1992). Both books were highly influential in the field of Islamic political thought as well in the issue of governance, and are considered as the landmarks of the author's contribution towards the discourse of governance.

In *Ṭabā'iʿ al-Istibdād*, Al-Kawākibī alerts his people to the cause of their malady, so that they would be able to do something to change the situation they are living within. There, he blamed the dictatorship style of governance for the weakness of the Muslims. He strongly rejects the notion that Islam allows dictatorship, and suggests that the main pillar of good governance from an Islamic point of view is the practice of accountability and the large space for people's freedom to exercise their political rights (al-Kawākibī, 1953:18-9). This was shown, as he states, in early Islamic government, where Islam established the foundation of political freedom (al-Kawākibī, 1953: 8-9). Furthermore, he maintains that dictatorship and education run in opposite directions. All dictators are in trouble when their people become well educated. Hence, they try to keep their people in a state of ignorance (al-Kawākibī, 1953: 25-30). Moreover, he asserts that dictatorship weakens the national economy and encourages social corruption, destroying moral values.

In *Umm Al-Qurā*, Al-Kawākibī presents his idea of unity through minutes of an imaginary conference attended by fictional representatives, which he describes as thinkers belonging to known towns of 22 Muslim countries. He supposes that those representatives should be the scholars who are representing the civil society (due to his admiration of the Western notion of independent civil society). Through the discussion, al-Kawākibī tries to impose his idea that reform could only happen to the *ummah* only through educational means and driven by the scholars as the leaders of civil society. He strongly disagrees that politics could play much of a role in the reform process. He imagines that those prominent people were convened in Mecca (also known as *Umm al-Qurā*) during the *ḥajj* (pilgrimage). The theme chosen for the conference is "the identification of the causes of the state of backwardness of the Muslim *ummah*, its symptoms and how to overcome it and set the Muslim *ummah* on the road to recovery" (al-Kawākibī (1316H): 11-12).

The conference identifies no less than 86 causes of Muslim weakness, and then concludes that: "Muslims all over the world are indeed in a state of deadly lethargy; and the only remedy for the sickness then is only through proper education and

continuously motivating young people to strive for a better status; to be taken in collective efforts by scholars and sages of insight and wisdom" (al-Kawākibī, 1316H): 91-99).

This book though does not directly involve the topic of governance; throughout the discussions of the representatives, some issues concerning governance have been deliberately addressed. The issue of political system, civil society, freedom and accountability have been debated in that imaginary conference. In the issue of governance, the conference finally agrees that progress is linked to accountability while regress is linked to despotism.

(ii) *al-Ḥukūmah al-Istibdīdiyyah* by Jamāl al-Dīn al-Afghānī (1838-1897).

In *al-Hukūmah al-Istibdīdiyah*, al-Afghānī claims that the absence of justice and *Shūrā* (council), and non-adherence by the government to the constitution, were the diseases that led to the *ummah*'s state of paralysis. He strongly suggests participation of the people in the state governance for the citizen freedoms and rights. All citizens should be allowed to participate in the political and social dimension in the state governance through *Shūrā* and election. He strongly condemns despotism, which he considers as the fatal attribute to the *ummah*. Its existence in the *ummah* body is an earlier sign of its decline (Tamimi, 2000).

There, he professes his obsession with the philosophy of the republican government, which he sees as restricted government that is accountable to the public, and seeks the consultation of the governed, that is thus the antithesis of the absolutist one. The very idea of accountability, participation and transparency can clearly be understood from his endeavour. He was amongst those who persuaded the Ottoman Caliphate to be transformed to a constitutional state (al-Jneidal, 1986: 2/335). However, he did not try to address the detailed concepts of effective governance from Islamic traditions nor the history apart from the general principles, which might be due to his lack of experience in the field of governance and administration. The only example he saw during his trips to the Western countries was the freedom and the peoples' participation that seemed the major absence on the Muslims' soil. His approach to the subject gave an introduction for any researcher to engage with the issue (Keddie, 1968).

(iii) *al-Khilāfah* (the caliphate) by Muḥammad Rāshid Riḍā (1865-1935)

In his book *al-Khilāfah*, Riḍā emphasizes Islam as a comprehensive religion that comprises guidance, mercy, and socio-civic policy (which he means by politics). He states: "As for the socio-civic policy (*muʿāmalāt*), Islam has laid its foundations and set forth its rules, and has sanctioned the exertion of opinion and the pursuit of *ijtihād* in the matters related to it because it changes with time and place and develops as architecture and all other aspects of knowledge developed. Its foundations include the following principles: that the authority belongs to the people; that decision-making is through *Shūrā*; that government is a form of republic; that the ruler should not be favoured in a court of law to the layman for he is only employed to implement *Sharīʿah* and the will of the people; and that the purpose of this policy is to preserve religion and serve the interests of the public" (Riḍā, 1988: 9).

On the economics reform, with all his knowledge on classical Islamic paradigm of macro and microeconomics, he proposed the fourteen points on how Muslims can improve their economic and financial situation (Riḍā, 1986: 316-17). The points concentrate mostly on Islamic principals of ownership, expenditures, social justice and Islamic doctrine of benevolence individuals via *zakāh* (alm), *infāq* (charity) and *waqf* (endowment). Riḍā believes that such an Islamic approach is a middle path between classical Capitalism and Socialism, and stresses that the *zakāh* system is the most important instrument in the macroeconomics of the *ummah* (Riḍā, 1956: 10/183). While in political reform, Riḍā asserts that true Islamic polity consists of two major elements: the acceptance of *tawḥīd* and *shūrā* (mutual consultation) in matters of state. Unfortunately, despotic rulers, he argued, have tried to make Muslims forget the latter by encouraging them to abandon the former. Riḍā was also known as a staunch proponent for the restoration or rejuvenation of the *Khilāfah* or caliphate institution for Islamic unity (Riḍā, 1988).

5.3.6. Contribution of Revivalists on the Relevant Literature

The total collapse of the Ottoman Empire in the year 1924 brought a new dawn for Muslim political life globally. Long before the total death of the empire, numerous initiatives had been put forward to save the weak empire in order to rejuvenate the pro-active role of the Islamic Caliphate it used to play in the past. Enayat (2001:78-103) mentions several efforts that had taken place after the collapse like the Pan-

Islamism movement, the Caliphate Congress in India and others in bringing back the Caliphate institution to the realm of Muslim politics. But none of them reached their goal, but ended up with failure. Muslim revivalists who were generally seeking to reinstate Islam as a religio-political order as a panacea to the global Muslims social, economical and political crisis later took this vacuum. They believed that true Islamic life at both personal and communal level could only be implemented under the 'Islamic State' in which the systems applied were derived from the teaching of the Qur´ān. The Islamic State's scope of control is coextensive with the holistic view of human life, the temporal and spiritual, are under the purview of Islamic ideology.

Ḥassan al-Banna and Abū al-Aʿlā al-Mawdūdī are frequently referred as the cornerstone for the Islamist revivalism. Their ideas became a major launching pad for the global phenomenon of Islamist movements and managed to shape major events and discourses in the later period. These forefathers of the revivalist movement are worth to be mentioned in the exploration of understanding the principal of Islamic governance due to the nature of their discourses. Their ideals have been subscribed by many in creating the new reality as a panacea for the lame condition of the Muslim nation in their effort to rebuild the perceived glory of the past.

(i) Ḥassan al-Banna (1906-1949)

Al-Banna (1988: 101-3; 394-5) laid down the 'big picture' of Islamic governance in his '*Marātib al-ʿAmal*' (the Levels of Struggle). He pointed out that the destruction of the Caliphate institution, which he considered as the guardian of both the Muslim *ummah* (nation) and the religion, has led to the demand from every Muslims to rebuild it from the ashes. The struggle for such a cause, he suggests, must start from the very foundation of the Muslim *ummah*, which is the individual. Hence, he asserted that an ideal Muslim is the one who is practicing the real teachings of Islam in his life based upon his ideal crystallized in what he called '*Uṣūl al-ʿIshrīn*' (the 20 Fundamentals); those individuals must engage with the second unit of the *ummah*, which is the family; the family units will constitute the Muslim community which will play their active role in establishing the Islamic government in the Muslim land; the Islamic government will then unite under the banner of the Muslim commonwealth and ruled by the Caliphate institution; this, however, is not the ultimate aim for the struggle. The Muslim commonwealth is responsible in

establishing what he called as '*ustādhiyyāt al-ʿālam*' (the Patron of the world) which can be understood as the 'Islamic World Order' (el-Ghazālī, 2000). Upon such argument, Mitchel (1969: 131) suggests that al-Banna was preparing a movement towards achieving the 'Islamic Order' rather than an 'Islamic State', founded on the ground of the framework.

Al-Banna's goal of an Islamic nation was to be built upon the reform of individual hearts and souls. This would be followed by the organization of "society to be fit for the virtuous community which commands the good and forbids evil-doing, then from the community will arise the good state" (al-Banna, 1988: 54; 101; 118-22; 135-7; 330-1). While someone another occasion, al-Banna (1978: 33, 36) claims that a Muslim state which deserved *Ikhwān* endorsement is the one that has four major criteria: the constitution, laws and rules should be Islamic; the responsibility for carrying out political decisions should be given to those who are practicing Islam; the foreign policy should be in accordance with Islamic principles; and it should not hinder attempts to establish genuine Islamic systems locally and internationally. In conclusion, al-Banna's less-radical approach towards the issue of Islamic governance emphasizes more the virtue of functioning and moral or faith-based individuals along with the implementation of *Shūrā* and Islamic ideology as the basic foundations of the Islamic community (Moussalli, 1993)**.**

(ii) Abū Aʿlā al-Mawdūdī (1903 – 1979)

Unlike al-Banna, Mawdūdī's philosophy of governance was crystallized in his debates on the issue of Islamic state and its system, which is strongly associated with his name. Islamic governance in Mawdudi's Islamic state stood upon three foundational principles: *Tawḥīd* (oneness of Allāh); *Risālah* (prophethood); *Khilāfah* (man's vicegerency of Allāh) (Mawdūdī, 1976: 9). The principle of *tawḥīd* implies that the sovereignty of God exceeds other legal or political sovereignty of human beings, thus the idea of *Ḥakīmiyyah* (God *de facto* sovereignty in all aspects of human life), hence the right to enact and legislate rested alone for God. The *Ḥakīmiyyah* entails that human-made ideologies are not acceptable and have no place before God's laws and systems. (Mawdūdī, 1982: 253; 1983: 166).

Mawdūdī (1982) further suggested that Prophet Muḥammad manifests God's *de jure* sovereignty on earth and his teachings to be part of the revelation of God in enacting

the laws and any systems relating to human life. Islamic societies and communities over all time are to emulate in their life all the systems and guidance shown by the Prophet, while people as the vicegerents of God possess limited authority delegated to him by God. As vicegerents or God's representative on earth, they are obliged to administer their life, and in this specific manner, their political life and state according to God's will, which is enshrined in the teaching of the Qur´ān and Sunnah. People as God's vicegerents are only the executers of the laws given by God.

However, Mawdūdī did not favour the purely theological 'Church run-state' version of the Islamic State. He insisted that the Islamic State is an ideological state which implements the systems of Islam in the whole aspect of its administration and its government and administrators being chosen by the people according to the concept of *shūrā*. He chose the term 'Theo-Democracy' for his ideal state (Mawdudi, 1985: 37). Despite his acceptance of the people's choice of government, he intensely rejected the amalgam of the Western idea of 'Nationalist Democracy', which was promoted by the colonial powers in India. Such an idea will only ensure the predominance of the Indian and non-Islamic forces and influences upon other races and religions in India (Metcalf, 1987: 135).

While in the economic sector, Mawdudi emphasizes strongly on the need to establish a healthy economic order aligned with the nature of humanity. What he exactly means by nature of humanity was the very idea of social justice that recognizes both private ownership with individual rights with the responsibility of society and the act of benevolence towards one another, in which the welfare of the less-fortunate or the vulnerable will be taken care of. Furthermore, Mawdudi was against the interference of the state into the market and individual life, except as the role of regulator to avoid any mischief and corruption. He argued for the fair distribution of wealth based on needs and welfare rather than equal distribution without taking into consideration the needs and socio-background. He was quoted as saying: "Equality of the unequal is no equality at all! Neither it is proper to change natural inequality nor to extend inequality to unnatural limits and make them inequitable. Both the extremes are equally reprehensive. A healthy economic system should maintain justice and keep the distribution of wealth within the limits prescribed by the Lord of the universe." (Kausar, 2005: 130)

5.3.7. Contribution of Neo-revivalists

The term neo-revivalist term refers to certain individuals from the revivalist school of thought but who later shifted from the typical idealism of the earlier discourse to the realization of the need to appreciate the best of other worlds. This new discourse as coined by el-Messiri (2003) is derived from those who experienced both the Western and Islamic backgrounds. These cohorts started to engage with subject matters such as democracy, social justice, accountability, transparency, human rights and other modern political systems. Unlike the forefathers, the new discourse proponents seriously endeavour to incorporate those universal values with their struggle to create a new realm for Muslim society in their homeland. As for them, the universal values from the 'others' are in common with Islamic values and principals. Such a situation created an emergence of literature in the Islamists' circle and also to the debate on the issue of governance. Amongst the prominent figures from the Islamist circle who are genuinely known as the proponents of this new discourse, according to el-Messiri (2003), are Al-Ghannouchi, al-Qaraḍāwī, Muḥammad Immara, Salem al-Ewwa, Azzam Tamimi, Louay Safi *et al.*

5.3.8 Researches by academicians

There are also massive writings by academicians relating to the issue of governance. Most of the literature deals with the research on Islamic development, management, public administration and institutions in various languages. Amongst them are: Kettani's '*al-Tartīb al-Idāriyyah*' (1927); Hanīfī's 'A Survey of Muslim Institutions and Culture' (1964); Subhi Saleh's 'al-*Nuẓum al-Islāmiyyah*' (Islamic Systems) (1965), and the others with the same title by Ḥasan and Ḥasan (1962); al-ʿAdawi (1972) and Wasfy (1977); Ḥusainī's 'Arab Administration' (1966); Hamidullah's 'The Muslim Conduct of State' (1968); Sherwani's 'Studies in Muslim Political Thought and Administration (1970); Mansour's 'Systems of Government and Administration in Islamic Shari'ah and Man-Made Law' (Arabic) (1971); Wasfy's '*Muṣannafāt an-Nuẓum al-Islāmiyyah*' (1977); Asad's *The Principles of State and Government in Islam* (1980). On the other hand, an abundance of research dedicated specifically to the topic '*ḥisbah*' which was part of the crucial elements in the classical Islamic governance throughout history had been produced for the non-indoctrination or non-ideological academic purpose. Al-Buraey (1985: 292) lists a

couple of them, which had been written in English, Arabic and French. However, none of them really has any direct impact on the debates on the new concept of governance.

Thus far, Al-Buraey's *Administrative Development: an Islamic Perspective* (1985) should be regard as a worthy piece in dealing with the subject matter. Despite of its focus on 'administrative development', it also discusses a wide range of issues concerning governance. Its attempt to explore the classical experience and to derive the values and principals to be applied unto the contemporary reality enrich the alphabets of 'Islamic governance' inquiries. Unlike other researchers who are solely engage with the historical artefacts to be implemented in the modern climate without analyzing the socio-historical context of the current situation, al-Buraey managed to allocate the lacunae in the contemporary set-up without neglecting the contextual elements of the previous experiments. Despite of lengthy discussions on administrative development issues and Islamic foundations, the ontological and epistemological issues were clearly abandoned. The book prepares a clear picture of empirical and practical proposals on the issue of governance, but neglecting the philosophical and theoretical essence, which is needed in developing new knowledge.

5.3.9. Reflecting on the Nature of the Classical and Recent Literature

The preceding section provides a detailed account of the material produced by the Muslim scholars over the centuries, some of which are directly related to the subject matter, while most of them provide general remarks related to the topic of governance. Since this study aims at developing a systematic model of governance according to the ontological and epistemological provisions of Islam, as described above, a critical review of the above-presented literature is essential.

A critical comprehension on the nature of the afore-described literature reflects that they are mostly eclectic and advice-oriented, which consequently identifies governance as the process of Islamization of the inherited system of the land conquered by the Muslims, either through the *fiqhī*-oriented or philosophical approach. Furthermore, those literatures were not produced systematically that they do not directly attempt to systemize the relevant knowledge by locating it in the ontology and epistemology. In other words, indeed they emerge from Islamic ontology because the contributors' knowledge base was Islam, but as general rules

rather than principles, which shapes a paradigm. In short, these attempts were not aimed at a paradigm but they were mainly pragmatic attempts of having a better administration for Muslim rulers, rediscovering the power discourse to the ideal *fiqhī* legal positivistic orientation, or sometimes, the *aqīdah*-motivated rhetoric (especially in the issue of *imāmah* (leadership of Muslim nation)), etc. as for the classical pieces.

Elsewhere, on the other hand, contemporary literature was produced under certain circumstances where the previous central governance institutions such as the Caliphate were banished and other political institutions were not functioning as they once were. As a result, contemporary contributions would be categorized to some extent as mere reactions constructed by the social reality of the global Muslim nation (*ummah*) due to the colonialisation of Muslim lands, while some of the pieces were produced as proposals and remedies to improve the weakness of Muslim leaders. As previously described, most of the writings from this category engage predominantly on the rhetoric of 'Islamic state', 'Islamic caliphate' or the means to re-establish the classical Muslims' political system or thoughts.

With reference to the topic of governance in its modern framework (which defined in the earlier chapters of this thesis as another means for development), a new formulation is needed since the historical as well as current literature have not sufficiently and systematically contributed to the development of a particular paradigm, as the former is only aimed at providing remedies, and the latter seems to be obsessed with the politics of erecting the 'golden age' rather than engaging with the systemic of the process. Hence, this study represents a modest attempt to provide a systematic attempt in overcoming this gap in Islamic thought and policymaking.

5.4. CONCLUSION

The effort to formulate and establishing a new theory of governance based on Islamic ontology and epistemology, as reiterated earlier requires a new way of looking into the epistemological sources itself. Instead of dealing with the sources with legal positivistic deontological approach, this research suggests a value-based consequentialistic position based on a universal deductive method of *maqāṣid*. Unlike most of the classical and many literature dealing with the topic of governance (which were produced under the field of Islamic political system or thought) emphasizing largely on the governance institutions, mechanisms and legal issues, this

new method will emphasize the hidden moral and ethical message beneath the texts. Likewise, this new method will produce certain principals and philosophical topics of governance as the prevailing discourse.

The classical exegesis is necessary in understanding the relatively holistic picture of the *Sharīʿah*, since it relates between the divine message and the articulation of the message through the Prophet's words, actions and his Companions. Hence, the meanings derived should not be confined in a certain historical context neither to be literally applied to the non-context, but rather to be expanded through the universal deduction method based on the central idea of *maqāṣid al-Sharīʿah*. In tandem, a new proposed approach to expand the meaning of the Qur'an is also needed in the effort to explore the epistemological meaning of the revelation serving the expansion effort in bringing the wider understanding of the revelation-reasoned concepts onto the broader horizon.

The expansion should not ignore the universal ethical message conveyed in many Prophetic traditions (*Sunnah*) as the articulation of the divine inspiration into the real world. Concepts and principals derived from such a process should be linked to each other in discovering the underlying wisdom from the Qur'an and *Sunnah* to be put at the horizontal sphere of human life. In formulating such methods, human reason based on experience and universal law (common sense) must actively be included as a beacon. The method is to be developed within the realm of the *tawhidic* reality in a very comprehensive scope and not the legal positivistic framework. The best of natural law from human rational experience in the contemporary world in such a method will then find itself within the realm to achieve the aforementioned *maqāṣid al-Sharīʿah*, which can best described in the contemporary jargon as 'human well-being'.

The four Caliphs' experience can translate those concepts through their policies and innovations. However, those concepts are to be expanded through a thorough inquiry of the underlying ethical and moral philosophy and the implicit messages they convey to enlighten worldly life under the shade of the universal understanding of the higher objective of *Sharīʿah* (*maqāṣid al-Sharīʿah*). A bigger picture on how they can establish the concept of *falāḥ* for human life beyond the contextual limit is by relating to the concepts one to another on the ground of *tawhidic* ontology. Having

said that, the universal values within the spirit of those inter-related concepts should be unearthed by articulating them into the axioms representing the philosophy of governance that serve the interest of humankind in their worldly life.

Similarly, previous classical and contemporary literature provides a proportionate methodological approach reflecting on how both ontology and epistemology could be articulated in the political-economic field. Nevertheless, as mentioned, the literature do not offer a systematic framework needed to fill the gap of the subject matter of this thesis but a new formulation is required, hence this research comes to bring a fresh articulation of Islamic ontology and epistemology in the field of development, policymaking and governance. Through this formulation, a complete epistemological framework of Islamic governance could be established; hence, the Islamic ontology formulated 'Islamic governance'.

Furthermore, in this research, this new formulation will use a maxim-based approach in constructing principles for the new Islamic model of governance. The exploration to deduce the principles of Islamic governance demands the effort to identify Islamic ethical postulates of sufficient generality by using the epistemological approach. These ethics could be articulated through a set of axioms, which represent the whole realm of *tawhidic* reality (Naqvi, 1994: 41, Asutay, 2007). The axioms are needed to elucidate in the manner that they posses all the characteristics of a spanning set, *i.e*., one that can serve a foundation for deducing scientific statements to be applied on the field of governance. These axioms in short must adequately encapsulate the comprehensive meaning of Islam's ethical philosophy. However, this set of axioms does not necessarily include all aspects of Islamic ethics, but encompasses relatively those dominant aspects that are pertinent for deducing the rules of Islamic governance. The following chapter on the architectonics of Islamic governance will engage with the topic of axioms and elucidate deliberately on the details of the axioms.

CHAPTER 6

ARCHITECTONICS OF ISLAMIC GOVERNANCE: LOCATING THE AXIOMS, FOUNDATIONAL PRINCIPLES AND WORKING MECHANISM

> "*Allah commands you to deliver the trusts to those to whom they are due; and whenever you judge between people, judge with justice. …*" (Al-Qur'an, 4: 58)

6.1. INTRODUCTION

For centuries, most classical and contemporary Islamic scholars have intensively and widely utilised the legal positivistic *fiqhī* method in dealing with Islamic political or economic issues. For most of them, the rationale behind this was that the nature of those things was part of the *Sharīʿah* body of legislation. This is simply due to the classical *uṣūl al-fiqh*'s deductive method, which was/has been adopted as a major prevailing discourse in establishing the status of *fiqh*, in legislating most human affairs. This normative legal positivist method inspired the establishment of governance institutions in the past. Consequently, contemporary neo-Classical literalists have frequently echoed this classical approach. Upon such idealism, current global Islamic revivalism has ignited a kind of consciousness in redeveloping a 'utopia' of a *fiqh*-oriented Islamic 'state' or 'commonwealth' as an ideal model of 'Islamic' governance. This situation has resulted in a call for the resurrection of archaic mechanisms and structures of the classical administrations of Muslim empires to be transformed into a reality. Nevertheless, any thorough scrutiny of the classical governance models of the past will show that they were developed according to the particular context of the time.

For instance, Omar, the second righteous Caliph according to Muslim history, emulated many Persian administrations in his style of governance. Accordingly, succeeding Caliphs and rulers have followed his example. This dynamic but non-systematic attitude implies the pivotal role of *ijtihād* and reasoning in formulating the governance models historically. The dynamism however gravitated toward certain core principals and immutable foundations in creating the *fiqhī*-inspired theory of political governance. Hence, any literal imitation of the classical structures of governance without understanding their underlying philosophy or objectives will end up in imposing a utopia onto reality. For this reason, this research will

adopt a non-conventional way of dealing with governance issue to develop an ideal Islamic model.

As was discussed at length in the previous chapter, the approach applied in this thesis to formulate a new model of Islamic governance will be inspired by and founded on a specific Islamic ontological-determined epistemology instead of emulating the classical normative legal discourse to explain the nature of Islamic governance.

Appropriately, this model will be articulated through logical expression by using axiomatic formulation to explain its philosophy and fundamentals so that its working mechanism can be identified. Bachelard (1964) maintains that ideas can be conceptualized genuinely in a geometric form, which he believes to be the most proper language to validate and soundly explain itself. He adds that mathematical expression is the best language to express concepts and ideas, for exact scientific concepts can be conceptualized through mathematical forms. Consequently, the expression of philosophical or ideological ideas through mathematical or geometrical language will present the best proof of the fact that intellectual ideas are logical and scientific as opposed to conventional philosophies and religions which have to engage in discussion, argumentation, sophistry, debates and comparisons to prove their logic, which according to Shariati[1] are the weakest language of expression.

Due to such rationale, the ensuing paragraphs provides a structural expression exemplified by axioms developed from Islamic epistemology in explaining the Islamic ontology inspired ideal model of governance. This is due to the fact that in order to quantify as a distinguished governance paradigm, Islamic governance must also have foundational axioms alongside values and norms derived from the Islamic ontology. These axioms describes briefly in the following section along with their etymological root to justify as to why they are related to the topic of governance. Accordingly, the later section will elaborate on how those axioms could be integrated into governance framework, hence the formulation of a new model of governance. These axioms, which constitute the principal foundation of the proposed governance, are then being articulated in the reality through a unique and specific framework as will be discussed in the subsequent chapter.

[1] http://www.shariati.com/islamgy1.html.

6.2. THE AXIOMS

Etymologically, the word *axiom* comes from the Greek word (*axioma*) or (*axioein*), which means that 'which is deemed worthy' (*axios*), or fit or that 'which is considered self-evident'. Among the ancient Greek philosophers, an axiom was a claim that could be seen to be true without any need for proof. In the modern understanding, a set of axioms is any collection of formally-stated assertions from which other formally-stated assertions follow by the application of certain well-defined rules. According to this view logic becomes just another formal system. A set of axioms should be consistent; it should be impossible to derive a contradiction from the axiom. A set of axioms should also be non-redundant; an assertion that can be deduced from other axioms need not be regarded as an axiom (Naqvi, 2003: 147-49).

An axiom is a self-evident truth upon which other knowledge must rest, and from which other knowledge is built up. To axiomatize a system of knowledge is to show that all of its claims can be derived from a small set of sentences that are independent of one another. Sardar (1985: 210) suggests that an axiomatic approach is important for Islamic economics to develop its own tools of thought and analysis and also its unique institutions, thus detaching it from a Western foundation. Thus, an axiomatic approach could be meaningful for an Islamic worldview if it satisfies four criteria: it must be an adequate and legitimate representation of Islam's ethical views; it must form the smallest possible set; the elements of the set must be internally consistent; and the axioms must have predictive power (Naqvi, 1994: 40-1). On this basis, a certain set of axioms can be developed to summarise Islamic ethical philosophy in relation to governance.

These principles or axioms are those which lead to spiritual development and enable the human being to reach noble heights of thought and action and rightfully claim the title of vicegerent of God on earth according to most Islamic economists. In addition, they aim at bringing up 'functioning', 'doing' and 'being' individuals. Various Islamic economics theorists such as Aḥmad (1980), Siddiqi (1981), Naqvi (1981) and Chapra (1992, 2000) have applied this approach as a foundation for their discourse. Similarly, this axiomatic modelling approach and system analysis is applied in formulating the foundation of 'Islamic governance' in this research. This foundation will demonstrate the interactive and dynamic nature of the new theory based on contemporary economics' philosophical approach within the wider scope of political economy rather than in the narrow spheres of *taqlidī* (classical

and traditional) legal positivistic *fiqhī* framework. Thus, Islamic governance, within such an approach proposes an ethical and systemic understanding of political economy inspired from the ontological and epistemological sources of Islam. Consequently, the proposed governance model not only deals with merely means and forms (institutions and mechanisms) but also with the ends and substance represented through its unique axioms and means to articulate them.

Few axioms were formulated by Ahmad (1980), Siddiqi (1981), Naqvi (1981) and Chapra (1992, 2000) in explaining the framework of Islamic economy, amongst them: *Tawḥīd*, which refers not only to the unity of God, but also the unity of human life; *adl* (justice) or equilibrium as a mean for social justice; *ikhtiyār* (free will) which explains human freedom in the realm of worldly affairs and the life hereafter; *tazkiyah* (growth towards perfection) which explains the necessity of growth through purification of attitudes and relationships and hence implies the endogenisation of Islamic norms and values for development in terms of micro development of individual, society and the natural environment according to their development path; *rubūbiyyah* (divine arrangements for nourishment, sustenance and directing things towards their perfection) which implies the necessity of sustainable economic growth and development; *khilāfah* (vicegerency), which defines human beings as vicegerent of Allah on earth implying man's ultimate accountability to Allah; *Iḥsān* (Perfection): which means comprehensive beneficence and excellence, and the final crowning glory or finishing embellishment, and finally the *maqāṣid* (highest objective of *Sharīʿah*), which determine the utmost motivation for Islamic economics, which is the security of human well-being. Eventually, the ultimate aim of this axiomatic structure of the dynamic process of development in the economic, social and spiritual sense is *falāḥ*, or salvation and happiness in this world and the hereafter.

However, in formulating the axioms related to the issue of governance within the radius of Islamic framework, a semi-adjustment of the axioms with the addition of another related set of axioms are needed. This new and technically semi-different set of axioms will be expounded in detail in this section in terms of how they relate to the field of governance from their semantic origin and the consequences of the terms in their technical usages.

Thus, the axioms formulated to construct a philosophical foundation for an ideal (Islamic) governance are as follows: *tawḥīd* (unity), indicates the vertical dimension of the Islamic ethical system; *amānah* (trust) as a guiding principal for the empowerment of individuals in

the governance process, *al-ʿadl wa al-iḥsān* (justice equilibrium and beneficence) to provide for the horizontal dimension of equity and a benevolence society; *ukhuwwah* (universal solidarity) and *iṣlāḥ* (constant striving for comprehensive excellence with ethical and moral considerations). In order for these axioms to work efficiently, other previously-mentioned axioms developed by the Islamic moral economists are needed, such as *ikhtiyār* (free will) to constitute the functional norms of the governance process in the parameter of endowed 'free-will' with responsibilities. Similarly, both the previously-mentioned *tazkiyah* and *rubūbiyyah* axioms are necessary to provide an inclusive and broad nature of growth in human life according to the larger picture of the elemental aspect of governance, the *maqāṣid al-Sharīʿah*. *Maqāṣid al-Sharīʿah* is an essential ethical and moral foundation in Islamic governance used to understand the text and to expound the principles of Islamic political economics in relation to the objectives of the *Sharīʿah* as a way or system of life, instead of just a legalistic traditional *fiqhī* nature. *Maqāṣid al-Sharīʿah* in such a context concludes that Islamic governance is a means to achieve 'human well-being' in the worldly life and the hereafter, as the '*falāḥ*' axiom states.

Together, these axioms define the foundational principles and framework, in which the governance process takes place, incorporating intra-and inter-generational social justice and worldview. Moreover, it reveals itself in the methodological framework of the Islamic political economic system. Unlike the normal approach to axioms as merely 'a set of formally stated assertions from which other formally stated assertions follow by the application of certain well-defined rules', the explanation for axioms that constitute Islamic governance analyses the inner structure and underlying philosophy of those major concepts. A holistic picture of those axioms can never be understood without any analytical consideration of other key terms surrounding them. The details of those axioms are as follows:

After having the preceding discussion in providing justification for the axiom based paradigm in articulating the micro foundations of governance, the followings sections provides in detail discussion on each of the axiom and their respective implications in relation to governance.

6.2.1 *Tawḥīd* (Unity of God)

As repeatedly mentioned in this research, the Islamic worldview is based on *tawḥīd*, or the Oneness of God. Consequently, the centrality of a Muslim's life is also based on this concept

of *tawḥīd*, which outlines the Muslim's character and lifestyle as *khalīfah* (vicegerent) as asserted in the chapter on ontology. Consequently, all his deeds are acts of submission and worship. This "particularly denotes vertical dimension of Islam linking the imperfect and finite social institutions with a Perfect and Infinite Being" (Naqvi, 1994: 26). Unlike the post-Enlightenment worldview that dictates that all knowledge and systems should be objectively value-free, Islamic governance emphasizes values and morals, which are rooted strongly in revelation so that, in this case, individuals can indigenise governance as a concept and practical reality by identifying it as stemming from their own values.

Accordingly, the articulation of Islamic worldview in a Muslim's life will represent values and moral elements that are nourished by the guidance of revelation (Ghannoushi, 2001: 109). Subsequently, the formulation of governance axioms should be derived from such centricity. The basis of legitimacy of governance in Islam would follow that the prerogative that governance is a part of public interest or *maṣlaḥah*. Consequently, the right to govern has been vested in the people with their bounded rationality and guided by a *tawhidic* worldview.[2]

6.2.1.1. Definition

Tawḥīd, as an Arabic word, derives from the root word *Wa Ḥa Da*, which means one, and it confirms the action or the articulation of oneness and unifying. Apart from the theological debates on the unity of God's attributes, the socio-political episteme reading on the *tawḥīd* concept can lead to a new aspect in understanding the philosophy of Islamic governance:

> i) *Tawḥīd* implies the unity of the universality of God's message (revelation) to human beings[3]. According to this tenet, Muslims believe that revelation is the centre of human life. It serves as the intrinsic guidance on how to live and conduct oneself as part of the means to worshipping Allah[4]. Accordingly, it also represents the central philosophy of the Islamic system of knowledge. *Tawḥīd* inspires a system of governance, which is value-laden and strongly constructed on moral principles. In

[2] However, this does not recognise a religious authority or theocracy akin to the medieval European relation between Church and the state (Abduh, 1956: 58-59).
[3] Yusuf Al-Qarḍāwī (1977: 99-105) points out that: "Indeed, *syumūl* permeates time in totality, life in totality, and all aspects of human life in its entirety… it is a thesis for all time and generations, and not just for a certain period or era… it is a thesis that speaks to all humanity, all nations, all races, and all social classes. Indeed, Islam is a thesis for all mankind. It is also a thesis for every level of human of life and its existence... It is a thesis for mankind in every aspect of life."
[4] (Qur'an, 64:1; 22:18).

this way, this Islamic-ontology-derived concept of governance contrasts the current positivistic notion of governance, as it relates to the higher objective as defined by Allah.

ii) *Tawḥīd* also implies the unity of creation as *makhlūq* (creatures) created by Allah. Human beings are *khalīfah* (vicegerents) empowered by Allah with the responsibility of *amīn* (trustee)[5] to take care of all other creatures on earth (al-Qur´ān, 7:74) with permission to make the most of (*istiskhār*)[6] the universe but with moderation and not causing any destruction (*fasād*)[7]. Within the radius of this axiom, the environment, the animal kingdom, and future generations of human being are considered as one nation, which needs to be taken care of by the 'trustee'[8]. Inspired by this position, Islamic governance is a system in which sustainability and concern for the future should be the main theme.

iii) *Tawḥīd* also implies the equality of human beings as one nation and one community. Being the vertical ethical dimension of Islamic political economy, it implies equality of individuals in terms of their closeness to Allah. Therefore, this very concept necessitates mutual understanding and mutual recognition amongst human beings for them to live peacefully and in harmony under the shade of brotherhood (*ukhuwwah*).

Each of these definitional aspects of *tawḥīd* has consequences for governance in terms of shaping its value proposition, which are discussed in the following section.

6.2.1.2. Implication of *tawḥīd* on governance:

Iqbal ([1974] 2008: 154) confirms that the essence of *tawḥīd* articulates the meaning of equality, solidarity and freedom. Those meanings require an endeavour to be transformed into space-time forces and to be articulated in a definite human organisation. Upon such

[5] Most of the ideologies concerning the relation between human being and the environment, according to al-Farūqī (1984) are born of crisis, including the environmentalism or eco-centrism in this manner, but Islamic ideas of the relation between human being and the environment derives from the '*tawhidic*' worldview, which indicates that: a) Allah as the creator and the Supreme Master; b) Human being as the servants and vicegerent; c) Allah instructed human being via revelation; d) The ultimate triumph in the human life is the total submission to Allah's will.

[6] Qur'an (11:61; 16: 5-6; 10-11; 12-14).

[7] The command to preserve the universe from destruction can be clearly deduced from the verse: "For I [Allah] have created you [Muḥammad] to be nothing but a blessing for all creation (*ʿālamīn*)" (Qur'an, 21:107).

[8] "There is not an animal on earth nor being that flies on its wings, but forms part of communities like you..."(Qur'an, 6:38)

premise, the idea of well-being, development and other features of good governance must originate soundly from this *tawḥīd* axiom (Omar, 1992: 41-3).

According to this line of reasoning, the tawhidic worldview, demands that ideal governance should only be established through comprehensive regulation of moral and spiritual aspects of human beings through the establishment of peace and harmony for the entire humanity based on justice and truth[9]. It is through the manifestation of *tawḥīd* that any new idea on politics or economics rooted from it would attain its originality (Bennabi, 1993: 65). Accordingly, a tawhidic-inspired government will produce a state of God-fearing and piety amongst the actors of governance, and consequently, all parties involved in the process, will conceive their participation and actions as part of worship (*ʿibādāt*). This inner feeling will enable the actors to function actively in gaining pleasure and reward from God, and similarly, the state of this continuous consciousness and connectedness with God through the implementation of the process will give rise to a state of *imān* (faithful and piety). An individual who possesses *imān* and has it as an inner motivation in his daily life (*muʿmin*) will have the motivation to live with the spirit of Islamic governance presented by the axioms.

Tawhidic worldview also implies that the vertical dimension and equality of the Islamic ethical system manifests itself in the inherent equality of each individual as represented by their equal proximity to God. Such a worldview exemplifies the very meaning of equality from Islamic precepts of conduct. This concept also leads to a great contribution of Islam to the 'political' field, which is the concept of perfect and unadulterated equality[10]. This idea of human equality has been vividly illustrated in various Qur'anic verses in which every stage of human life has been described as uniform at every stage and in whatever period of world history he flourished (Qur'an, 36:77; 67: 19-21). In the same way, Islam put an end to even a semblance of any superiority of man over man on the basis of race, colour or clime in al-Qur'an (49: 13) and in many of the Prophet Muhammad's traditions, particularly his famous farewell sermon (*khutbah al-widāʿ*), when he declared that henceforth there would be no distinction between Arab and non-Arab, and no differentiation between their status (Haroon, 1963: 265-6). Based on this argument, the society, which Islam promoted, was going to be a

[9] This is similar to what was coined by Nadwi (1968:204-5) that any system rooted in such an Islamic worldview, will be aiming for a healthy civilisation.

[10] Likewise, in explaining an ideal nature of a political system, al-Farābī pointed out that equality amongst the people is amongst the main essential pillars of the polity of in his utopian 'the virtuous city' (*al-madīnah al-faḍīlah*) (al-Farābī, 1959:141).

classless society without any discrimination between classes, races or even religions in governance.

This concept of equality is the foundation for the Islamic concept of social justice in governance through the principal of 'universal solidarity' or *ukhuwwah* (Shari'ati, 2007: 68). It is from this equality-based *ukhuwwah* within the framework of the axioms of *amānah* (trust) and *ikhtiyār* (free-will) that individual political freedom and liberty sprung. Accordingly, *tawḥīd*, as an essential part of an ideal governance system, provides for freedom of action whereby each individual is viewed as an integral part of the whole, to be empowered in the decision-making process with concern the public interests. This principle also implies a continuous and sustained system through "*risālah* (God's Prophets as the source of divine guidance); *ākhirah* (life-after death, that is the continuity of life beyond death and a system of accountability based on divine law)" (Aḥmad 2003: 193). In conclusion, *tawḥīd* as an overarching principle in Islamic theory of governance entails that Islamic governance is a comprehensive framework of *amānah* (trust) to be delivered through its entire process, in upholding *al-ʿadl wa al-iḥsān* (justice and benevolence), with the theme of *ukhuwwah* (universal solidarity) and sustained by *iṣlāḥ* (constant striving for comprehensive excellence) in achieving the *maqāṣid al-Sharīʿah* as the prerequisite of *falāḥ*.

Tawḥīd as the arch-principal of all the Islamic governance axioms enlightens the rest of the axioms for Islamic governance. However, due to its generic nature, the *tawḥīd* axiom requires other philosophical foundations or axioms to complement and explicate the complete picture of an ideal model of governance to be established in this thesis. Direct implication of *tawḥīd* could be exemplified within the notion of *amānah* (trust), since human life itself; according to the Islamic worldview, is an *amānah* from the Creator. Equally, humankind is also the vicegerent (*khalifāh*) of Allah on earth. The following section will deal with the concept of *amanāh* and how it could benefit the construction of ideal Islamic 'governance', thus worthy and necessary of being one of its axioms.

6.2.2. *Amānah* (Trust)

The *tawḥīd* axiom asserts the position of the human being as God's vicegerent. According to this understanding, God had rendered his trust to them to administrate this world well and make it a peaceful and safe place in which to live. God also designed a special task for the vicegerents, which was to exalt him (*ʿibādah*) and to develop this world (*ʿimārah*). As 'trustee', every single individual is rendered with the trust (*amānah*) in his or her horizontal

relations with other individuals. Everything in the universe belongs to God and everything was created for the service of man, who may use anything in the world for a positive purpose, but he is not supposed to abuse anything[11]. The 'entrusts' are the rights and responsibilities of one individual over the other (Qur'an, 7:74). In explaining this general idea of trust upon each individual, the Prophet Muḥammad has been quoted saying: "Behold, each one of you is a guardian, and each one of you will be asked about his subjects. A leader is a guardian over the people and he will be asked about his subjects; a man is a guardian over the members of his household and he will be asked about his subjects; a woman is a guardian over the members of the household of her husband and of his children, and she will be asked about them; a servant of a man is a guardian over the property of his master, and he will be asked about it."[12]

6.2.2.1. Definition

Semantically, the word *amānah* (trust) is derived from the root word *Aa Ma Na*, which means peace, safety, protection, and a state without danger and risk (Ibn Manẓūr, 1956: 13/ 21-25; and for the English meaning: Hans Wehr, 1979: 35-36). The term also denotes the aspiration to be entrusted to bring peace, safety from any danger and risk through a trustworthy protector. *Amānah* is central to a Muslim's life; subsequently every Muslim individual is entrusted to deliver his or her *amānah* just as prescribed by the aforementioned *ḥadīth*. Furthermore, from the same root comes the word *imān* (faith or belief). A *mu´min* (believer) is at the same time an *amīn* (trustworthy person). *Amānah* is in the state of *ma´mūn* (safe and secured), in the hand of *mu´min* who is *amīn*. In such correlation, *amānah* is equal to the state of good faith; hence, many verses and *ḥadīths* condemn the act of non-trustworthiness and betrayal. They are described as *nifāq* (hypocrisy) and *fisq* (mischief). A believer must be trustworthy and a trustee according to this '*amānah*' paradigm.

In the field of governance, this trustee typology dictates responsibilities of every actor in its process. It is stated in the Qur'an: "Allah commands you to deliver the trusts to those to whom they are due; and whenever you judge between people, judge with justice..." (Qur´ān, 4: 58); and in another verse: "Follow God, follow the Prophet, and those from among you who have been entrusted with authority" (Qur'an, 4: 59). Fundamental principles of

[11] The quality of believers in delivering *amānah* has been mentioned in many places in al-Qur'an: (4:58); (2:283); (33:72); (9:27); (23:8); The virtue of being a trustworthy or *al-Amīn* also was associated with the quality of the Prophets (26: 107, 125, 143, 162, 178); (7: 68); (44: 18); (28: 26); (12: 54).
[12] Narrated by al-Bukhari (1985: 1/304; 2/848, 901, 912; 3/1010) and Muslim (no date: 2/1459).

governance based on the Qur'anic concept of *amānah* and its implication on society are illuminated by the light of these verses[13]. An ideal governance aspiration embraced by the Muslim community is based soundly on individuals' practice of *amānah* in their daily conducts. *Amānah* within the individuals' self will create self-accountability to guide his conduct, which will create an inner feeling of responsibility to deliver the trust given and enable him to refrain from corruption and mismanagement. This inner feeling exemplifies the meaning of *iḥsān* (comprehensive excellence) in which a person lives in constant awareness of God. *Iḥsān* is essential in delivering *amānah*, and only emerges as an accumulation of *imān*. The state of *imān* entails *amānah* and vice versa. The Prophet Muhammad explains the inter-relation of *īmān* and *amānah* in many of his traditions[14].

However, behavioural norms alone are not sufficient to crystallise the bigger picture of such a concept of governance. It requires a comprehensive accountability system at every layer of governance mechanisms and institutions. For instance, *amānah* must be the prevailing and viable underlying philosophy for accountability, transparency and efficiency in serving the society whether in the public or private sector. Such a system with effective supporting institutions will bring the governance process closer to the notion of *imān* as the fruit of *amānah*. Furthermore, self-realisation of such concepts within individuals will contribute towards the micro-discipline of society. Thus, *amānah* or trust being an important dimension of good governance is enshrined in Islam as an essential element of faith. This implies that this dimension of good governance is no longer an optional matter for those who have *imān*, but rather for them, it is an integral part of their value system.

The Prophet Muhammad has shown the articulation of *amānah* in his life as he was known, even before becoming a prophet, as *al-amīn* (the trustworthy). Furthermore, many of his traditions exemplify how *amānah* played a central role in his practice of governance. His strong emphasis on the importance of *amānah* could be seen in his appointment of state officers to execute their administrative duties, amongst them *al-wulāt* (governors), *al-ʿāmilīn* (tax collector) and *al-quḍāh* (judges) who were the main bureaucrats of the 'city state' of

[13] For a detailed discussion, see Ibn ʿĀshūr, 1984: 2 /91-102. Ibn ʿĀshūr's analysis of verses 4: 58-59 is one of the most comprehensive and insightful. It should be noted that Ibn Taymiyyah's *al-Siyāsah al-Sharʿiyyah fī Iṣlāḥ al-Rāʿiy wa al-Raʿiyyah* and al-Māwardī's *al-Aḥkām al-Sulṭāniyyah wa al-Wilāyāt al-Dīniyyah* focus only on verse 4: 59.

[14] Amongst those, the ḥadīth: "The fornicator, at the time he fornicates, does not commit adultery while he is a faithful believer (in the state of *īmān*), and the thief, at the time he steals, does not steal while he is a faithful believer (in the state of *imān*)." (Narrated by al-Bukhārī (1985: 2/875, 5/2120, 6/2487 & 2497) and Muslim (no date: 1/176)). Perhaps this tradition states that a believer (*muʾmin*) loses his *īmān* when he is not delivering his *amānah* by committing adultery and stealing, and vice versa.

Medina[15]. Moreover, principles of accountability and transparency permanently applied to the government of revenue and expenditure of the provinces, as well the officials who administrated them (Buraey, 1985: 245). This can be seen in many of his traditions, amongst them an incident where an *ʿāmil* returned to Madīnah loaded with tax revenues, and asserting that a substantive portion of the revenue was given to him as tokens from certain people, then the Prophet reminded him by saying: "What is wrong with the man whom we appointed as a tax collector and he said this is for you and that was given to me? If he stayed in his parent's house, would something be given to him?"[16]. On another occasion, the Prophet reminded his companions by saying: "Whomsoever we appoint over an affair, we shall give him provision. What he takes after that is breach of trust."[17]

Thus, the fundamental idea of *amānah* in governance is signified by the notion of accountability before God and community. It was on this basis that the Righteous Caliphs understood their positions and duty, as to personally supervise the community's affairs and to protect their *maṣlaḥah* (benefit) and their rights. It was reported that during Omar's time, when he was returning from one of his journeys he saw a woman with her children who were starving by the side of a tent which was situated in an isolated territory. Being the Caliph, and with the feeling of responsibility and *amānah*, he approached her tent and asked her about 'Omar, the Caliph' without introducing himself to her. In return, she swore against Omar for not taking care of her family's welfare. Omar replied her: "How can Omar know about you who live so far?" She replied: "If he cannot be aware of his subjects, why has he accepted the burden of leadership?" Her reply made Omar agreed to take care of her welfare from then on (Al-Tabari, 1994: XIV/110). This incident indicates how leadership and governance are indeed an '*amānah*' (trust and responsibility) to be delivered according to

[15] *Al-waliy* (governor) is the singular of *al-wulāt*, was an office appointed by the Prophet to be his representative to the people in one of the provinces under the Prophet's administration in al-Madīnah. Arabia was then divided into provinces of al-Madīnah, Tayma, al-Janad, the region of Banu Kindah, Makkah, Najran, al-Yaman, hadramawt, ʿUmmān, and Bahrain. The *wulāt* then were responsible in educating the people in the provinces as well as establishing law and order, and in charge of the some simple administration and governance affairs; While *Al-ʿāmil* (tax collector) the singular of *al-ʿāmilīn*, was an appointed agent to assist the governor in collecting zakat (fiscal tax) and *ṣadaqah* (voluntary alms) from the Muslims and *jizyah* (capitation tax) from the non-Muslims of any region specified to him. This position was very crucial to the revenue of the Islamic state during the period of the Prophet and after his reign, hence the accountability and transparency process were very apparent in most of the traditions due to its importance; *Al-qāḍi* (judge), on the other hand, is the singular of *al-quḍāh*, was another office appointed by the Prophet to each province to dispense justice. The *quḍāh* are independent from the *wulāt* (governors), and reported directly to the Prophet as the Chief justice of the Islamic State. Amongst the prominent *quḍāh* during the Prophet's period were Ali bin Abi Talib, the fourth pious Calpih, and Muadh bin Jabal. (Majdalawi, 2002)

[16] Narrated by al-Bukhārī (1985: 2/917, 6/2559, 2624, 2631) and Muslim (no date: 3/1463).

[17] Narrated by Abu Daud (al-Tarifi, 2005: 2/683), and al-Dhahabi (2001: 5/2533) recommended the hadith as authentic.

Tawhidic reality. It was this type of *amanah* upon rulers to deliver by preserving public interest or *maṣlaḥa*h upon which *fuqahāʹ* (jurists) established the maxim: "*taṣarrufāt al-rāʿiyy manūṭun ʿalā maṣlaḥah al-raʿiyyah*" (rulers' acts of conducts to be determined by the interest of the ruled) (Zaydan, 2004: 120)[18].

6.2.2.2 Implications of *amānah* to governance

In commenting on *amānah* (trust or responsibility) of leadership and governance, Ibn Taimiyyah (2005: 9-14 and 21), asserts two major themes reflecting its true meaning: first strict selection and appointment of officials, based on merit and qualification, and then the fair distribution of wealth in the community. These two factors are important in establishing justice in society. Conversely, due to the reality of the contemporary world, despite their pivotal role in governance the two mentioned elements alone are not sufficient to ensure efficiency of the public service. Complexity of the contemporary post-industrial world requires further exploration of Islamic epistemological sources to produce new *ijtihād* to act in response to existing needs and necessities. In reply to this challenge, the '*amānah*' axiom articulates three major functions of an effective 'governance' process: individual empowerment, accountability and freedom that will be elaborated further in the following paragraphs.

6.2.2.2.1. *Amānah* and *tawḥīd* lead to individuals' empowerment through the *shūrā* mechanism

Responsibility to deliver *amānah* in Muslim society demands 'individual empowerment' by a significant number of active people participating in governance. *Tawhidic* reality implies that the vertical relation between God and human beings leads to equality amongst the latter's horizontal relation. Such a worldview indicates equality amongst citizens; hence, their collective rights to participate in governance as stakeholders. Rationally, by referring to the *tawhidic* ontology, it could be explained that absolute, cosmic sovereignty belongs to God; nevertheless, he endowed the administration and sovereignty on earth to the people, through the mandate of *istikhlāf* (vicegerency). The verse "O ye who believe! Obey Allah, and obey the messenger, and *ulī al-amr* (literally translated as those who possess the order) among you" (Qur'an, 4:59) best describes the individual empowerment ideals in Islam

[18] Or in another wording, "*al-Taṣarruf ʿalā al-Raʿiyyāt Manūṭ bi al-Maṣlaḥah*" (Any decision for the people determined by the public interest) (Zaydan, 2004: 120). The people, in this manner, are the "*cestui qui trust*" or intended beneficiaries of powers given in trust.

(Imarah, 2005: 44).

This verse clearly indicates that every individual is required to obey Allah and the Messenger to establish and maintain order within the community. Order and harmony in the community can only be achieved by conformity to *ulī al-amr*, from amongst you (*minkum*), or being chosen by you from within you (*min anfusikum*). The connotation of *minkum* (being chosen from amongst yourself or amongst you) implies that individuals are responsible for electing their leader as part of the command to 'obey Allah and the Messenger' (al-Ghannoushi, 1993: 110-11). However, conformity is stipulated by the authority's compliance to the teaching of Allah and the Messenger, which in this case refers to their execution of the trust and responsibilities given to them as '*ulī al-amr*' in the community or society. Should they fail to execute their responsibilities, they will also have failed to obey Allah and the Messenger. In such a situation, there will be no obedience towards them (Imarah, 2005: 44-45). With this understanding of the verse, individuals are considered as part of the authority in their society through their decision and choice, which is excellently articulated through the '*open shūrā*' tradition that will be explained further later in this chapter.

'Open *shūrā*' consists of both *shūrā* (individual empowerment) and accountability, which have been promoted in Islam through al-Qur´ān, the Prophet's traditions and the administrations of the four-guided Caliphs (Imarah, 2005: 38-62). On the other hand, it can also be concluded that Muslims as individuals and citizens in the community are empowered to have their say and to determine their own destiny and not be dictated to or planned by the elites at the top under the banner of 'state' or 'authority'[19]. A *shūrā* ideal reflects the concept of empowered civil society centred on the concept of *amānah*, and can be clearly articulated within the healthy environment of democracy (al-Turabi, 1987: 17-18; 1987b: 20, 73, 132-33). *Shūrā*, as one of the major principals of Islam is the most vital mechanism for delivering *amānah* through the concept of individual empowerment in a larger inclusive and collective manner, which in our case is the field of governance.

Etymologically, the term *shūrā* is derived from the root word *Sha Wa Ra*, which denotes an action of extracting honey from a beehive. From the same semantic meaning come the words *sharaḥ* and *shūraḥ*, which mean good or fine appearance, and often refer to a fine costume or garment. The word '*shaw wara*' on the other hand bears the meaning of 'pointing', and the term *shūrā*, meaning of advice, mutual consultation, and in its widest scope a collective

[19] Imarah (2005: 44) thus coins an Islamic political culture as *siyasah ra'iyyah* (civil politics).

deliberation in which all parties *exchange* counsel (Ibn Manzur, 1956, 4: 434-37). Another term that might have a similar meaning to *shūrā* is the term *istishārah,* which means one side seeking counsel from another and the term *tashāwur,* which in its general usage means mutual consultation. In its technical meaning, *shūrā* is strongly associated with the meaning of participatory political exercise (Ghannoushi, 1993: 108). In relation to the trustee typology of governance, *shūrā* semantically means 'the extraction of the most quality decision (just like the honey), through the pointing of opinions to seek mutual agreement' (Ibn Manzur, 1956, 4: 434-37). In conclusion, '*shūrā*' connotes the appreciation of every individual opinion and choice, thus the indispensable nature of individual empowerment in governance process as stakeholders.

Shūrā (mutual consultation) has been mentioned as a virtue of a just Muslim leader[20] in Qur'anic verses (3: 159): "It is part of the Mercy of God that thou dost deal gently with them. Were thou severe or harsh-hearted, they would have broken away from about thee: so pass over (their faults), and ask for (God's) forgiveness for them; and consult them in affairs (of moment). Then, when thou hast taken a decision put thy trust in God. For God loves those who put their trust (in Him)." In line with the previous verse, Allah also praises the believers who practice *shūrā* in their daily life in another verse: "Those who hearken to their Lord, and establish regular Prayer; who (conduct) their affairs by mutual Consultation; who spend out of what We bestow on them for Sustenance" (Qur´ān, 42: 38). All these evidences that a just leader from an Islamic point of view is the one who actively practises and lives with the spirit of *Shura* through the enhancement of individual empowerment.

It is from this Qur'anic context that *shūrā* (consultation), is based on equality among those consulting in order to arrive at a collective decision (Ghannoushi, 1993: 108). The commentary goes on to note that this principle was applied to its fullest extent by the Prophet Muhammad in his public and private life, and was fully acted upon by the early rulers of Islamic society. The *shūrā* or Consultative Council had its origins in pre-Islamic times where

[20] Fakhr al-Din al-Razi (1990: 1: 152) points out that the philosophical foundation of the concept of *shūrā* was established in chapter al-Baqarah concerning God's dialogue with the angels during the pre-creation stage of Adam. Al-Razi argues that God did not need to consult the angels on His decision (on the creation of Adam and his role to be given), however God deliberately mentioned the dialogue in the Qur'an as a pretext for certain purpose, which according to them, to guide the human being (the virtue and the sense) of consultation. Ibn ʿĀshūr (1984: 1/ 395) furthermore points out that God's consultation with the angels on the creation of the first human being, Adam aims to establish a norm and law instilled in the psyche of Adam's offspring. Consequently, *shūrā* as another name for such consultation which constitutes one of the essential dimensions or aspects of man's God-given nature (*fiṭrah*). In other words, *shūrā* is not a mere political notion in Islam, but first and foremost, it is an essential quality of man that God instils in human beings to empower and dignify every human being with reason and choice (el-Mesawi, 2005: 100).

it comprised a council of tribal elders. Originally, it constituted an informal forum of deliberation where decisions were arrived at when discussing new problems. During these deliberations, the problems in question were thrown open for general discussion. Members of the council were invited to express their considered personal opinions; Islam introduced improvements in accordance with the moral principles enunciated by the Qur'an (Strok, 1999).

Thus, the basic message of chapter *al-Shūrā* in the Qur'an is: "to live true in mutual consultation and forbearance, and rely on Allah"[21], contains the essence of governance from the Islamic perspective. Those who wish to serve Allah must ensure that their conduct in life is open and determined by mutual consultation between those entitled to a voice, as well as in the state affairs between rulers and their subjects. Since the Qur'an clearly mandates that any decision involving more than one party require mutual consultation inspired by the doctrine of *shūrā*, Islam encourages the participants to reach their resolution based on consensus (Shaikh, 1988:115-28). In addition, the Prophet himself espoused it as a regular practice in his leadership, and the Pious Caliphs followed the same precedent after him. This would make *shūrā* a part of the normative precedent (Imarah, 2005:38-62).

The institution of *shūrā* explains how decision-making in business and other activities can meet Islamic moral values. As an important trust from God, Islam demands of those holding this trust to engender truthfulness, justice, consultation and a spirit of consensus-seeking among participants during group decision-making. Appropriately, according to the spirit of *shūrā*, leaders must allow a degree of freedom through empowerment and reasonable mechanisms to enable others to participate in decision-making[22]. Contained by such an atmosphere, all individuals would be expected to contribute their knowledge to the formulation and implementation of the *tawhidic* mission to collectively accomplish *falāḥ*, and appropriately, consultative procedures should be applied to all affected within the community (Mohammad and Mohrnaud, 1999: 52-79). Consequently, *shūrā* will keep proper

[21] Even on occasions when divine command is to be carried out, the *shūrā* process must take place to bring about consensus. This is illustrated by the story of Abraham and his son, where he was commanded to slaughter his son. Despite the nature of the command, Abraham still consulted his son for the boy's view (Qur'an, 37: 102).

[22] Ibn Atiyyah, the famous Andalusian exegete insists that there is no disagreement amongst the Muslim scholars that any ruler who does not consult with people of knowledge and expertise must be removed from office. This opinion strongly invoked by Ibn ʿĀshūr, due to the role of the ruler as the trustee who has the interest and welfare of the *ummah* upon his shoulders (Ibn ʿĀshūr, 1984: 3/ 148). Accordingly, 'Ibn ʿĀshūr proposes that the ideal way for Muslims to govern the country is through the representative democratic system, which represent people's will to preserve their own interest (Ibn ʿĀshūr, 2001: 333).

balance in the free will and free-activities of human beings in the political sphere (Khan, 2002: 38).

Shūrā requires the active participation of citizens directly in the political, administrative and governance related-realms. Governance as a collective trust upon every empowered Muslim individual is a sphere in which they must collectively decide their future in the light of *tawhidic* worldview. This collective obligation can be properly fulfilled through what is known today as representative governance, to enable consensus-oriented actions and policies (Ridha, 1988: 9). Consequently, democratic political mechanisms such as fair elections, freedom of campaign, wider spaces for consultation through media, online and other administration means are part of the prerequisites of this *shūrā*-inspired representative governance. Likewise, any autocratic and elitist practices of governance are rejected according to this realm.

To articulate the spirit of *shūrā* in the political realm, which turns the Islamic system of rule to be entirely civilian where every citizen is empowered through the spirit of *shūrā,* Abduh (1956: 58-59; 1973: 5) explains that revelation provides guidance and principles that prepare the foundations of governance to establish and organise governments by commanding the formation of an elective and consultative government that manages the temporal affairs of the society and takes steps to realise the benefits for the people. Consequently, people are responsible for electing a government to manage public affairs through consultation and for remaining accountable to them. Thus, a government's legitimacy is solely based on the decision of the people, as the government is but the reflection of the people itself[23].

6.2.2.2.2. *Amānah* along with *tawḥīd* and *al-ʿadl wa al-ihsān* require accountability

Amānah as a political concept suggests that God has given the trust to human beings to deliver and promote His guidance through justice and fairness in their lives. In the same spirit – as part of their trust - they are also responsible for eradicating evil and mischief. Everyone becomes a recipient of such a trust and consequently has to stand in awe-filled reverence before his people towards whom and for whose sake he will be called upon to exercise his duty. This enshrines what has been mentioned in the Qur'an: "Let there arise out of you a band of people inviting to all that is good, enjoining what is right, and

[23] In the line of such argument, Iqbal ([1974] 2008: 155) asserts that Islam from the very beginning a civil society, thus differentiates it from notion of medieval state-church relation.

forbidding what is wrong: They are the ones to attain felicity." (Qur'an, 3:104)[24], and in another verse, "Ye are the best of peoples, evolved for mankind, enjoining what is right, forbidding what is wrong, and believing in Allah. If only the People of the Book had faith it were best for them; among them are some who have faith, but most of them are perverted transgressors" (Qur'an, 3: 110).

In conjunction with such spirit, the Prophet was reported as saying: "Whoever amongst you sees anything objectionable, let him change it with his hand, if he is not able, then with his tongue, and if he is not even able to do so, then with his heart, and the latter is the weakest form of faith"[25]. Similarly, there are other analogous records which denote the Prophet's position towards the concept in the political life of the believers, amongst others his praise and recognition to anybody who stood against tyranny with the words of justice: "The master of the martyrs is Hamza, and whoever is killed speaking truth in the court of a tyrant ruler"[26]. Equally, on another occasion he justifies an act of accountability performed by an individual by associating it to jihad: "The best Jihad is the word of truth to an unjust ruler"[27].

The quoted traditions and many others indicate that 'accountability' is rather pivotal in articulating the purity of the spirit of *amānah* in political life. In the same line of argument, the accountability process empowers individuals, hence crystallising the true meaning of equality and allowing individuals to act as a benchmark for the community of believers. These inter-dependent and inter-relating concepts reveal a clear picture of how *amānah* works within a *tawhidic* worldview based society. Furthermore, in preserving and instilling the concept of accountability, the Prophet himself allowed himself to be accountable and

[24] This verse and those like it are the best evidence that Islam promotes the active citizenship through participation in governance. The spirit of *al-amr bi al-maʿrūf wa nahy ʿan al-munkar* (enjoinment of good and forbidding of evil) must be expanded from the exclusivity of spiritual-ritual dimension towards a broader horizon of moral, ethical and social responsibilities. From the contemporary 'governance' paradigm, this concept is utterly crucial as it is part of the individual empowerment, which is the important part of a democratic process. Not only does the concept lead to the active role of the people in political activity, furthermore it will mobilise the civil society and the third sector industry. With the spirit *al-amr bi al-maʿrūf wa nahy ʿan al-munkar* instigating all those elements, an 'Islamic governance' which aims for human well-being can easily be attained.

[25] Narrated by Muslim (no date: 1/69), this ḥadīth was also transmitted in another form on the authority of ʿAbdullah bin Masʿūd who narrated that the Messenger of Allah (SAW) said: Never before me has a Prophet been sent by Allah to his nation who had not among his people disciples and companions who followed his ways and obeyed his command. Then there came after them their successors who said whatever they did not practise, and practised whatever they were not commanded to do. He who strove against them with his hand was a believer; he who strove against them with his tongue was a believer; and he who strove against them with his heart was a believer; and beyond that there is no faith, not even as minute as a mustard seed." (Muslim, no date: 1/69)

[26] Narrated by al-Hakim (1991: 3/215).

[27] Narrated by al-Tarmidhi (no date: 4/471), Abu Daud (1982: 2/965), Ibn Majah (no date: 2/1329).

criticised by his companions on many occasions. The Prophet was criticised by the companions on his decision regarding the positioning of the army during the battle of *Badr*. He was also pushed to accept the companions' proposal to fight the Makkan army outside Madinah when the Makkan troops were approaching Madinah during the battle of *Uūud*. Another occasion, which might clarify the implementation of the principle of accountability, was the treaty of *Ḥudaybiyah*[28]. Despite his companions' disagreement and Omar calling him to account, the Prophet Muhammad did not condemn Omar for questioning him and explained to him that the decision was made according to the revelation he received from Allah.

The distinction between what is revelation from among the Prophets' actions, and what is his personal *ijtihād* in the administration, as mentioned in the chapter about epistemological sources of governance is needed in order to understand this event. Compared to his other decisions during the battle of *Badr* and *Uḥud*, the Prophet was not able to retreat from the decision made about the treaty. It was merely a revelation to be implemented. At this point, Abu Bakr who understood the issue earlier managed to convince Omar. However, the most prevailing lesson to be learned from this and other events is the accountability concept being upheld and not being denied, other than in the case of revelation. Reasonably, as a statesman, the Prophet was held accountable and he accepted that, likewise as the Prophet, he explained to Omar why the action was taken[29].

[28] The treaty was against the choice and the favour of the companions. Two points in the treaty made it distasteful to them, namely the prohibition from accessing the Holy Sanctuary that year, and the seemingly degrading attitude as regards reconciliation with the pagans of Quraish. The feeling of humiliation and distress made Omar, who was present at the place hold the Prophet to account. Omar asked the Prophet: "Aren't you the true Messenger of Allah?" The Prophet replied calmly. "Why?" Omar again spoke and asked, "Aren't we on the path of righteousness and our enemies in the wrong?" Without showing any resentment , the Prophet replied that it was so. On getting this reply he further urged, "Then we should not suffer any humiliation in the matter of Faith". The Prophet was firm and with perfect confidence said, "I am the true messenger of Allah, I never disobey Him, He shall help me." Omar replied: "Did you not tell us that we shall perform pilgrimage?", "But I have never told you that we shall do so this very year", the Prophet replied. He went to Abu Bakr and expressed his feelings before him. Abu Bakr who had never been in doubt as regards the Prophet's truthfulness and sincerity, confirmed what the Prophet had told him. In due course, the Chapter of Victory (48th) was revealed saying: "Verily, We have given you (O Muhammad) a manifest victory." (al-Qur'an, 48:1). The Prophet summoned Omar and conveyed him the happy tidings. Omar was overjoyed, and greatly regretted his former attitude. He used to spend in charity, observe fasting and prayer and free as many slaves as possible in expiation for that thoughtless attitude he had assumed. (For details of the incidents see: al-Mubarakfuri, 2002: 305-306)

[29] A myriad of evidence explains the virtue and the vital role of accountability in Muslim political life, or in governance. It is rather suprising when some Muslims, especially the despots and the co-opted scholars, tend to dismiss the role of oppositions in their country. Unfortunately many of them tend to abuse the interpretation of the Qur'anic verse 4:59 (O ye who believe! Obey Allah, and obey the Messenger, and those charged with authority among you) to negate the myriad of aforementioned evidence on accountability in Muslim political life.

The practice of accountability in early Islamic political life could also be found during the period of Abu Bakr. He stressed the importance of accountability and the nature of individuals with authority in the community in his very first speech to the Muslim community after being elected as the Caliph by saying: "Cooperate with me when I am right, but correct me when I commit error; obey me so long as I follow the commandments of Allah and His Prophet; but turn away from me when I deviate."[30] In fact, other companions often held him to account for his decisions and state administration. Furthermore, this was also the position of Omar when he was elected as the successor of Abu Bakr: in his very first speech after being appointed as caliph, he stressed the need for accountability in his administration, and the rights of every empowered citizen (Ibn al-Jawzi, 2001: 170-71).

In another event, while Omar was giving the Friday sermon, an ordinary person rose and interrupted saying, "O the leader of the believers, I won't listen to your sermon until you explain how you came up with your long dress (Arabian robe)". Apparently, there was some distribution of fabric to the people and given the measure of distribution and the height of Omar; he could not have made a dress out of his share. So, a vigilant voice of egalitarianism unhesitatingly challenged Omar, the leader of a vast caliphate. Omar's son stood up, explaining that he gave his share to his father, so that a dress could be made to fit Omar. The vigilant voice then expressed his approval and sat down, and Omar resumed his sermon (Ibn Qutaybah, 2002: 1/55)[31].

Omar's policy on accountability did not end with the primitive style of verbal complaints and condemnations from the public. As for the public offices, he established a specific office to deal with the public administrators' accountability. The office was designed for the investigation of complaints that reached the Caliph against the officers of the State. When it was first established, Omar appointed Muḥammad ibn Maslamah to take the responsibility of this ombudsman-like department. In important cases Muḥammad ibn Maslamah was deputed

[30] Narrated by al-Hindi (1989: 5/835) and Ibn Kathir (no date: 6/301), and both categorised the narration as authentic (*ṣaḥīḥ*).

[31] Once while delivering a sermon, Omar said: "My rights over public funds (the *Baitul Māl*) are similar to those of the guardians of an orphan. If well placed in life, I will not claim anything from it. In case of need, I shall draw only as much as it constitutionally allowed for providing food. *You have every right to question me anything about, any improper accumulation of the revenue and bounty collections, improper utilization of the treasury money, provision of the daily bread to all, border-security arrangements and harassment caused to any citizen*." (Ibn Saad, no date: 3: 215-19) Omar presents the practice of transparency where a ruler, as well as the state officers, should have nothing to hide from the public and open to scrutiny of their usage of public wealth. In the same account he was recorded by historians to have issued a certificate witness by the a group of elders to all duly appointed governors stipulating that the governor should not ride an expensive horse, or eat white bread, or wear any fine cloth, or prevent the people's needs (from being satisfied) (al-Tabari, 1994: XIV/ 113).

by Omar to proceed to the location, investigate the charge and take action. Sometimes an Inquiry Commission was constituted to investigate the charge. Whenever the officers raised complaints against him, they were summoned to Madinah, and the case was brought before the Caliph himself. The caliph also dismissed governors when the people complained against them; amongst them was the Prophet's companion, Saʿd Ibnu Abī Waqqās due the people's complaints against him (Majdalawi, 2000: 86 and 90). The same function was conducted in a later phase of Muslim history by a specially-designed office known as *Dīwān al-Maẓālim*, which can be understood as the classical version of the contemporary ombudsman.

Another example of accountability practiced during the period of the rightly-guided Caliphs can be found in the famous letter written by the fourth Caliph, Ali ibn Abi Talib to his governor of Egypt, Malik al-Ashtar. In his advice to the governor, he asserts that: "Out of your hours of work, fix a time for the complainants and for those who want to approach you with their grievances. During this time, you should do no other work but hear them and pay attention to their complaints and grievances. For this purpose you must arrange public audience for them; during this audience, for the sake of Allah, treat them with kindness, courtesy and respect. Do not let your army and police be in the audience hall at such times so that those who have grievances against your regime may speak to you freely, unreservedly and without fear" (al-Musawi, 2007: 2/ 459).

In articulating accountability as a manifestation of *amānah*, the principle is to be crystallized in a mechanism that will guarantee that no party will avoid being answerable for their *ex-ante* and *ex-post* responsibilities. The procedure should comprise a comprehensive system, institutions and culture within the society. As for an effectual macro accountability system, it would only prevail within the tangible and real division of powers in any state. Without a real separation of power, as can be seen in many contemporary Muslim countries, a culture of accountability could never prevail. In the absence of a palpable and salient atmosphere of accountability, ideal governance will unlikely be achieved, leading to arbitrary ascendancy.

Equally, political pluralism, which enables political parties to compete for power to represent the people, should also prevail to enshrine the practice of accountability in establishing Islamic norm-based governance. Likewise, freedom and more room for opposition in making the executives and the ruling party accountable is another prerequisite (Imarah, 2005: 100-09). Perhaps the establishment of a multi-party political system might be another efficient way of ensuring a process of constant accountability under such an axiom. Under such a

structure, all parties engaged in the legislative and governance process must be treated equally without any discrimination regarding their political affiliation. The executive or the ruling party will be accountable before the opposition as the shadow government in order to improve their performance in delivering people's rights.

Similarly, in reflecting on the modern world developments and requirements, within the spirit of *amānah*-inspired accountability, all administrative bodies, including bureaucratic institutions and other public offices, must be transparent and monitored by the public through freedom of information and scrutinising committees in order to achieve Islamic governance. In the same vein, accountability bodies for the executive and legislative agencies such as the ombudsman, the parliamentary accountability commission, and the anti-corruption agency, are vital to achieve the aims of *amānah* in governance. Independent and non-biased judicial systems with sound legal codes on the other hand are another necessity, of course with serious enforcement. More room for the civil society and media as watchdogs in monitoring the governance process and also as part of the decision-making process would enhance the ideals of accountability. Neither systems nor institutions could function in a culture that does not welcome such an ideal.

Correspondingly, the behavioural norms of the community should allow the spirit of individual consciousness of trustee typology to enable an accountability culture to flourish as a sustainable convention in the society's social, economic and political life. While in order to allow the practice of accountability to be part of progressive governance system in the life of the people, the Islamic ethos of *iṣlāḥ* (constant striving for betterment) in providing a productive basis for accountability, freedom or *ḥurriyyah* within the framework of *ikhtiyār* (both restricted and voluntary notions) is indispensable. Likewise, the atmosphere of rule of law inspired from *al-ʿadl wa al-iḥḥsān* are vital, since both elements are included in the major principles of Islam itself, thus they represent another important axiom for ideal governance.

6.2.3. *al-ʿAdl wa al-Iḥsān* (Justice and Benevolence)

One of the major themes of Islamic teaching is justice (*ʿadālah* or *ʿadl*). It is stated in the Qur´ān: "Allah commands you to deliver the trusts (*amānah*) to those to whom they are due; and whenever you judge between people, judge with justice…" (Qur'an, 4: 58). According to the Qur'an, justice along with *tawḥīd* was the most prevailing message and the mission of all the Prophets (57: 25). In addition, justice has also been equated to piety (Qur'an, 5: 8).

The Qur'an also abhors injustice and despotism through the stories of the despots and tyrants whom the prophets stood before to convey God's message of justice and truth. Abraham was sent to Nemrod (2: 258), Moses and Aaron were sent to Pharaoh, Qarun and Haman to remind them of their deviations from justice and God-given order (28:38; 29: 39; 40:23-24; 79:24). Due to the significance and vitality of this concept, it is important that it is included in the axioms of governance. This concept will be defined to understand its philosophical and semantic meanings before its implications are further elaborated in the following paragraphs:

6.2.3.1. Definition

The term justice can be defined clearly as the absence of injustice (*ẓulm*). *ʿAdl* or *ʿadālah* or justice and fairness are the centre of Muslim actions. Although it is hard to set a parameter to give accurate specifications of justice, acts of injustice can easily be recognised. Accordingly, the semantic definition of *ʿadl*, which is derived from the root word *ʿA Da La*, is the antonym of injustice or tyranny (*ẓulm* and *jawr*). *ʿAdl* or *ʿadālah* denotes straightness and uprightness, which are the state of the absence of tyranny, corruption, waywardness and deviation; *ʿadl* also means balance and proportion, which are contrast to imbalance and asymmetry; it is also used for equality, equity and fairness, which are opposite to inequality and discrimination, inequity and oppression (Ibn Manẓūr, 1956: 11/430-31; al-Jawhari, 1956: 5/1760-61).

In such an understanding, *ʿadl* encompasses vast and comprehensive meanings exceeding the current limited notion of justice. *ʿAdl* represents the most vital position of Islam and exemplifies the highest objective of the Sharīʿah itself (Imarah, 2005: 62-64) *ʿAdl* is also defined as 'putting things in their right place'. In this usage, being *ʿadl* is also delivering the *amānah* (trust), and delivering both *ʿadl* and *amānah* is the fruit of *īmān*, thus crystallising the meaning of *tawḥīd* according to the trustee paradigm. However, *ʿadl* (justice) alone is not sufficient in delivering the rights of the community. Islam promotes *ʿadl* along with *iḥsān* (benevolence) in ensuring fairness prevails in human life. Such a principle is reflected in the Qur'anic message that orders both *ʿadl* and *iḥsān* to be executed in parallel to enshrine the *tawhidic* ideal of 'justice and fairness' in all aspect of human life[32] (Naqvi, 2003: 151). *Al-ʿadl wa al-iḥsān* has been promoted in Islamic epistemology by encouraging Muslims to deliver fairness and justice in every domain of their life. Hence, *al-ʿadl wa al-iḥsān* has been

[32] Al-Qur'an (16: 90)

an important feature of human life as *khalīfah* in following the guidance of Allah in their life. It is a trust upon every single individual to deliver and promote *al-ʿadl wa al-iḥsān* as a paramount value of their mission as vicegerent.

Complementary to the axiom *ʿadl* (justice), *iḥsān*, which originates from the word *ḥasan* (right or good) defines the nature of an environment needed to prepare the fertile ground for justice to be implemented. Semantically, *ḥasan* (right and good), as the origin of the term *iḥsān* factually envisages the meaning of *ikhlāṣ* or sincerity, and also alludes to the significance of beneficence, performance of good conduct and the act of mercy (Ibn Manẓūr, 1956: 13/117; Hans Wehr, 1979: 209) and the antonym of '*isāʹah*' (to misbehave, to abuse or to do unfair). Implementing *iḥsān* is articulating the denotation of both *ʿadl* and *amānah*, which are fruits of *tawhidic* worldview[33]. Similar to *ʿadl*, *iḥsān* is a comprehensive concept that encompasses all human affairs including man's relationship with God, and his relationship with other creatures, especially in fulfilling social obligations. The state of *iḥsān* epitomizes 'excellence in servitude to God'[34]. The consciousness of one being observed by God will stimulate him or her to perform his deed with utmost sincerity and inclusive excellence just as people perform better, when their superior is watching them.

Additionally, being a *muḥsin* (implementer of *iḥsān*) is the manifestation of equity and humbleness according to *tawhidic* reality. Being a *khalīfah*, a Muslim person should have mercy not only on himself and other human being around him, but also on other creatures and the environment, as well as on future generations (intra-generation)[35]. By not implementing *iḥsān*, one is subjected to commit injustice (*ẓulm*). However, the usage of the word in the governance term according to the *tawhidic* episteme can be expanded to its wider

[33] In al-Qur'an, the term *iḥsān* was used to exemplify different deeds, which refer to its central semantical meaning of beneficence, performance of good deeds, the act of mercy and striving to reach the best standards of performance, such as: To forgive the faults of others (5:13, 3:134); To spend wealth for the welfare of humankind (2:195, 3:134); To be kind to the parents (46: 15); To strive against evil in the way of God (29:69, 9:120); To be generous (2:236); To be humble (2:58, 9:91, 5:82-85, 7:56); To be righteous, to fear God and be patient (12:90); To establish *Ṣalāh* and pay *Zakāh* (31:3, 11:114-115).

[34] As mentioned in '*ḥadīth Jibrīl*' narrated by al-Bukhari when the Prophet was asked by the Archangel Gabriel about the meaning of *iḥsān*, he replied: "so that a person performs his servitude to Allah as if he is seeing Allah, and if he is not capable of having such quality, he must feel that Allah is right in front of him keenly observing his performance."

[35] It is mentioned in the Qur'an that those who practise *iḥsān* (the *Muḥsin*) will be rewarded by God with different rewards: To be loved by Him (al-Qurʹān, 2:195; 3:134, 148; 5:13, 93); They will be granted the best reward (10: 26, 53: 31, 55: 60); They will be showered by His mercy (7: 56, 16: 128); They shall have no fear nor grieve (2:112); They will be considered the best person in God's system (4:125); They have the most trustworthy support (31:22); Their deed of *iḥsān* can never go waste (9:120, 11:115, 12:56, 12:90, 18: 30, 46:112, 51:16, 77:44); God will impart knowledge of truth into their heart (12:22); They will join their predecessors in Paradise (9:100); They will enter Paradise, (10:26); They will be praised by Allah and His slaves (37:119-120, 16:30).

meaning based on the semantic usage of the term. The term illuminates the pure meaning of 'the act of benevolence towards another creature', and also connotes the meaning of striving to reach the best standards of performance in any circumstances or situations. It represents excellence, graciousness and benevolence, 'comprehensive excellence' and 'perfection', which are interconnected with *ʿadl*.

6.2.3.2. Implications of *al-ʿadl wa al-iḥsān* for governance

This comprehensive coverage of the term *al-ʿadl wa al-iḥsān* also connotes the inter-connected application of *tawhidic* worldview in metaphysical, theological, ethical, judicial, social, education, psychological, economical and political dimensions in which justice is the major aim to be achieved and crystallised in all those fields. This multifaceted nature of *al-ʿadl wa al-iḥsān* constitutes the articulation of *tawhidic* reality to establish an Islamic ethos in many fields of human endeavour. Accordingly, *al-ʿadl wa al-iḥsān* primarily insists on just order to prevail in a Muslim community through value-based development by ensuring social justice along with fair distribution of wealth based on needs for a 'just' development and economic growth, which consequently "denote a state of social equilibrium" (Naqvi 1994: 267).

Furthermore, in ensuring the state of social equilibrium, this concept comprehensively articulates the crucial components in the governance process to be practised to achieve the ideal of Islamic governance, amongst them:

6.2.3.2.1. *Al-ʿadl wa al-iḥsān*, *tawḥīd, amānah and tazkiyah* require establishment of the rule of law

Al-ʿadl wa al-iḥsān along with the notion of equality and purification from *tawḥīd, amānah* and *tazkiyah* axioms demand the establishment of a just and fair society through the domination of 'rule of law' in the legal discourse of the community. Justice as the prime objective of Islamic governance is to be manifested through the attainment of *maqāṣid al-Sharīʿah*, and by upholding it in its more inclusive interpretation. In the light of such aspiration, the concept of *al-ʿadl wa al-iḥsān* along with the other axioms must ensure that all rules and laws promulgated and enacted must be respected by the people and subsequently every single individual will enjoy the feeling of security under the laws. Rule of law from a *tawhidic* worldview paradigm can be concluded in five major fundamentals: the equality of individuals, the innocence of individuals until proven guilty by fair

judgement, the prohibition of imposing a penalty without a firm judgement sentence, the prohibition of torture by any parties upon the others and the separation of powers. Scores of evidence from Islamic epistemological sources entail explicitly and inexplicitly the formulation of certain principles and maxims on such concept, which can be further detailed as follows:

(i) All individuals are equal before the law:

Amongst the essential feature of *al-ʿadl wa al-iḥsān* is 'equality of human beings before the law' regardless of class differences, race or even religion. Being treated differently by the law due to social status or class, opposes the conception of justice, fairness and comprehensive excellence and rightness. Furthermore, the unity of mankind before God, as part of *tawhidic* worldview, necessitates that men should be equal before the law for it to be a just and fair law. The most compelling tradition in regards to such a principle is what is popularly known as '*ḥadīth Fāṭimah*', in which the Prophet Muhammad refused to entertain the noble *Quraish* tribe, Bani Makhzum who appealed to the Prophet to lift the punishment of one of their women who was convicted of theft. He was quoted as saying the cardinal precept: "By Allah, if Fatima, the daughter of Muhammad (my daughter) stole, I would cut off her hand".[36]

The tradition became a principal underpinning for Islamic jurists who later formulated the theory of individuals' equality before the law. According to the intrinsic and explicit meaning of the tradition, all citizens, regardless of background or social level are subjected to the law equally: no person is above the law, and everybody is obliged to obey the same law. A *qāḍī* (Islamic judge) is always conscious that he is not permitted to distinguish between people based on religion, race, colour, kinship or prejudice. In fact, there have been numerous cases in Muslim history where Caliphs had to appear before judges for litigation.

Amongst the incidents was the case of 'Ubay, a prominent companion of the Prophet and a common citizen who charged Omar, who was then Caliph. Ubay took Omar to the court of

[36] It was recorded by al-Bukhārī, (1985: 3/1282, 4/1566) and Muslim (no date: 3/1311) that a lady from Banī Makhzūm who had committed theft. The people of Quraish worried about her. They asked, "Who will intercede for her with Allah's Messenger?" Finally they decided to approach Usama bin Zaid who was known as the beloved one to the Prophet. When Usama spoke about that to the Prophet, the Prophet said: "Do you try to intercede for somebody in a case connected with Allah's Prescribed Punishments (Ḥudūd)?" Then he angrily, stood up and delivered a sermon saying, "What destroyed the nations preceding you, was that if a noble amongst them stole, they would forgive him, and if a poor person amongst them stole, they would inflict Allah 's Legal punishment on him. By Allah, if Fāṭimah, the daughter of Muḥammad (my daughter) stole, I would cut off her hand."

qāḍī Zaid bin Thabit. When the Caliph appeared before the *qāḍī,* the *qāḍī* paid his respects to him. There, 'Ubay reprimanded him, saying, "This is your first act of injustice." And he settled himself by the side of 'Ubay. 'Ubay had no proof for his claim and Caliph Omar rejected the claims. 'Ubay demanded that the Caliph take the normal oath as was the practice. The *qāḍī* disagreed and preferred that the Caliph should be exempted from such formality. However, Omar himself disapproved this and asserted, "Unless 'Ubay and Omar are equal in your court, you do not deserve to hold the high office of the *qāḍī* (Sallabi, 2007:1/ 507)". Caliph Omar proved through his words and deeds that every person is born free and even the lowest of the low should not be abashed or humiliated.[37]

Another clear example is the famous story of Ali, the fourth of the rightly-guided caliphs, who once had his armour stolen and he found it with a Christian. Ali confronted him about the armour. However, from the earliest days of Caliphate, Islam separated the judiciary from the executive and therefore, even though he was the caliph, his only recourse was to take the accused to the *Qāḍī* (judge). In the hearing, it was the words of Ali and his servant, a witness, against the accused. Having no independent witness, the *Qāḍī* dismissed the case and Ali was denied the opportunity to get his favourite armour back. There was a serendipitous outcome, however.[38]

(ii) Individuals are innocent until being proven guilty through a fair judgement:

Under the shade of *al-ʿadl wa al-iḥsān*, every person in a society is innocent until proven guilty in a fair trial. The conviction of innocent people is obviously unjust and against the notion of perfection of human action (Sherif, 2003; Hussein, 2003). The principle of '*karāmah al-insān*' (the honour of individual), which implies that God has honoured and dignified man and must be fully respected and observed by every other human being, applies to every citizen within Islamic jurisdiction (Hussein, 2003: 49). Based upon this concept, Muslim jurists (*fuqahāʾ*) established a maxim (*qāʿidah fiqhiyyah*) that every person is 'innocent' (*barāʾah al-dhimmah*) until he is proven guilty (Zaydan, 2004: 43). Under these precepts, Islamic theory of governance ensures that every individual's rights will be respected and no arbitrary or unjust laws will be enacted and promulgated against them. In

[37] On another occasion, in another incident, the son of Amar bin al-ʿĀṣ, the governor of Egypt was reported to Omar for his misbehaviour towards a non-Muslim native of Egypt. The victim brought the case to the Caliph himself in Madinah. Caliph Omar reprimanded the father and his son and put the verdict upon the governor son saying his famous quotation, "Since when have you taken men as slaves? All are born free, you should know!" (see: al-Qaraḍādawī,1993: 119)

[38] Narrated by al-Baihaqī (1994: 10/136).

the same way, people are also duly protected from being accused based on mere doubtful information.

Many evidences can be found in both the Qur'an and Sunnah pointing to this. The Prophet Muhammad himself resorted to this principle in solving disputes between his companions. Amongst them, a well-known incident reported by Wa'il Ibn Hujr of the dispute between a companion from Hadramawt and a Bedouin from Kindah about a piece of land which belonged to the Hadramawt's father being taken by the Bedouin. Unfortunately, the companion from Hadramawt had no proof of ownership. Despite the notorious attributes of the Kindah's Bedoiun, the Prophet Muḥammad instructed the plaintiff to provide proof and insisted that he could not pass any judgement without evidence showing that the land indeed belonged to the Hadramawti companion. The judgement was given in favour of the Bedouin due to the principle of evidence.[39] The tradition implies that individuals remain innocent until proven guilty with solid evidence and convictions by fair trial.

In another tradition, Ibn ʿAbbās was reported as saying: "The Messenger of Allah has decreed that the onus of the oath lies with the defendant."[40] This tradition suggests that the plaintiff to secure the rights of innocent people against false accusations should provide proof. This serves as evidence that the defendant is innocent until proven guilty. Likewise, perhaps Omar's letter to his newly appointed *qāḍī*, Abu Musa al-Ash'ari illustrates the very implication of this tenet. In this letter, he enlightens Abu Musa on how a *qāḍī* should conduct his trial and how to deliver a fair verdict (Imarah, 2005: 195-200).[41] This maxim reflects the rule of law and need to avoid arbitrary situations in the community.

[39] Narrated by Abu Daud (1982: 2/140-41) and al-Tarmidhi (no date: 3/625), and he recommended it as authentic (*Ḥasan Ṣaḥīḥ*).
[40] Narrated by Al-Tarmidhi (no date: 3/626), and he recommended it as authentic (*Ḥasan Ṣaḥīḥ*).
[41] Omar says: "Glory to Allah! Verily Justice is an important obligation to Allah and to man. You have been charged with this responsibility. Discharge this responsibility so that you may win the approbation of Allah and the good will of the people. Treat the people equally in your presence, and in your decisions, so that the weak despair not of justice and the high-placed harbor no hope of favoritism. The onus of proof lies on the plaintiff, while the party who denies must do so on oath. Compromise is permissible, provided that it does not turn the unlawful into something lawful, and the lawful into something unlawful. Let nothing prevent you from changing your previous decision if after consideration you feel that the previous decision was incorrect. When you are in doubt about a question and find nothing concerning it in the Qur'an or the *Sunnah* of the Prophet, ponder the question over and over again. Ponder over the precedents and analogous cases, and then decide by analogy. A term should be fixed for the person who wants to produce witnesses. If he proves his case, discharge for him his right. Otherwise the suit should be dismissed. All Muslims are trustworthy, except those who have been punished with flogging, those who have borne false witness, or those of doubtful integrity" (Imarah, 2005: 195-200).

(iii) Penalty should not be imposed on any individual without fair judgement:

According to the previous principles, any penalty is meaningless without a fair trial (Hussein, 2003). A fair trial is crucial to the concept of *al-ʿadl wa al-iḥsān* in order to ensure that nobody will be treated unjustly. Islamic theory of governance ensures that the entire society is safe from unjust treatment. In the similar meaning, any draconian acts and rules that allow the opposite situation will be contradicting with the higher objectives of *Sharīʿah* (*maqāṣid*).[42]

Various examples from the *Sunnah* signify how pivotal this principle is. On one occasion before his demise, the Prophet Muhammad went to the Muslim community in Madinah and asked them: "He whose back I have lashed, here is my back, let him lash it. He whom I have ever insulted his honour, here I am offering my honour so that he may avenge himself" (al-Mubarakfuri, 2002: 410).[43] His action in the tradition shows the meaning of equality of all individuals to benefit from justice and fairness before the law regardless of their social status. It also denotes that he who has been wrongly punished can ask for his rights to be claimed even from the Prophet as the prime leader of the state; this also serves as evidence prohibiting rulers from punishing any of their subjects without establishing the charge for which he deserves such punishment. The Prophet also advocated that Muslims should evade punishment in the case of uncertainty.

This principle was also clarified through the Prophet's judgment on another event. It was reported that the Prophet abstained from convicting an anonymous woman for the crime she committed due to lack of proof. He was recorded as saying: "If I were to stone anyone without proof I would stone such and such a woman (of adultery). For doubts have been raised over the way she speaks, the way she dresses and over the people who go to her."[44] This means that the Messenger of Allah (saw) desisted from punishing her because there was a lack of proof in spite of the concerns raised over her conduct and his knowledge of the

[42] Widespread usage of detention without trial and the use of torture in contemporary Muslim countries are strongly contradicting such virtue, which are not only unjust and merciless, but also against the very worldview of *tawḥīd*.
[43] While in some narration, it was mention also: "He whose wealth I have taken, here is my wealth, let him take from it" (al-Mubarakfuri, 2002).
[44] Narrated by Ibnu Majah (no date: 2/855) and al-Asqalani (1960: 12/181) in *Fatḥ al-Bārī* recommends the narration as authentic (*Ṣaḥīḥ*).

hidden truth as a Prophet.[45] This indicates clearly that in Islam, nobody deserves punishment until he or she is found guilty through a fair trial.

(iv) Torture is prohibited in Islam:

Juxtaposing both the aforementioned principles of innocence of the individual and prohibition of penalty without fair trial, *al-ʿadl wa al-iḥsān* also entails that no punishment or torture should be inflicted upon accused individuals before any clear verdict resulting from a fair trial is delivered. Another unequivocal implication of (*al-ʿadl wa al-iḥsān*) is respect for people's honour and rights. The persistent use of torture to ensure the people obey their ruler is a medieval or *jāhiliyyah* (ignorance) culture that been denounced not only by Islam, but also by reason. Despite divergent opinions amongst classical Muslim scholars on the permissibility of beating the accused, the majority are against such practise. Kamali (2003: 82) points out that some scholars permitted the usage of beating only of those accused of dangerous and notorious crimes that refuse to confess despite clear evidence against him that he will bring harm to the community.

However, many modern international conventions regarding human rights prohibit the use of such methods by civilised nations. Instead, thorough advanced methods of law enforcement agencies and various methods of judicial proceedings with fair trials the pursuit of justice in more civilised and fair means are sufficient (Kamali, 2003: 88). We can see from this that the torture of prisoners that has been widely practised in some Muslim countries in recent times are in fact against the very principle of *tawḥīd*, betray the *amānah* and contradict the understanding of *al-ʿadl wa al-iḥsān*. The function of Islamic governance then, is to make certain that those crimes are absent from society, and to put all measures in place to prevent them from happening.

[45] This understanding is confirmed by Ahmed report in his *Masnad* quoting that Ibnu Abbas was saying: "The Messenger of Allah ordered a '*Mulāʿanā*' i.e. a sworn allegation of adultery between Al-Ajlani and his wife. He said: "and she was pregnant. Al-Ajlani said: "By Allah I did not approach her since we made *Afr* (i.e.sprinkled the soil with dust), an *Afr* means that the palm trees are watered two months after pollination. He said that her husband had thin legs and arms and had red hair; the one she was accused to have committed adultery with was Ibnul Samha'. She gave birth to a black boy who had frizzy hair and chubby arms. So Ibnu Shaddad said to Ibnu Abbas: "Is she the woman about whom the Messenger of Allah (saw) said: "If I were to stone anyone without proof I would stone such and such woman?" He said: "No, that was a woman who used to display vice after Islam." Meaning that she used to be indiscreet but it was not proven either through evidence, or through admission (narrated by Ahmad (2000: 5/218), and al-Arnaut recommends it as authentic (*Ṣaḥīḥ*) according to al-Bukhārī and Muslim's prerequisites (Aḥmad, 2000: 5/218)).

Much evidence in the Qur'an and Ḥadīth condemns such action, amongst them the aforementioned tradition in which the Prophet refrained from punishing a women for adultery, despite the fact that she was known to be an adulteress amongst the community of Madinah. Nevertheless, she was not detained and interrogated with the use of torture to obtain a confession from her. If it were fitting to inflict punishment upon the accused in order to cause them to confess, the Prophet would have punished the woman for her confession, due to her behaviour. Islamic teaching, however, as presented by the Prophet's action forbids any type of punishment of the accused before the charge has been established. In another incident, the Prophet also refused to impose a penalty on an accused drunken person due to a lack of evidence, despite his knowledge and that of others about the man.[46] It can be understood from this tradition that it would be wrong to inflict any punishment on the accused prior to the establishment of the charge before a fair trial in a court of law.

(v) The separation between the judicial and the executive:

In order for a law to be implemented justly and fairly, the law must work within a just and fair system. Accordingly, to have a just system, a state of arbitration must be avoided by separating the judicial system from the executive. Separation of powers enshrines the meaning of *al-ʿadl wa al-iḥsān*, in reflecting the effort to attain the perfection of justice through a comprehensive mechanism. This concept might not have been explicitly mentioned in the Qur'an nor practised by the Prophet Muhammad, since he was both the divinely appointed lawmaker and the state leader. It was Omar, the second Caliph who was the first to separate the judiciary from the executive due to his clear understanding of the needs for such a system. He established most of the administrative structure for the young Muslim empire, including the judicial administration (Wasil, 1977: 65). Other Caliphs without any type of basic amendments then followed his administration innovations.

Omar's establishment of a judicial administration department functioned to provide adequate and prompt justice for the people. Judges or *quḍāh* (sing. *qāḍī*) in the Arabic and Islamic term - were appointed at all administrative levels for the administration of justice.[47] Judges

[46]It was reported that Ibnu ʿAbbas said that a man consumed alcohol and got intoxicated; he was spotted staggering in a mountain pass so he was taken to the Prophet. As he neared the house of Abbas, he gave his escort the slip, entered Abbas's house, and hid behind him. They mentioned this to the Prophet, so he laughed and said: "He did it", but did not order them with anything regarding him." (Narrated by Ahmad (2000: 5/116).

[47] It was reported that during Omar's reign that the *Quḍāh* were appointed for their integrity and learning in Islamic law, and in most cases the wealthy men and those of high social status, so that they might not be tempted to take bribes, or be influenced by the social position of anybody. *Quḍāh* were paid with high salaries

were appointed in ample numbers, to all districts across the Islamic empire throughout Islamic history. In any legal litigation, the *quḍāh's* power exceeded the Caliph's in that if the Caliphs engaged in any proceedings he had to submit to the verdict of the *quḍāh*. The example might be rather classical and primitive, but the spirit of good practice by Omar and the Caliphs across the centuries suggests that the separation of power is crucial, as is the empowerment of the judicial system and mechanisms. Islamic governance, therefore, must ensure that the separation of power not only exists but also is felt by the people to be seen and prevalent.

However, the rule of law principle itself is not the end to be achieved in the field of governance. It serves as a means to obtain *falāḥ*, which is the ramification of the comprehensive preservation of the *maqāṣid al-Sharīʿah*. Rule of law is needed to warrant that religion, life in its comprehensive meanings, which include the quality of life and the means to life, and the other essentials (*ḍarūriyyāt*) will be safe and protected. The absence of rule of law will inevitably lead to the obliteration of human well-being through the loss of the *ḍarūriyyāt* in their worldly life and the hereafter. Such a concept is also necessary to secure the rights of the individual, which is intertwined with the responsibility of a *khalīfah* within the realm of Tawhidic reality. Rule of law also reflects the ideal of far-reaching understanding of '*iḥsān*' in both its meanings as 'the act of benevolence towards other creatures', and 'comprehensive excellence' and 'perfection'. The implementation of just law through a just legal system by Muslims was purely inspired by these meanings.

6.2.3.2.2. *Iḥsān, amānah, rubūbiyyah* and *tazkiyah* necessitate sustainability:

Together with the instrumental meaning of justice and fairness of *al-ʿadl*, *iḥsān* as the completion of Islamic understanding of comprehensive justice, fairness and benevolence reflects the very meaning of *tawḥīd*. The repercussion of *iḥsān* resembles *tawhidic*-inspired belief that all creatures are one nation before God and certainly equal to each other. It is indicated in the Qur'an (6: 38): "There is not an animal on earth nor being that flies on its wings, but forms part of communities like you..." This verse shows that creatures were created by God with different shapes, natures and roles, but are inter-related to each other as part of the law of nature. However, the human being as *khalīfah* has the greater role in preserving and safeguarding (*riʿāyah*) of the earth and all other creatures that dwell on it and

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and given many facilities to avoid them from the temptation of bribery and were not allowed to engage in trade to avoid any personal interest in their judgements (Majdalawi, 2002: 97-103).

will be accountable before God for the duty. The holistic denotation of this '*iḥsānī*' paradigm connotes that the human race has to maintain harmonious and equilibrium relations not only amongst themselves, but also between them and nature,[48] not only for the present generation but also for future generations. This responsibility is an *amānah* upon them to be delivered as the *khalīfah* chosen by God.

In accordance with this argument, the Islamic theory of governance encompasses the issue of sustainability policies in social life. *Iḥsān* along with *tazkiyah* and *rubūbiyyah* require that all policies and developmental models take into account the well-being of the environment and future generations. This assertion is not distinct from Schumacher's (1993), who taught that nature is not to be dealt as a commodity but as part of the human being in their survival on this planet. Any model of development that fails to include the aspect of sustainability is morally intolerable in Islam. It might not be prohibited explicitly from a deontological *fiqhī* legal positivistic approach, but it violates the very consequentialistic concept of *iḥsān*, which is greatly encouraged by Islam.

In the same way, the virtue of *iḥsān* within the radius of *amānah* inspires individuals to be functioning active citizens in making themselves beneficial towards others. A *muḥsin* or a person who has a proclivity of inner self-consciousness of *iḥsān* is a person who does not live on the basis of individualistic egocentricity. A further contemplation of verses (al-Qur'an, 2: 177; 107: 1-7) reveals the urgency of social responsibility in community life. The verses imply that working for the sake of Allah to assist those who are less fortunate and in need of help to promote spiritual, physical, emotional, intellectual and social well-being among the members of the community is a core responsibility of the *muḥsin*. With such a standard, the improvement of a society and nation towards a better future could be achieved if every '*muḥsin*' (pl. *muḥsinūn*) played their part to contribute in various social concerns that exist.

[48] Al-Qur´ān guides the human race not to bring destruction to the universe: "Do no make mischief on the earth, after it hath been set in order, (al-Qur'an, 7:56); "And make not your own hands contribute to your destruction; but do good; for God loveth those who do good" (2:195). There are many evidence in the Ḥadīth also emphasizes on the importance of implementing '*iḥsān*' to the other creatures. In a tradition of the Prophet narrated by al-Bukhari, it was mentioned that a prostitute went to heaven just because of her act in saving a dog from dying of thirst (narrated by Muslim (no date: 4/1761)), while in another tradition narrated by Muslim, it was told that a lady went to hellfire because of her cruel treatment pf a cat (narrated by al-Bukhari (1985: 2/834, 3/1205, 3/1284) and Muslim (no date: 4/ 1760)). In another hadith, Prophet Muḥammad was quoted as saying that: "No Human kills a sparrow or something larger, without right, except God will ask him about it on the day of judgement" (narrated by al-Nasaa'i (1984: 7/206, 239). While on another occasion, he was recorded as saying: "No Muslim, who plants a shoot, except that whatever is eaten or stolen from it, or anyone obtains the least from it, is considered like paying charity on his behalf until the day of judgement" (al-Tarmidhi (no date: 3/666) and he categorised it as authentic (*ḥasan ṣaḥīḥ*)).

Thus this axiom provides for the horizontal dimension of equality "of all the virtues of the basic set of social institutions – legal, political and economic" (Naqvi 1994: 27). "In this intra-and inter-generational equality, human beings and societies are expected to establish a balance between the needs of present and future generations, develop policies to fulfil the needs of individuals, enable them to earn a respectable source of living, develop policies for an equitable distribution of wealth and provide for growth and stability-oriented policies" (Asutay, 2007a: 7). Nevertheless, the overriding notion of equality promoted through this axiom must never be separated from the unique but important characteristic of *Sharīʿah*, *ukhuwwah*, or universal solidarity. The spirit of *ukhuwwah* as emphasized in many places in Qur'an and *Sunnah* ensures the efficacy of implementing many Islamic principles at the society level on a voluntary basis rather than by enforcement as will be seen in the following paragraphs.

6.2.4. *Ukhuwwah* (Universal Solidarity)

Through a *tawhidic* worldview, Islam sets its own paradigm in defining the social nature of individuals and society. Unlike any other material incentives towards the issue, the relation between individuals in Islam is firmly fused by the spirit of '*ukhuwwah*', which philosophically connotes the expanded meaning of the term '*universal solidarity*'. This axiom comprises many essential elements which explain the socio-economic and political nature of Islamic governance that make it a unique concept compared with other ideologies or theories explaining the nature of the individuals-society relationship. Despite its emphasis on individuals' sphere and ownership, it differs from the liberal individualistic paradigm of social obligation that in part causes individuals to pursue their own interests as will be seen in the following paragraphs. The discussion will commence with the definition of *ukhuwwah* as 'universal solidarity', and will be followed by further discussions on its implications for the governance process.

6.2.4.1. Definition

In Arabic, *ukhuwwah* was associated with brotherhood or filial relation in the pre-Islamic period. During the early Islamic period, the term reflected the fraternity and camaraderie between believers. "The Believers are but a single Brotherhood" (Qur'an, 49:10), and in the Prophet's traditions, it is mentioned that: "a Muslim is a brother to another Muslim".[49] Ibn

[49] Narrated by al-Bukhari (1985: 1/14) and Muslim (no date: 1/67).

Manẓūr (1956, 14: 22) says, "Islamic and belief-inspired *ukhuwwah* such as the fraternity established by the Prophet between the *muhājirūn* (Muslims from Makkah) with the *ansar* (Muslims living in Madinah). Accordingly, the semantic meaning of *ukhuwwah*, which has evolved since then thus, provides another dimension of brotherhood in which the affiliation to Islamic faith becomes the bond. When Muslim society entered a new phase in Madinah, the realm of *ukhuwwah* transcended the exclusive bond amongst the believers towards the universal sense of solidarity. Accordingly, the Qur'an emphasizes *ukhuwwah* in many verses as filial loyalty and solidarity (2:83; 4: 36; 6:151; 17: 22; 29:8; 31: 14; 46: 15).

Nevertheless, it is important to note that *ukhuwwah* as universal filial solidarity varies from the constricted version of communism that repudiates private ownership under the banner of solidarity. *Ukhuwwah* does not eradicate the individual's choice in favour of the community as depicted by al-Qur'an and articulated through the Prophet's life as well as his companions'. The unique characteristic of *ukhuwwah* is its ability to include the very concept of individualism, ownership and gain of profit with the balance of certain elements of collectivism, social justice and solidarity through wide-ranging *maqasidic* rules of interest (*wazn al-maṣāliḥ* or the *fiqh of maṣāliḥ*) by introducing a moral filter as part of Islamic moral economy. To grasp the holistic implication of *ukhuwwah*, one should have a broad view of what the word *ukhuwwah* really signifies and implies. To appreciate the nature of social fairness of Islamic governance is to recognise the concept of *ukhuwwah*, which lies as the foundation of its political economic philosophy. The spirit of '*ukhuwwah*' interprets the very meaning of most functional and institutional concepts of the subject. Failing to be acquainted with this principle will impede one from comprehending the unique characteristic of an ideal Islamic 'governance'.

6.2.4.2. Implications of Ukhuwwah on Governance

6.2.4.2.1. *Ukhuwwah requires the unity of ummah:*

As an imperative element of Islamic governance, *ukhuwwah* affirms, amongst other things, the unity of the *ummah* (community). Throughout the Qur'anic verses and the Prophet's traditions, enormous emphasis has been placed on it. The unity of the *ummah*, which encompasses both the Muslim and non-Muslim community, is de rigueur to advocating the order to sustain justice, fairness, mercy and the higher objectives of *Sharīʿah*. Unity of *ummah* in Islam has its central position in determining the landscape of Islamic political and economic doctrine and is therefore significant to the world of governance. Moreover, unity is

intensified by the bond of *ukhuwwah* that embraces the rudiments of brotherhood, solidarity and equality (al-Qaraḍāwī, 1993: 145). In conjunction this, Qur'an notes: "And hold fast, all together, by the rope which God (stretches out for you), and be not divided among yourselves; and remember with gratitude God's favour on you; for ye were enemies and He joined your hearts in love, so that by His Grace, ye became brethren; and ye were on the brink of the pit of Fire, and He saved you from it. Thus doth God make His Signs clear to you: That ye may be guided" (Qur'an, 3:103).

With such proliferation of the concept of unity, ideal Islamic governance should be workable not only to enable mechanisms and room for unifying factors, but must also function to deter any possible threats to the *ukhuwwah*, which would polarise the *ummah*,[50] while the key to maintaining unity and *ukhuwwah* is the spirit of brotherhood, solidarity and altruism. Allah praises the *anṣār* (Muslim community in Madinah) during the event of *hijrah* due to the altruistic spirit shown by their sacrifices for the welfare of the *muhājirūn*,[51] as an important landmark of the pivotal role of unity in Islamic tradition was the establishment of brotherhood between the *anṣār* and *muhājirūn*. When the *muhājirūn* were compelled to migrate to Yathrib (thence known as Madinah) due to persecution in Makkah, they were immediately reconciled to the people of Madinah on the basis of what was then a unique concept: *ukhuwwa*h (fraternity). In an unprecedented act of magnanimity, the Madinah Muslims (who came to be collectively known as the *ansar* or helpers) agreed to share their wealth and property with the *muhājirūn*. The *anṣār* gave a portion of their homes to the *muhājirūn* families for their use, and allowed them to farm on their lands under a system of sharecropping. This event from the recent post-developmentalist paradigm reflects a classic method of poverty alleviation and qualifies as the first instance of sustainable development in Islamic history.

Through the instrument of *ukhuwwah*, both *muhājirūn* and *anṣār* successfully established the first *ummah* (faith community) in Madinah. Despite the fact that it consisted of divergent elements with a long history of animosity and antagonism, those feelings were to a large measure tempered by the willingness of the *anṣār* to give of their possessions to those in need at the time (Haykal, 1976: 153). In reflecting on all these meanings, al-Aqqad (1971:

[50] "The Believers are but a single Brotherhood: So make peace and reconciliation between your two (contending) brothers; and fear God, that ye may receive Mercy." (Qur'an, 49:10).

[51] "But those who before them, had homes (in Madinah) and had adopted the Faith,- show their affection to such as came to them for refuge, and entertain no desire in their hearts for things given to the (latter), but give them preference over themselves, even though poverty was their (own lot). And those saved from the covetousness of their own souls, they are the ones that achieve prosperity." (Qur'an, 59:9).

79) insists that 'love' was one of the pillars of the Prophet's governance for an ideal Islamic community. In the same spirit, Prophet Muḥammad was reported as saying that: "You will not enter Paradise until you have faith, and you will not have faith until you love each other. Shall I direct you to something, which if you fulfil it you will love one another? Spread peace among yourselves".[52] While in another tradition he said: "Each of you cannot be a believer until he loves for his brother what he loves for himself"[53]; and he also stated that: "A Muslim is the brother of another Muslim. He does not oppress him, nor does he leave him at the mercy of others".[54]

A proper deconstruction of the aforementioned verses and traditions leads us to understand the main theme of *ukhuwwah* in Islam, which is *maḥabbah* (mutual love) and *ithār* (mutual altruism)[55]. These two elements have been essential for the hearts of Muslims to feel that their individual life, which entails the right to private ownership and the right to accumulate wealth and profit must not be separated from their responsibility towards the society (Mannan, 1989: 41). These two elements manifest a high level of trust, which is the most important element in social capital, and at the same time exemplifies the meaning of benevolence in a Muslim's life as part of their social and individual obligation. With the cultivation of these two elements, the Muslim community will shape their governance based on the *tawhidic* framework, which will enhance the spirit of social justice. This spirit provides the major framework for principles of governance for a nation's policies and institutions, through which the individual will be self-actualised but with *takāful* (mutual co-operation) based economy. In consequence, individuals will be empowered thus avoiding them from fully depending on the state.

Finally, in Islam, the process of governance at the community level is not to pursue the sole interest of the individual, nevertheless it is a mould based on the spirit of *ukhuwwah* to achieve or enhance *maqāṣid al-Sharīʿah* virtues. This condition will generate *homo-Islamicus* individuals with high spirit of volunteerism, which is the most crucial heartbeat for the efficiency of any third sector industry and civil society activities. Furthermore, mutual loving and altruism also necessitate sustainable development for the greater benefit of future

[52] Narrated by Muslim (no date: 1/74).
[53] Narrated by al-Bukhari (1985: 1/14); and Muslim (no date: 1/67).
[54] Narrated by Muslim (no date: 4/1986).
[55] Qur'an praised the Ansar for their practice of *Ithār* (altruism) in the following verse: "And they prefer (their brothers) over themselves even if they are hungry."(Qur'an, 59:9).

generations.[56] With sustainable policies in governance of Muslim community, individuals' rights, public benefit and environment will be esteemed and preserved.

6.2.4.2.2. *Ukhuwwah requires takāful ijtimāʿiyy (Social solidarity or mutual co-operation):*

In an effort to understand the wider dimension of *ukhuwwah* implications to the field of governance, a very inseparable concept exemplifying its social gist should be highlighted, which in this case, is the concept of *takaful ijtimāʿiyy* (social solidarity or social mutual co-operation). *Takāful*, the very core concept of social solidarity originates from the Arabic root word *Ka fa La*, which connotes the meaning of guarantee (Ibn Manẓūr, 1956: 11/ 590). However, in its usage, *takāful* closely translates to *taʿāwun*, which means mutual or joint responsibility solidarity based on mutual agreement (Hans Wehr, 1979: 976). In delivering the virtue of mutual co-operation as part of the faith manifestation, al-Qur´ān states: "And cooperate with one another in all that is good and pious and do not cooperate in sin and aggression." (Qur'an, 5: 2). It is through *takāful* that *ukhuwwah* can be profoundly articulated where all individuals in the community are regarded as one nation or one body, and in turn they must mutually serve and cooperate with each other in decency and virtue.

Al-takāful al-ijtimāʿiyy inspires the value of solidarity and empathy amongst believers, as well as other members of society. Many Qur'anic verses[57] and traditions of the Prophet[58] encourage Muslims to act in this way through the virtues of caring, empathizing towards others especially the less fortunate, being kind and honouring their neighbours, relatives and guests, and through stressing the importance of altruism (al-Qaraḍāwī, 1993: 148-150; 226). In the field of governance, the concept acts as a useful element in providing a fertile ground

[56] *Takāful* is also a basic mechanism of natural economic growth in according to Ibn Khaldun, he was quoted explaining the needs of such in his '*Muqaddimah*': "The power of the individual human being is not sufficient for him to obtain (the food) he needs, and does not provide him with as much food as he requires to live… but through cooperation, the needs of a number of persons, many times greater that their own can be satisfied" (Ibn Khaldun, 2005 [1967]: 45).

[57] (2:177); (90:11-16); (107:1-3); (70:24-25); (3:91); (76:8-9) etc.

[58] Amongst them: "Each person's every joint must perform a charity every day the sun comes up: to act justly between two people is a charity; to help a man with his mount, lifting him onto it or hoisting up his belongings onto it is a charity: a good word is a charity, every step you take to prayers is a charity and removing a harmful thing from the road is a charity." (Narrated by al-Bukhārī (1985: 3/1090) and Muslim (no date: 2/699)); "You will see the believers in their having mercy for one another, and in their love for one another, and in their kindness towards one another, like the human body: when one limb is ailing, the whole body feels it, one part calling out the other with sleeplessness and fever." (Narrated by Muslim (no date: 4/1999)); "None of you [truly] believes until he wishes for his brother what he wishes for himself." (Narrated by Muslim (no date: 1/74)); "A man is not a believer who fills his stomach while his neighbour is hungry." (Narrated by al-Haythami (1992: 8/306), and he categorised the narration as almost authentic (*Ḥasan*)).

for a community based on care and benevolence. *HomoIslamicus* with such criteria live with an innate feeling of an obligation to mutually co-operate with other members of society even though it is not legally compulsory[59]. This innate inclination is derived from a *Tawhidic* worldview that encourages individuals to live with such spirit and enjoy it as part of their act of worship (*ʿibādah*), which will subsequently make them born philanthropists. This innate ramification would contribute towards the active role of third sector (voluntary sector or social enterprise) for economic development as has been seen throughout Muslim history through various *takāful*-inspired institutions, amongst them '*waqf*' (endowment). An effective state according to such governance encourages the prosperity of *waqf* institutions to shape the socio-economics of the society, hence building a massive culture of trust-based economy and the micro dynamics (Mannan, 1989).

In the same way, the virtue of philanthropy as the main foundation of *waqf* was praised by many verses and intensely associated with *īmān* (faith). This inter-relation between *ukhuwwah* and *īmān* illustrates the manifestation of *amānah* and *ʿadl wa iḥsān* in the life of a community. In view of that, these principles suggest a comprehensive and holistic ideal of 'Islamic' governance that entails social justice in the life of society. In accordance with the stated practice, *takāful* also inspires fairness in the distribution of wealth, in which it must not be manipulated by self-interest and monopolized by certain groups of people[60] (al-Qaraḍāwī, 1993: 212). In the same way, *takāful* inspires fairness of wealth distribution. This fair distribution indicates that private ownership is acknowledged and promoted in Islam, but with responsibilities and obligations towards less-fortunate members of the community. Ontologically, possession of wealth is not a definite or total control of an individual over his belongings but rather an act of trust regarding the wealth that in reality belongs to God (al-Qaraḍāwī, 1993: 190-233). Accordingly, wealth is endowed to individual as 'a bounty of Allah' as a test by which they will be accountable before God concerning those worldly

[59] Quṭb (1980: 55) commented on such concept: "Islam sets the principle of individual responsibility over against that of individual freedom; and beside them both it sets the principle of social responsibility, which makes demands alike on the individual and on society. In it one finds the responsibilities which exist 'between a man and his soul, between a man and his immediate family, between the individual and society, between one community and other communities, and between one nation and the various other nations".

[60] Such principal has been mentioned in the Qur'an: "What Allah has bestowed on His Messenger (and taken away) from the people of the townships,- belongs to Allah,- to His Messenger and to kindred and orphans, the needy and the wayfarer; In order that it may not (merely) make a circuit between the wealthy among you. So take what the Messenger assigns to you, and deny yourselves that which he withholds from you. And fear Allah. For Allah is strict in Punishment." (Qur'an, 59: 7)

possessions[61]. In sum, ownership of wealth is strongly linked with the moral and social obligations that come with it[62] (Imarah, 2005: 76).

However, inner motivation could not solely function voluntarily to fulfil the ideal of *takāful*. Thus, some degree of practical enforcement is essential to ensure the concept will function smoothly. Historically, both *ukhuwwah* and *iḥsān* (benevolence) were displayed in the Muslim community through the successful system of *zakāh*, which manifests the concept of *takāful* (mutual co-operation) through compulsory benevolence. Due to the significance of *zakāh* in upholding justice and fairness (*al-ʿadl wa al-iḥsān*) in Muslim community life, it is frequently mentioned together with *ṣalāh* (prayer) in the Qurʹān[63]. As an important revenue for the state to create balance in the society's wealth, *zakāh* is owned and managed by the state and acts as a compulsory fiscal tax imposed upon those who are qualified to pay. The Qur'anic message on the matter implies that *ṣalāh* is regarded as the firm connection for the vertical relation between God and the individual, while *zakāh* connects between the individual and his fellow human being. In depicting this pivotal role of *zakāh* in relation to the governance process, Mannan (1989: 53 & 92-92) asserts that *zakāh* and its institution is a *sine qua none* for establishing a just Islamic social order.

Al-Qaraḍāwī (1999) concludes in his thesis that the main objective of *zakāh* is to bring stability and peace to a society through the fair distribution of wealth based on justice and benevolence. As mentioned earlier, *ukhuwwah* is pertinent to conserving the stability of the community. For this, *zakāh* implicitly contributes towards stability through the social welfare mechanism by establishing a just society or a society of 'caring'. Through the spirit of *ukhuwwah* (brotherhood and solidarity), individuals never feel oppressed or forced to pay *zakāh*, as they see the action of paying *zakāh* as part of their worship to Almighty God. In a way, *zakāh* is seen as a voluntarily action, rather than an enforcement upon individuals, as individuals are expected to return the share of the society to the society, which makes *zakāh* not a charitable giving by definition. Within this meaning, Rahman (2009: 62) asserts that:

[61] Prophet Muḥammad was quoted saying that every person will be questioned before God during the judgement day on "his wealth, from where he earned them and how did he spend them" (narrated by al-Tarmidhi (no date: 4/612)).

[62] Mannan (1989: 41) presents nine criteria of Islamic social framework, of which we may include the Islamic governance as a part of them: "a) a fair balance between worship and work; b) human equality; c) mutual responsibilities and cooperation in a society; d) distributive justice; e) family, intra-family and collective obligations carrying individual responsibilities and accountability; f) a balanced and beneficent use of the 'bounty of Allah'; g) the limited sovereignty of people in society; h) the principle of co-existence; and i) freedom of action and conscience."

[63] *Zakāh* is mentioned 35 times in the Qur'an in which 27 times it was mentioned along the *ṣalāh*.

"There is no doubt that the Qur'an wants Muslims to establish a political order on earth for the sake of creating an egalitarian and just moral-social order".

6.2.4.2.3. *Ukhuwwah requires political conformation*

The impact of *ukhuwwah* in classical Muslim governance institutions can be seen clearly in the relation between rulers and their subjects. The nature of this relation is exemplified in the exchange of mutual-trust (*thiqah*) between the two parties akin to the notion of social contract explained by Locke and Rousseau. However, what separates the *thiqah* (exchange of mutual-trust) from the social contract is the ontological articulation and underlying objective of this relation. When Muslim Caliphs were elected and duly appointed as the head of the *ummah*, the oath of allegiance (*bayʿah*) given by the people indicated the responsibilities involved in being leader of the society (both Muslims and non-Muslims). In exchange, the repercussion of the given trust obliges the people, and each individual in the society to make the leader accountable in the delivery of his duties. The unambiguous rationale of this mutual relation is to sustain order and to preserve community benefit (*maṣlaḥah ʿāmmah*) according to the highest objectives of *Sharīʿah* (*maqāṣid*). Consequently, people are required to obey to their rulers to maintain stability in the society. However, if the ruler departs from the rules of *Sharīʿah* and neglects his responsibilities as a ruler, he no longer deserves people obedience, thus the *bayʿah* is no longer binding for them (Bennabi, 1994: 104).

The Qur'an insists on the need for such conformity in many verses including: "O ye who believe! Obey God, and obey the Apostle, and those charged with authority among you. If ye differ in anything among yourselves, refer it to God and His Apostle, if ye do believe in God and the Last Day: That is best and most suitable for final determination" (Al-Qur'an: 4/59). Numerous traditions of the Prophet also point towards the virtue of conformity to the ruler as long as the ruler does not enjoin the ruled to do sinful things. The Prophet was reported as saying: "The best of your rulers are those whom you love and who love you in return, whom you supplicate for and who supplicate for you in return. The worst of your rulers are those whom you hate and who hate you in return and whom you curse and who curse you in return".[64] This nature of *ukhuwwah* as the *raison d'être* for conformity was also articulated

[64] In the similar description, Ibn Omar reported that the Prophet said, "It is obligatory upon a Muslim to listen (to the ruler) and obey whether he likes it or not, except when he is ordered to do *maʿṣiyyah* (a sinful thing); in such case, there is no obligation to listen or to obey." (Narrated by Al-Bukhari (1985: 6/2612)); In another occasion, Ibn Omar also recorded that the Prophet said, "One who withdraws his hand from obedience (to the

by Caliph Abū Bakr in his first sermon after his election as Caliph: "Cooperate with me when I am right, but correct me when I commit error; obey me so long as I follow the commandments of Allah and His Prophet; but turn away from me when I deviate".[65] The attitude of equality, and the example shown by the succeeding Caliphs that leadership is an act of *wikalah* (representation), derives from the very spirit of *ukhuwwah*. As a *wakīl* (representative) who has received the trust (*amānah*) and responsibility to lead the *ummah*, a caliph should be obeyed to create order and maintain harmony and stability.

6.2.4.2.4. *Ukhuwwah implies egalitarianism and equality*

Egalitarianism and equality are cardinal and non-negotiable principles in the theory of ideal Islamic governance as has been argued so far. Both qualities represent a bigger picture of what the spirit of *ukhuwwah* aims to obtain. As a result, solidarity, brotherhood and fraternity summarize the core understanding of *ukhuwwah* and always include humility and love. Consequently, the spirit of universal solidarity also transforms an outward appearance of egalitarian and equality to *ukhuwwah* in governance. The principle of individuals' equality was highlighted in Prophet Muhammad's final sermon during his farewell pilgrimage (*khuṭbah al-widāʿ*): "All mankind is from Adam and Eve, an Arab has no superiority over a non-Arab nor a non-Arab has any superiority over an Arab; also a white has no superiority over black nor a black has any superiority over white except by piety and good action."[66]

In this sermon, his address to mankind carried an ardent universal tone. Instead of directing his message exclusively to the Muslim community, he preceded with a universal appeal to mankind by asserting the principle of equality. This important principle and guidance implies that he is not supposed to be self-centred or concerned only about the Muslim community's interest and affairs, but rather he has been created as "the mercy for all mankind" as stated in the Qur'an (3: 110). Islam has nothing to do with social strife or hatred between the classes, unlike the condition of some other medieval civilisations where the population was divided into classes, which followed a particular social hierarchy (Thani, 2001: 95). It was this

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leader) will find no argument (in his defence) when he stands before Allah on the Day of Resurrection; and one who dies without having sworn allegiance will die the death of one belonging to the Days of Ignorance." (Narrated by Muslim (no date: 3/1478)); While Anas bin Malik, a prominent companion reported that the Prophet also said, "Hear and obey even if an Abyssinian slave whose head is like a raisin is placed in authority over you." (Narrated by al-Bukhari (1985: 2/2612)); The Prophet also mentions: "He who swears allegiance to an Imam, he should give him the pledge in ratification and the sincerity of his heart. He should obey him to the best of his capacity" (Narrated by Muslim (no date: 3/1472)).

[65] Narrated by Abū Daud (no date: 4/132).

[66] Narrated by Aḥmad (2000: 38/474), al-Arnaut recommends this harration as authentic (*Ṣaḥīḥ*).

principle that Toynbee (1948: 205) regarded as "one of the outstanding achievements of Islam" saying that "in the contemporary world there is, as it happens, a crying need for the propagation of this Islamic virtue". In the same vein, Gibb (1932: 379) notes that:

> Islam has a still further service to render to the cause of humanity. It stands after all nearer to the real East than Europe does, and it possesses a magnificent tradition of inter-racial understanding and cooperation. No other society has such a record of success uniting in an equality of status, of opportunity, and of endeavours so many and so various races of mankind.

Gibb also points out that Islam still has the *power to reconcile apparently irreconcilable* elements of race and tradition; hence, if ever the opposition of the great societies of East and West is to be replaced by cooperation, the mediation of Islam is an indispensable condition (Gibb, 1932: 379).

Consequently, this foundation compels Muslims to promulgate and adopt equality and egalitarian-based policies in all areas of governance. Thus, any patronage or policies of inequality based on race, colour, clan, class, ownership or wealth is not Islamic. Consequently, the egalitarian nature of governance inspired by *ukhuwwah* can be understood from the Qur'anic verse (59:7) "That which Allah giveth as spoil unto His messenger from the people of the townships, it is for Allah and His messenger and for the near of kin and the orphans and the needy and the wayfarer, that it become not a commodity between the rich among you." The verse articulates the basic principle of how fair circulation of wealth is vital for the community and should be operated through various aforementioned compulsory and voluntary means (Thani, 2001: 96). In such a way, social cooperation or *takāful ijtimāʿiyy* spirit would automatically translate the ideal of equality and an egalitarian economic system into an ideal governance paradigm.

In spite of the rules of equality, some temporary affirmative action and positive discrimination might be considered under the provision of *al-siyāsah al-Sharʿiyyah* (general policies) to ensure social justice and fairness in certain circumstances, since equality is meaningless if the very concept of justice is neglected. Certain biological, geographical and cultural factors might cause a certain state of vulnerability to a few groups of people who require special treatment compared the others for the sake of fairness. In this case, the Islamic approach to those situations would be very dynamic and reasonable based on social justice and fairness. In addition, both social justice and fairness themselves are indications of the true spirit of *ukhuwwah* within the holistic understanding of governance.

6.2.4.2.5. ***Ukhuwwah entails tasāmuḥ (mutual respect) and tafahum (mutual recognition):***

As mentioned previously, *ukhuwwah* is not an exclusive concept but rather a universal inclusive concept. The concept encompasses comprehensive solidarity not only amongst Muslims, but also toward other fellow humans, who Islam considers as brethrens in humanity (al-Qaraḍāwī, 2008: 51). Furthermore, it also exceeds humankind to include other creatures. *Tawhidic* ontology demands from Muslims an understanding that the need to respect and acknowledge other believers within their radius of solidarity is pivotal and divine (al-Qaraḍāwī, 2008: 51-53). In regards to this inclusive solidarity of *ukhuwwah*, the Qur´ān (47: 13) states that: "O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (*li taʿārafū*)".

The above verse composes a constructive constitution of Islamic universal brotherhood. Not only does it address human beings as a whole without any exclusivity, it is also a promulgation of mutual respect and mutual acknowledgement. This inclusivity is semantically epitomized in the verse by the term '*li taʿārafū*' which literally means 'that ye may know each other'. '*Taʿāruf*' (knowing each other) as the main discourse of the verse, is etymologically derived from the root word '*ʿa Ra Fa*', which means 'to know', and also the root word for '*maʿrifah*' (knowledge), the acronym of which is *ʿilm* (knowledge in depth) (al-Maidani, 1993). Thus, knowledge (both *maʿrifah* and *ʿilm*) requires the action of *taʿlim*, or 'the process of learning', which in this case also carries the meaning of '*li taʿālamū*' or 'that ye may learn from each other'. The process of this mutual learning brings people together for mutual acknowledgement and mutual respect. This will negate the state of ignorance, which often brings about conflicts, misconceptions and misjudgements of others based on pre-conceived ideas and suspicions.

The concept of mutual respect and co-existence between Muslims has always been an essential formula for universal solidarity in Islamic teaching. Moreover, much evidence from al-Qur´ān and Prophetic traditions supports this explicit universality of Islamic teaching (Rahman, 2009: 164-65). Likewise, the cohesion between Muslims and non-Muslims could be seen during the Prophet's period in Madinah. This concept was also unambiguously addressed in *ṣaḥīfah Madīnah* or the Treaty of Madinah. As the pioneer social contract document in Muslim history (Imarah, 2005: 173; Hamidullah, 2006: 42-64), *ṣaḥīfah Madīnah* indicates unequivocal acknowledgement of the Jewish tribes in Madinah as part of the *ummah* alongside the Muslims (al-Wa'iy, 1996: 49; Imarah, 2005: 176-77). The treaty

was promulgated as the major reference to govern an architectural design for social structure and social contract for the people of Madinah, clearly indicating that the Jews of Madinah should be given aid and equality, should not be oppressed, nor should aid be given to others against them[67] as recorded by Ibn Ishaq (Guillaume, 2007: 233)[68].

The co-existence and cohesion are not, hence, a new phenomenon in Muslims' life, but was rather part of their history. The most colourful and pertinent model for this ideal was the *La Convivencia* in the Andalusia (Islamic Spain) period. The spirit of mutual respect and recognition did not only help the Islamic intellectual realm to flourish, but the Christian and Jewish intellectual and cultural environment also progressed (Pagden, 2008: 153-54). Historical evidence has recorded in abundance that coexistence was always visible within the abode of Islam (*Dār al-Islām*). Despite numerous factual confirmations recorded regarding some abuses and bitter incidents concerning such relations in various periods due to certain disputes and discontent, nevertheless the very foundation of mutual acknowledgement and mutual co-existence remains as the undisputed precepts of *Sharīʿah* (Ramaḍān, 2001: 104-18). Furthermore, these principles were not mere responses to the situation, but they are rather a reflection and articulation of Islamic worldview. Therefore, mutual respect (*tasāmuḥ*) and recognition (*tafāhum*) of other believers and their beliefs are sacred and *sine qua none* for the governance of any Muslim community.

[67] The Prophet also stresses in the same document (as recorded by Ibn Isḥāq) that the Jews will share the cost with the Believers as long as they fight a common foe; the Jews are one community with the Believers -(but they have their own religion as the Believers have theirs). As with the Jews, so with their adherents, except for him who commits a crime? None shall depart to war except by the permission of Muhammad, (but none shall be hindered from avenging an injury). There shall be mutual aid between Believers and Jews, in face of any who war against those who subscribe to this document, and mutual consultations and advice. No man shall injure his ally, and aid shall be granted to the oppressed. The Jews, when fighting alongside the Muslims, will bear their own expenses. Madinah shall be sacred territory to those who agree to this covenant. If there should be any differences of opinion concerning this covenant and its meaning, they must be placed before Allah and Muhammad the apostle of Allah. The document also insists that the Muslims and Jews will give mutual aid against who may attack Madinah. (Guillaume, 2007: 232-33)

[68] There was a huge debate on the authenticity of the report from Ibn Ishaq in regards the section of the Jewish rights in the constitution. Beside Ibn Ishaq, none of the sīrah authors, nor the hadith narrators of his contemporary ever mentioned about such section in their reports on the document (Omari, 1991: 1/272). Despite being the only person narrating the complete articles of the document (including the section on Jews), Ibn Ishaq's narration was quoted by other Muslim historians who came after him like Ibn Hisyam, Ibn Kathir, Ibn sayyid al-Naas, and etc. Hence it became the most popular narration for the document. However, Ibn Abu Khaythamah and Abu 'Ubayd who came after Ibn Ishaq also managed to bring their own chain of narration mentioning the same articles of Ibn Ishaq's. Unlike Ibn Ishaq's, their narrations was not famously quoted by others. Several critics of those narrations concluded that all of them consist of weak chain of narrators due to one or two doubtful narrators. However, al-'Ali (1995:143) asserts that the reports of the document were authentic according to the method of *yataqawwa*' (strenghtening of narrations due to its amount) in upgrading the status of the hadith. Whie in the same vein, Omari (1991: 1/275) proves that the some of the details in those reports were also narrated scatteredly in many Ḥadīth and history books with authentic chains of narration.

6.2.5. *Iṣlāḥ*

Tendency to cause destruction and corruption is in the nature of human beings due to the desire given to them by God. The Qur'an explains this nature explicitly in the verse (2: 30), in which the angels refer to man's role of *khilāfah* (vicegerency) on earth by stating that men would "spread corruption thereon and shed blood"[69]. The fact that God did not reject their claim but merely said that, "verily, I know that which you do not know" shows that man by nature is prone to cause disorder (*fasād*) (Rahman, 1999: 17-18). However, as the vicegerent, al-Qur'an also emphasizes the role of Muslims to reform, which is also a part of human nature that has always been neglected. Muslims are born reformers, with a mission to bring goodness in the community's worldly life for their benefit in both this world and the life hereafter. The act of reforming is mentioned in many places in the Qur´ān by the term '*iṣlāḥ*'[70] (al-Zamili, 2009).

6.2.5.1 Definition

Semantically, the term *iṣlāḥ* is derived from the root word '*Ṣa La Ḥa*', which means 'good' or righteous and antonym to the term '*Fa Sa Da*' (mischief or destruction) (Ibn Manẓūr, 1955: 3/ 335). The word '*iṣlāḥ*' is used in contrast with the act of '*fasād*' or '*ifsād*' (destruction) in many Qur'anic verses and Prophet's traditions,. From the word '*sa la ha*', comes the verb *ṣalaḥa*, which means 'to act with piety', and '*aṣlaḥa*', which means 'to reform' and '*taṣālaḥa*' which means to 'reconcile mutually'. It is also the foundation of the term '*ṣāliḥ*' (pious), *muṣliḥ* (reformer), and *ṣulḥ* (reconciliation) and *ṣāliḥ* (benefit) that is also known as '*maṣlaḥah*' (Ibn al-Manzūr, 1955: 2/ 516-17). The use of *ṣāliḥ* to mean *maṣlaḥah* is to identify that only good and pious element should be acknowledged as 'benefit' for the human being. However, in its contemporary denotation, the term '*iṣlāḥ*' is associated closely with the word '*tajdīd*' (reform) and *taghyīr* (change in its positive meaning) (al-Zamili, 2009).

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[69] Muslim commentators have advanced different arguments as to the source of angels' knowledge about these two destructive qualities of man. There are arguments that the angels' knowledge was based on inference which they came to by comparing Adam (as) with the *jinn* who had inhabited the earth prior to man and caused corruption and shed blood thereon. There are also arguments that the angels were informed by Allah (swt) and that the Qur'an, while discussing the events of the creation, because of brevity, did not mention this part of the conversation between Allah (swt) and the angels. See al-Tabari (no date: I / 157-60); al-Razi (no date: 1/ 169-70); Shawkani (1973: 1/ 63).

[70] The term *Iṣlāḥ* and its associates from the root word *Ṣa La Ḥa*, such as *Salaha* and *Aslaha* were mentioned 44 times in the Qur'an, in 38 verses and 16 chapters. *Islah* was used to coin the quality of individual personality in 2:182, 220, 4: 114, 5: 39, 6: 48, 6: 54, 7: 35, 11:8, 42: 40; and for family ethics in 4: 16, 35, 128; and for the ethical quality posses by the community in 2:11, 160, 224, 228, 3: 89, 4: 129, 146, 7: 56, 170, 8: 1, 11: 117, 16: 119, 24: 5, 26: 152, 28: 19, 49:9.

Due to its original meaning of piety and good, *iṣlāḥ* represents the permanent behaviour of moving towards betterment and perfection. Similarly, *iṣlāḥ* also means the transformation from the state of bad to good, from good to better and from better to perfection. Therefore, its use to mean 'mutual reconciliation' or *muṣālaḥah* involves mutually agreed consideration towards enhancement and to bring an end to *fasād* (destruction or mischief) (Ibn al-Manzūr, 1955: 2/ 516-17). *Iṣlāḥ* could be defined as "a state of constant endeavour towards comprehensive excellence (*iḥsān*) within the frameworks of innovation, construction and reconstruction to attain *falāḥ* according to *maqāṣid al-Sharīʿah*". This definition is explicitly illustrated in al-Qur'an (3: 104): "And there may spring from you a nation who invite to goodness (*khayr*), and enjoin right conduct (*maʿruf*) and forbid indecency (*munkar*). Such are they who are successful".

The term *khayr* (goodness) from the verse refers to the attribution understood as good and certified by the revelation (*sharʿ*). Hence, the invitation to *khayr* as the first element of *iṣlāḥ* compels the strong characteristic of initiating a culture or atmosphere of goodness that varies from one context to another. Equally, *maʿrūf* (good conduct) as the second element of *iṣlāḥ*, literally translated as 'known good conduct', refers to the qualities that are explicitly identified and promoted by the revelation. Thus, 'enjoining' the *maʿrūf* requires constructive actions to bring people towards established or known 'good conducts'. While forbidding *munkar* (indecency or abhorred), requires reconstructive elements to prevent people from committing the *munkar* to preserve the *Shariatic* environment or bring the corrupt situation to its intended state of natural goodness (*khayr* and *maʿrūf*).

6.2.5.2. Implications of *iṣlāḥ* on governance

Such a comprehensive understanding of *iṣlāḥ* could be accurately described as an act of 'reform' for good governance through micro dynamics, although reform might not accurately describe the extensive nature of the word. This is due to the fact that *iṣlāḥ* is not exclusively restrained within the basic parameter, but expands to reach a wider area, which implies all kinds of reform, *i.e.* mental, spiritual, and material (al-Zamili, 2009).

It should be mentioned that *iṣlāḥ* was the *raison d'être* of the Prophets who were sent to bring justice and peace to the world and to prevent destruction and mischief. *Ergo*, as stated in al-Qur'an, Muslims were endowed with this mission of reform to uphold the well-being of man to the state of '*ṣāliḥ*' (good and piety) in both their worldly life and the life hereafter (Ghannoushi, 2001: 110)

To present *iṣlāḥ* in the realm of governance, it must be viewed from the abovementioned broad scope. Islamic governance is a paradigm that allows the spirit of *iṣlāḥ* to shape the system of governance, as well its practices. *Iṣlāḥ* should be presented in the life of the community through the culture of comprehensive excellence (*iḥsānī*) that engulfs every dimension of community life. In this way, *iṣlāḥ* reflects the collective responsibility taken by every individual with *tawhidic* consciousness in delivering their *amānah,* to create a community based on *ʿadl wa iḥsān* with the spirit of *ukhuwwah*. Without a constant effort of *iṣlāḥ* those preliminary elements could hardly be put into place in any community, and *vice versa*. Within this spirit, development as viewed by the Qur'an[71] must never neglect the *iṣlāḥ* aspect in achieving the highest goal of Sharīʿah (Omar, 1992: 45,56).

6.2.5.2.1. *Iṣlāḥ* requires a conscious accountability and reform process through *naṣīḥah* and *amr maʿrūf nahy munkar* (enjoinment of good and the forbidding of indecency/evil)

The concept of equity has best been articulated through the mechanism of 'enjoinment of good and the forbidding of evil' throughout Muslim history. As mentioned previously, every single individual in the Islamic community is empowered to preserve justice and peace for the public interest according to this concept, which is the main objective of *Sharīʿah*. The Qur'an emphasizes the need for this mechanism in various verses (Qur'an: 3: 110; 9:71; 22:41; 4:114; 5:2; 7:165; 5:78-79). Similarly, countless Prophetic traditions have been recorded which point out the need for importance of this concept to enhance general justice within a community. In the same way, the experiences of the four rightly-guided Caliphs shows that they received advice, complaints, oppositions and also rejections of their policy by the people, which reflects the level of success of the concept in creating empowered citizens during those periods.

It is through the spirit of *naṣīḥah* and *amr maʿrūf nahy munkar* that the intrinsic meaning of *iṣlāḥ* is articulated to guide Muslims in their continuous striving to attain '*falāḥ*' in both worlds. In the same way, *iṣlāḥ* as a landmark theme in individuals' lives will transform the society into self-actualised people striving to achieve *iḥsān* (comprehensive excellent) in their daily life, leading to *falāḥ*. Consequently, these concepts become pivotal in community life, in that they determine the consistency of the justice, benevolence, religiosity, good governance and development of the *ummah*. As an imperative, this concept allows for

[71] The need of continuous effort of reform has been mentioned in several verses of the Qur'an, (2: 220; 2: 228; 4: 35; 4: 114; 7: 57; 7: 85; 11: 88.)

vertical accountability of peer assessment to be implemented within the larger governance process to ensure the trust is delivered effectively. At the same time, both top-down, and bottom-up evaluations as part of *iṣlāḥ* in all level of governance and community life will enable accountability to be exercised soundly.

Naṣīḥah and *amr maʿrūf nahy munkar* also contribute towards the production of functioning and responsible individuals who live with the awareness of their responsibility to enjoin and promote virtue and at the same time to eradicate indecency and evil their community. Evil is not only perceived as the sinful acts of individuals, in the realm of governance evil can be anything that will bring destruction to the community such as corruption, bribery, dictatorship, violation of rights, discrimination, misuse of power, and non-performance of leaders and administrators (Abdul Tawwab, 1983: 372-73). It is only through collectively practising the obligation of *amr maʿrūf nahy munkar*, that the *ummah* will progress, achieving unprecedented heights in development, hence 'good governance'. Taleqani (1986: 63) insists that any effort to eradicate those kinds of evils in community life and for the benefit of people reflects the true meaning of faith and religiosity as it proliferates the exercise of justice, and epitomizes the wider implication of jihad according to the Qur'anic verse (9: 111-112).

In the same way, effective implementation of *amr maʿruf and nahy munkar*, stipulates greater participation in governance activities (Zamili, 2009: 335-37). To ensure the existence of this ideal, an adequate degree of freedom is vital. Consequently, ideal Islamic governance should permit the people freedom of expression, as well as freedom of associations, politics, and access to information and media. Without such freedom, it would be difficult to implement this ideal. However, with freedom must come responsibility and that freedom must not exceed the moral obligations and ethics of Sharīʿah (Ghraybeh, 2000). In contrast to the Western liberal notion of freedom, Sharīʿah-based freedom is adherent to moral values, the feeling of respect towards others and the level of professionalism. Any acts that will lead to destruction or towards the infringement of moral issues are condemned and have no place in *tawhidic* reality-based life.

In the same way, *amr maʿruf and nahy munkar* has been institutionalised throughout history as a state-based mechanism of governance through the establishment of *ḥisbah*. Initially, the

institution of *ḥisbah*[72] was established to prevent hindrances to the natural functioning of the market, but later on, the duty of the *muḥtasib* (*ḥisbah* officer) was expanded to the field of moral policing and to preserve the stability of the society. To summarise, the *muḥtasib*'s major responsibilities were to supervise the markets and common morals. They were also responsible for checking irregularities and ensuring that market players were on the right path and did not indulge in malpractices. The *ḥisbah* institution, hence, served as an efficient tool for regulating the market in the history of Muslims' governance (ʿAbdullāh, 2000). This subject is explained in detail in the following chapter.

On the other hand, *iṣlāḥ*, as a foundational framework, also implies the very concept of civil and democratic governance where people are empowered to choose the government they consider close to themselves and to remove anyone who fails to deliver public responsibilities. Al-Māwardī (2006: 17) confirms that people's conformation and support for the elected rulers depend on justice and effectiveness in conformity with the *Sharīʿah* laws. However, in the case of the unjust or severely ineffective, then the Caliph or ruler must be impeached through the *majlis al-shūrā*. Similarly Al-Baghdādī, Ibn Ḥazm al-Ẓāhirī, al-Ghazālī, Ibn Ḥajar al-ʿAsqalānī (Wa'iy, 1996: 289-90) and many others believe that impeachment is justified due to any ineffectiveness of a ruler, with some disagreements on the details. The *iṣlāḥ*-inspired thoughts concerning the impeachment issue are just another dimension of how the Classical Muslim scholars view the necessity of good governance in preserving public interest. The major ratio legist for the idea was that the trust given by the people is to be delivered by those in power by maintaining public order and *maqāṣid*, but once it has failed, an *iṣlāḥ* action is needed. In sum, apart from the *ex ante* role of *iṣlāḥ* in the empowerment of individuals as part of a governance ideals, it is also crucial as a remedy should any failure occur in the *ex post* level of the governance process as part of the *tazkiyah* ideal.

The element of *iṣlāḥ* with the consideration of *amānah, ikhtiyār* and *ukhuwwah* will motivate towards the cultivation of a pro-active role of civil society with the spirit of individual empowerment from *shūrā*. Every single individual, in achieving the '*khayr ummah*' status, will be working towards the enhancement of the governance ideal through their participation to ensure the other elements of Islamic governance will be crystallised, hence the

[72] The history of the institution of *ḥisbah* goes back to the time of the Prophet Muḥammad. It remained in existence throughout the greater part of the Muslim world until the beginning of the twentieth century. The officer in charge of the *ḥisbah* was called *muḥtasib*. For a discussion see Islahi (1988: 186-91).

'functioning individual'. The consciousness of *iṣlāḥ* within society members will cultivate a culture of self-governance and active citizenship that is another essential element in maintaining the mechanisms and institutions of governance through the essence of *tazkiyah* (continuous purification.) In the same way, a culture of *iṣlāḥ* aims towards major philosophy of Islamic governance, and its major goal, the *maqasid al-Sharīʿah* (higher objective of *Sharīʿah*).

Therefore, the concept of *iṣlāḥ* which is supported by concepts such as *ikhtiyār, tazkiyah, rubūbiyah,* will reflect the ideals of *al-ʿadl wa al-iḥsān,* thus, indicating the comprehensive nature of the origin of Islamic governance. The role of these complementary axioms will be highlighted in the coming paragraphs, starting with a discussion on *ikhtiyār* (free-will) as the enabling factor for most of them (i.e. *amānah, iṣlāḥ, ukhuwwah, etc.*) to be fully articulated for the governance process.

6.2.6. *Ikhtiyār* (Free-will)

Ikhtiyār (free-will) is essential in developing the Islamic axioms for governance. Free-will or freedom might have a specific notion in the contemporary usage. However, Islam has its own unique concept of free-will. This can be clearly seen from the semantic meaning of the term as follows:

6.2.6.1. Definition:

Semantically, the term *ikhtiyār* originates from the root word *Kha ya ra* (to choose), which is also derived from the same root word as *khayr* (goodness) (Ibn Manẓūr, 1956: 4/266; al-Jawhari, 1966: 2/ 651-52). Consequently, the term *ikhtiyār* or free-will in Islam, therefore, implies free choice of what is good (*khayr*) or the choice for the better, which in this case is synonymous with the term *iṣṭifāʹ* (selecting the preferred best choice) (Ibn Manẓūr, 1956: 4/266). Hence, from the semantic argument, it is denoted that the choice to be taken from the freedom granted to the individuals is the one that benefits the individuals themselves. It is from this semantic meaning that the term *khayr*, which means liberty with generosity and kind-heartedness, comes.

According to this understanding too, *ikhtiyār* in Islam always comes with responsibility and accountability. Similarly, the same concept also applies to the notion of freedom from the Islamic point of view, in the sense that the freedom to choose must always be done for the right, true, just and correct reason (Alatas, 2003). In contrast, any choice for something bad

is not the real freedom in accordance to Islamic understanding of free-will or *ikhtiyār*, but it is an act of *ẓulm* (injustice). A choice for better is therefore an act of freedom, and is also an act of *al-ʿadl and al-iḥsān* in delivering the *amānah*. Thus, *ikhtiyār* "presupposes knowledge of good and evil, of virtues and vices; whereas a choice for the worse is not a choice as it is grounded upon ignorance urged on by the instigation of the soul that inclines toward the blameworthy aspects of the animal powers; it is then also not an exercise of freedom because freedom means precisely being free of domination by the powers of the soul that incites to evil" (Alatas, 2003). According to this understanding, the Islamic definition of freedom differs from the conventional or secular interpretation of freedom (Ghraybeh, 2000; Ghannoushi, 1993).

From the Islamic economic systemic understanding, *ikhtiyār* connotes that individuals are believed to be endowed with "both unrestricted and voluntary" free-will (Naqvi 1994: 29), which is guided by broad guidelines in order "*to interpret-reinterpret that freedom within specific societal contexts, and to suit the needs of changing times*" (Naqvi 1994: 31) (emphasis is original). Therefore, this constitutes functional norms of economic activity in an Islamic economic system. A similar impact can be seen in the process of the role of *ikhtiyār* as a foundational concept within the framework of governance. This can be seen clearly in the implications *ikhtiyār* brings to the governance process as will be explained in the following section.

6.2.6.2 Implication of *ikhtiyār* to governance

With reference to governance, *ikhtiyār* denotes that individuals are empowered with decision-making choices for themselves in affairs relating to governance without any enforcement or restriction. *Ikhtiyār* also explains the sufficient space needed for individuals to make their choices through freedom of speech, freedom of politics and freedom of expression that will enable them to exercise their rights in political and economical issues. However, freedom and choice from an *ikhtiyārī* perspective are those within the radius of *tawhidic* worldview, and those that confirm *maqāṣid al-Sharīʿah*.

The implication of *ikhtiyār* can also be seen in the duty of the state to enable the right choice to be made by individuals and society with the freedom available in the governance system, hence the realisation of *al-ʿadl wa al-iḥsān*. The enabling space in the governance process is needed to guarantee the functioning of all those who participate in governance to deliver their *amānah* through a wide spectrum of participations in the governance process.

6.2.6.2.2. *Ikhtiyār* requires freedom (*ḥurriyyah*)

In order to execute *amānah* and develop a life within the *tawhidic* framework individuals should have the political freedom to exercise their respective responsibilities and enjoy their rights. Without political freedom, it is hard to believe that all the Islamic ideals on governance issue could be implemented. Nevertheless, only freedom that is guided by broad guidelines in order to interpret/reinterpret within specific societal contexts, and suits the needs of changing times (Naqvi, 1994: 31) is essential for such an aspiration. Moreover, this type of freedom, which is part of human nature, is the fruit of 'free-will' (*ikhtiyār*) theological doctrine in Islamic doctrine (al-Kawākibī, 1953: 8-9). Due to the freedom, individuals will be responsible to whatever he/she chooses. In substantiating this, Sen (1999) argues that 'Without the substance and capability to do something, a person cannot be responsible for doing it'. However, the notion of freedom, which is understood within the Islamic worldview, and mentioned in the texts, is not the same as the contemporary Western understanding. Freedom in the framework of Islamic *tawhidic* ontology is bound with responsibilities and denotes the sense of 'free from' rather than the explicit 'free to'.

Freedom or *ḥurriyyah* in Islam is the opposite of slavery in the human race (al-Khar'an, 2002: 309). This can be clearly seen from the statement of Rib'i bin 'Amir: "Allah revived us so that we liberate whoever He wishes from being slaves to others towards total submission to Allah, from the cruelty of other religions towards Islamic justice, from the narrow world to the vastness of this world and the Hereafter (Ibn Kathīr, no date: 7/48)". Slavery in its widest definition encompasses the act of tyranny, autocracy and other infringements of individuals' freedom to make their own choices. It also connotes the state of autocracy and occupation of others' sovereignty.

According to Islam, deprivation of any individual from delivering his duties and rights by another human being is not acceptable unless it is due to God's ruling which aims to preserve the interest of the individuals themselves, either in their worldly life or the hereafter, and it is therefore considered as against the *fiṭrah*. The Islamic doctrine of freedom connotes that it should go hand in hand with his responsibility as a social being (Ghraybeh, 2000; Ghannoushi, 1993). Thus, within the *tawhidic* framework, the individual's duties in exercising his rights are not confined to the claim on what is his, but also in delivering what is God's and what is others'. In a more specific term, a man is not only accountable for

himself, but also accountable before God, and also as a member of a society, he is also accountable before the members of society.

According to such relations, individual rights and freedom are bound with a degree of social control outlined by the Sharīʿah to enable the individual to perform his duties as commanded. Freedom is also important to instil the altruistic behaviour of individuals to create a mutual cooperating community. In this case, freedom and control do not contradict but rather complement each other (Mannan, 1989: 40). Control is needed to protect freedom and vice versa. Saying all that, *ḥurriyyah* or freedom as it should prevail without the degree of freedom to ensure *amānah* to be executed. This notion of *ḥurriyyah* should not be confused with the current infringement of rights by dictators under the banner of religion or public interest, which is a mere pretext to preserve the elites or the despot's interest.

However, the concept of *ikhtiyār* must also be directed towards the sustainability of development to maintain social equilibrium. Sustainability as part of the major themes in Islamic governance has been mentioned in brief in under the axiom *iḥsān*, however due to its importance to development and governance, the nature of sustainability should be explained more specifically. This concern will be included in the following discussion of another important axiom of Islamic governance, '*rubūbiyyah*'.

6.2.7. *Rubūbiyyah* (Divine Arrangement for Nourishment)

Literally, the term *rubūbiyyah* is derived from the root word '*rabb*', which denotes 'owner', 'obedience' and 'nourisher'. However, semantically, the word *rabb* by itself solely refers to God the Creator or Allah (Ibn Manẓūr, 1956: 1/399; al-Jawhari, 1965: 1/130; Salmone, 1890: 1/257). Technically, the term *rubūbiyyah* is strongly associated with the theologian discourse on the subject of *tawhid*. *Tawḥīd al-rubūbiyyah* as defined in the previous chapter on ontology connotes the sole Lordship of Allah as the only Creator, Owner and Nourisher of the universe. This type of *tawḥīd* determines the purity of the Muslim creed and faith. Thus, Muslim is the one who firmly profess the Lordship and Ownership of Allah, thus His Oneness, without associating Him with other deities or gods (Ibn Manẓūr, 1956: 399-400).

However, in the Islamic economics usage, the term *rubūbiyah* refers to "divine arrangements for nourishment, sustenance and directing things towards their perfection" (Aḥmad 1979: 12). This implies the necessity of sustainable economic growth and development in terms of having harmony between various components of economic and social life. It is expected that

within this balanced and sustainable environment as defined by Qur'anic principles human efforts take place (Asutay, 2007a: 7). Such a definition of *rubūbiyyah* as a philosophical foundation for Islamic economics reflects the continuation or extension of the axiom *amānah* axiom, which implies that individuals are the trustees, thus responsible for the sustainability of their life and the environment.

Rubūbiyyah within the governance framework denotes the administration of continuous sustainable development of individuals, society, natural environment, and the state through an *ex ante* policy-making process and *ex post* governance mechanisms. Development and growth through *rubūbiyyah* demands the preservation of moral and environmental integrity, cultural strength and the advocating of *maqāṣid al-Sharīʿah* as the cornerstone of governance to attain the holistic well-being of the society, as everything on earth is created with its own optimality or equilibrium, which has to be nourished and sustained. Within such a framework too, the *rubūbiyyah*-oriented development aims to create an infrastructure to meet the basic needs of a society (with the acknowledgement of the balance between individuals and community). Nevertheless, once such an infrastructure is created, the concept of *rubūbiyyah* implies the importance of maintaining a dynamic equilibrium between the infrastructure and the society. In preserving the development under the light of *rubūbiyyah*, which is an imperative factor in Islamic governance, the purification of means, actors and mechanisms involved in the process is essential. According to this, *rubūbiyyah* as a concept is related strongly with the concept of *tazkiyah*, which denotes 'purification' of attitudes and relationships towards economic and social development as will be explained in the coming paragraphs.

6.2.8. *Tazkiyah* (Purification)

Alongside *rubūbiyah*, Islamic economists have also highlighted *tazkiyah* as another cardinal principle for the formulation of an Islamic economic system (Asutay, 2007a: 7). Similarly, it is also to be considered as another important axiom in Islamic governance aimed to be developed in this thesis, as it, as a concept, directly relates to the nature of development and governance.

6.2.8.1. Definition

Literally, the term *tazkiyah* is derived from the root word '*zaka*', which connotes growth, thriving, increased, just, good, pious, chosen as an adjective; and as a verb it suggests an 'act

of purification' in both the physical and spiritual state (Ibn Manẓūr, 1956: 14/358-59; Salmone, 1890: 1/324). It is also used as an act of purifying wealth through the imbursement of a certain portion to be distributed to those entitled to receive it, which is known also as the act of '*zakāh*' (almsgiving) (Ibn Manẓūr, 1956: 14/359; al-Jawharī, 1965: 6/2368). Technically, *tazkiyah* denotes the act of spiritual and conceptual purification of the individual heart, and of society from impure elements and undesirable growth through a spiritual-moral struggle (Ansari, 1976: 1/299-315; Siddiqui, 2004).

The importance of *tazkiyah* in its technical usage has been elaborated by al-Qur´ān[73] and *Sunnah* in many ways involving various level of human life. Islam, as a creed, through the concept of *tawḥīd* is an act of purification from the state of *shirk* (association) and *kufr* (disobedience). At the individual level, *tazkiyah* is an important process to ensure the purity of a believer from any non-Islamic elements that will nullify his conviction and submission to God. At the society level, *tazkiyah* is important to purify the community as a whole from *jāhiliyyah* (the state of inner instability) and other non-Islamic elements such as *kufr* (disobedience), *nifāq* (hypocrisy), *maʿṣiyah* (sinful), *ẓulm* (injustice) *etc* (Ansari, 1976: 1/299-315). This technical usage of *tazkiyah* brings it closer to the concept of *iṣlāḥ* as discussed previously.

6.2.8.2 Implications of *tazkiyah* in governance

In the field of Islamic moral economy, the concept of *tazkiyah* has been used as a subject that "concerned with growth towards perfection through purification of attitudes and relationships" (Aḥmad 1994: 20). It has been used to explain the natural consequence of *tawḥīd*, *ʿadl*, and *rubūbiyyah* in an integrated manner, as it directs the individual towards self-development, which leads to economic and social development in harmony with growth that requires purification (Asutay, 2007a: 7). In other words, this principle refers to growing in harmony in every aspect of life, which in this way is connected to the meaning of *iḥsān* (as a comprehensive excellence) and *iṣlāḥ* (continuous process to achieve *iḥsān*), which is also refers to its semantic meanings of just (*ʿadl*) and good (*khayr*).

According to Ahmad (1994: 20) "the result of *tazkiyah* is [therefore] *falāḥ*, prosperity in this world and the hereafter", hence its dual roles in determining the efficacy of economic activities according to Islamic standards. Accordingly, in explaining the role of *tazkiyah* as a

[73] eg. Al-Qur'an, 2:222; 9:108;

foundational principal for economic growth and development from Islamic viewpoint, Sardar (1999: 58) maintains that "*tazkiyah* dictates that growth policies at the national level consist of four basic components: self-reliance, self-sufficiency, social justice and cultural authenticity."

Correspondingly, with reference to the discourse of governance, *tazkiyah* illustrates the all-inclusive meaning of the governance process in attaining development, which is to purify individuals at the micro-level, and both the society and the state at the macro-level (Sardar, 1997: 48-51). As it is important in determining the way economic and social development should be directed, *tazkiyah* also plays an important role in determining the way governance development should be directed along with other axioms that can be clearly indicated in the section on the implication of axioms in the field of governance. Furthermore, *tazkiyah* is not a static state of purification, but a dynamic concept that seeks to motivate individuals and societies to grow by a constant process of purification (Sardar, 1997: 50).

It is worth noting that the culmination of *tazkiyah* in governance is the highest aim of *Sharīʿah* (*maqāṣid*) in attaining human well-being according to the worldview of *tawḥīd*. This will be further explored in the ensuing paragraphs.

6.2.9. *Maqāṣid al-Sharīʿah*

Despite the significance of the aforementioned axioms of Islamic governance, the main axiom of ideal governance after *tawḥīd*, is *maqāṣid al-Sharīʿah*, which is a comprehensive and holistic paradigm. In other words, it is this operational dimension that can help to put into place the mentioned foundational concepts to achieve the Islamic nature of good governance.

6.2.9.1. Definition

Maqāṣid al-Sharīʿah as the highest aim of Sharīʿah provides the magnitude of the aims to be achieved from governance process itself. It is in these aims that Islamic governance differs from other versions of governance. Deep rooted from the ontological based epistemology of *tawḥīd, maqāṣid al-Sharīʿah* lays down the foundation of Islamic governance encompassing all the meanings and objectives of the previous axioms. In other words, all aforementioned axioms reflect the very meaning of *maqāṣid al-Sharīʿah* in their articulation of Sharīʿah spirit, in attaining *falāḥ*. '*Falāḥ*' in the worldly life can be achieved through comprehensive

well-being in one's life as a result of obedience to the guidance (see: Qurʹān, 2:189; 3:130; 3:200; 5:35; 5:100; 24:31; 28:67; 24:51).

This final principle aims to interpret the text and restore the principles of Islamic governance in relation to the highest objectives of *Sharīʿah*. Thus, it implies that the principles of Islamic economics must lead to 'human well-being'. In sum, the objectives of Sharīʿah, namely the Islamic way of life and code of conduct as discussed in the chapter on epistemology, are 'the promotion of the well-being of all humankind, which lies in comprehensive preservation and safeguarding their faith, their human self (*nafs*), their intellect (*ʿaql*), their progeny (*nasl*) and their wealth (*māl*)' (Chapra, 2008b). In other words, as can be seen, *maqāṣid al-Sharīʿah* provides the motivation through which governance process should be conducted.

6.2.9.2. Implication of *Maqāṣid al-Sharīʿah* to governance

However, to incorporate *maqāṣid* into the field of governance a new more inclusive and comprehensive approach is essential in order to present it in a non-legalistic *fiqhī* manner. Recent re-interpretation of the *maqāṣid* by Siddiqi (2004) provides a more dynamic understanding to these foundational axioms, thereby providing the legal-rationale framework within which ideal governance should be formulated. *Maqāṣid* according to this re-interpretation exceeds the al-Ghazalian's protection (*ḥifẓ*) of benefit (*maṣlaḥah*) paradigm, and al-Shāṭibī's preservation and promotion (*riʿāyah*). This dynamic understanding of *maqāṣid al-Sharīʿah* includes broader measures ensuring welfare as asserted by Ibn al-Qayyim (n.d, 4: 309-11) who emphasized justice and equity according to which the means to achieve such objectives could never be captured by a finite list as articulated by Ghazalian *maqāṣid*.

Furthermore, Siddiqi (2004) argues that reason will guide human beings on how to ensure justice and equity in changing circumstances. This dynamic understanding of the *maqāṣid* offers a better conceptualisation in the field of governance in our contemporary reality. *Maqāṣid* in this sense refers to goals of Islam as a way of life rather than with reference to the legal positivistic goals of *fiqh*. Meanwhile, *maqāṣid* as objective of Islam also refer to individual as well as societal considerations beyond the narrow definitional boundaries of *fiqhī* legal framework. This will enable issues like poverty, inequality, underdevelopment, and corruption to be tackled through certain significant governance policies (Siddiqi 2004). This comprehensive well-being can only be obtained through the integrated and ostensible

articulation of the axioms through the extensive implementation of *maqāṣid al-Sharīʿah* in the field of governance.

The endeavour to achieve this 'human well-being' causes the axioms to become visible in society life. In this way, *maqāṣid al-Sharīʿah* as a holistic theme of Islamic governance must prevail and become the *sine qua none* in every detail of the governance process. Governance within this spirit thus becomes part of the act of servitude (*ʿubūdiyyah*), which is the main purpose of human creation as the trustee (*amīn*) or vicegerent (*khalīfah*) under the shade of the tawhidic *Weltanschauung*. The new interpretation of the *maqāṣid,* according to the inclusive definition by Ibn al-Qayyim, is thus indispensable in making Islamic governance possible. Limited *maqāṣid* as prescribed through the classical *fiqhī* orientation is insufficient; therefore, from legal aspect there is a need for infinite list based policy dimension.

Appropriately according to this new look into *maqāṣid*, a *maqasidic*-oriented governance, needs to constantly move towards the achievement of the greater benefit for the community or *maṣlaḥah ʿāmmah* in its political, economic and religious life through the articulation of all the aforementioned axioms. With this understanding prevailing in the governance process, all policies relating to governance at all levels must aim to attain human well-being as reflected by the revisited notion of *maqāṣid al-Sharīʿah*. This kind of policy-making method is equal to what Ibn al-Qayyim (1995: 10-19) coined '*al-siyāsah al-sharʿiyyah*' (Shariatic policy-making).

A number of examples shown by the pious Caliphs during their time in administration reflect this principle. Abu Bakr's decision to compile the Qur'an in one book during his period to preserve it from extinction is one of the decisions or policies taken according to this principle. The battle he waged upon those who refused to pay *zakāh* was another decision taken according to it in order to establish order and to maintain the social and economic stability of the society. Likewise Omar, the second Caliph was also known for his many decisions taken under the *al-siyāsah al-sharʿiyyah* calculation, rooted firmly in realisation of *maqāṣid al-Sharīʿah*. Amongst them was his decision to suspend the implementation of punishment for poor thieves in times of famine, simply because the punishment would have run against the higher objective of justice since poor thieves would have been victimised twice (Ramaḍān, 2009: 75).

If the *maqāṣid* is to be perceived as the aim through the articulation of *falāḥ*, hence it is no longer a mechanistic element to the governance process: it is a means and goal by itself.

Therefore, good governance from the Islamic view is a governance process that consists of the *maqasidic* elements to fulfil the *maqasidic* end. According to this understanding, the governance process is not just a consequence of independent deontological activity just for the discharge of responsibilities for the sake of delivering the vicegerency tasks. In fact, it is to be viewed from a virtue-based consequentialistic paradigm, as it is a process to attain a holistic end for the benefits of individuals through its *tawhidic* paradigm, which goes beyond the instrumental value meaning. This paradigm imposes multi dimensions of benefits, which encompass both individuals and community benefits, in this world and the hereafter. The whole process of governance within such framework is not only a mere process as mentioned, and not only for the pursuit of happiness of individuals, but also for the community, although not at the expense of other individuals[74]. This can be clearly seen through the axiomatic concepts of *ukhuwwah, rubūbiyyah* and *tazkiyah* that summarise the comprehensive meaning of solidarity-inspired mutual kindness and multiple-happiness for individuals.

All the axioms mentioned must be understood and operate according to the theory of the revisited notion of *maqāṣid al-Sharīʿah*. Consequently, the *maqāṣid* exemplifies the conclusion of the interconnected relations between the axioms and reflects the fruit of governance according to those axioms. In sum, all the implications derived from the formulated axioms, from social equilibrium, social justice, sustainable development, rule of law, efficiency, empowerment *etc.*, *en masse* lead to the attainment of human well-being, which can be summarised within the framework of *maqāṣid al-Sharīʿah* and should be a major flagship in the policy-making process for development. To conclude, *maqāṣid al-Sharīʿah* crystallises the worldly picture of *tawhidic* reality and functions as an amalgamation to tie the axioms together and brings the very ideal of Islam in governance through the Shariʿatic policy-making process as previously mentioned.

6.2.10. Conclusion of the section

To conclude, each of the aforementioned axioms through their semantic and technical connotations constitutes the micro-foundations or the foundational principles for the proposed model of Islamic governance in this thesis. Through a universal ethical system those axioms produce, and (therefore) are believed to produce policies aimed at enhancing

[74] This goal is close to what coined by Confucius in his 'Spring and Autumn Period' as "Good government is attained when those who are near are made happy, and those who are far away are attracted"(Clements, 2000: 44).

motivation to seek knowledge and work, enhance efficiency, through accountability, and transparency in governance process. They should also enhance intra- and inter-generational equity, which will eventually lead to development. Consequently, the existence and efficacy of these axioms provide the rationale for Islamic governance.

Lastly, having presented the above-mentioned foundational concepts, it is also important to establish how these can work together to deliver the Islamic notion of good governance. In addition, the interconnectedness of these axioms and their implication to the process of governance should be highlighted. Thus, the subsequent chapter will explain the details of how the axioms would come together to develop a fresh new model of governance rooted in the ontological-based Islamic epistemology. However, the articulation of those axioms as the philosophical foundation of a more realistic picture within the current framework of policy-making and development needs to be dealt with separately; which is the main focus of the following chapter.

6.3. CONCLUSION

From the discussions presented in this chapter, it can be concluded that Islamic governance aims to guarantee individual liberty, freedom of choice, rule of law accountability, transparency, efficiency, sustainability, and other governance goals in order to achieve development. However, at the same time it must ensure moral, ethical and value-laden elements as its core foundations. Moreover, it establishes its own distinct institutions according to the reality in order to fulfil the highest objectives of *Sharīʿah* exemplified by human well-being, development and social justice in society.

However, unlike the conventional approach to governance that emphasizes the value-free mechanistic institutions, which implicitly are not value free, and outcomes through certain indicators, Islamic theory of governance aims to develop an integrated and dynamic model by indigenising the behavioural norms of the actors and values involved in the governance process. Based on '*tawhidic* reality' as its ontology, the exploration of Islamic governance derives its foundation from specific epistemological sources, namely al-Qur'an, *Sunnah* (Prophet's traditions), experiences of the pious Caliphs and *maqāṣid al-Sharīʿah*. It is from these sources that the axioms of Islamic governance are formulated to provide a new perspective for the governance process based on revelation and virtue. These axioms summarise some core and important Islamic principals relating to the theory and the process of governance.

The axiomatic approach to Islamic governance is inspired by *maqāṣid al-Sharīʿah*, which emphasizes the attainment of '*falāḥ*' through *iḥsānī* social capital by the development of *homo-Islamicus*. While the conventional notion of good governance insists on the promotion of 'fairness', justice, liberty, an independent judiciary, respect for human rights, and an efficient and corruption-free bureaucracy' as basic requirements for a modern state (Shihata, 1991:85), Islamic governance as articulated by the axioms aims for a holistic moral-laden philosophy that will eventually lead to 'human well-being' with the emphasis on unity, peace and cohesion. Thus, Islamic governance rather than making reference to the creation of institutions, aims at developing 'aware' individuals or *homoIslamicus* that can then shape the institutions. Hence, the difference is also in the methodology of how good governance can be achieved in this process: the distinctions establish whether institutions will bring good governance (conventional) or aware individuals will develop individuals for good governance (Islamic). In other words, the distinction lies in whether institutions are ends and human beings are means (conventional functionalism) or human beings are ends and the institutions are means (the Islamic worldview).

Table 6.1: Summarising the Axioms of Islamic Governance and Its Implications

Axioms	**Linguistic origin of the word**	**Its governance implications**
Tawḥīd	Oneness of God	Equality Rule of law
Amānah	Trust to be delivered by individuals	Individuals Empowerment via *Shūrā* Sustainable Development Rule of law Freedom Accountability Transparency
Al-ʿAdl wa al-Iḥsān	Justice and Benevolence	Rule of Law Sustainable development Benevolent society Freedom
Ukhuwwah	Universal solidarity for balance between individual and society	Unity *Takāful Ijtimāʿiyy* (Social Mutual co-operation) Political conformity Egalitarian and equality Social justice *Tasāmuḥ* (mutual recognition) *Tafāhum* (mutual respect) *Shūrā*
Iṣlāḥ	Constant struggle for comprehensive excellent	*Amr maʿrūf nahy munkar* *Naṣīḥah* Accountability Transparency Open-*Shūrā*
Ikhtiyār	Free-will for a freedom to make a better choice	Freedom Sustainable development *Shura*
Rubūbiyyah	Divine arrangements for nourishment, sustenance and directing things towards their perfection	Sustainable development Social equilibrium Accountability
Tazkiyah	Purification in all level for a better development	Sustainable development Rule of law Accountability
Maqāṣid al-Sharīʿah	Human well-being policy-making	Human well-being *Shariʿatic* policy-making

As the discussion in the preceding section indicates, the axioms are inter-connected and neglecting any of the axioms may lead to an incomplete bigger picture of the aforementioned

'Islamic governance'. In other words, the axioms mentioned are interconnected to fulfil the whole idea of *maqāṣid al-Sharīʿah* itself. Each axiom aims to preserve and promote essential needs to establish the human well-being. Hence, policies, systems, institutions and all the mechanisms formulated and promulgated must be within this parameter to ensure that Islamic governance is not mere rhetoric or a label put to some kind of governance approach due to its form, and not for its comprehensive and solid substance. As can be seen in Table 1, each of the identified axioms semantically refer to governance related issues; and hence it can be claimed that 'good governance' is a natural consequence Islamic paradigm.

Clearly, each component of real life activity concerning governance is taken into consideration in the course of the axioms in an integrated manner. Therefore, the emergence of the *homo-Islamicus*, with a heart and mind shaped by Islamic values, is expected to work towards the (extended) *maqāṣid al-Sharīʿah* understood as human well-being within the framework of governance. In contrast to the conventional projection of good governance that emphasizes structural adjustment and mechanistic elements, the Islamic governance model formulated in this thesis is strongly founded on the consideration that political, societal and economic developments are attached firmly to the very basic element of the community, the individuals who participate in the governance process in both an individual and collective capacity. It is through the vicegerency (*khalīfah*) role given to individuals who, with their free will (*ikhtiyār*), are perceived to be active participants in social change (Asutay, 2007a).

According to this supposition, all activities relating to the field of governance akin to economic activity result from the individual's decision making constructed by the social reality surrounding them. Hence, through the axioms and their implication to the field of governance, it could be concluded that Islam provides a framework for the functioning of ideal governance through its value-laden doctrine, value-judgements and where the usual governance choices are made.

However, this does not imply that in the conflict between individual and society, and hence self-interest and social interest, Islam takes the stance of liberal individualism. In contrast, through its ethical foundation and propositions (i.e. the axioms), Islamic governance suggests that not only should individuals' interests protected, but social interest should also be preserved in a harmonious and voluntary way. This is the condition for the *falāḥ* journey and *iḥsānī* social capital. Thus, the framework provided by the axioms, denies any conflict between self-interest and social interest, thus, preventing either of them from superseding the

other for efficiency, but suggests an optimisation between the two in a two-dimensional utility function.

Perhaps in summarizing the interconnected nature of the axioms and how they can be articulated, Ibn Khaldun's (15th century) framework provides an interdisciplinary picture of the dynamic model of Islamic governance as an alternative systemic model (Chapra 2000: 147-8):

> The strength of the sovereign (*al-mulk*) does not become consumed except by implementation of the *Sharīʿah*; the *Sharīʿah* cannot be implemented except by a sovereign (*al-mulk*); the sovereign cannot gain strength except through the people (*al-rijāl*); the people cannot be sustained except by wealth (*al-māl*); wealth cannot be acquired except through development (*al-ʿimārah*); development cannot be attained except through justice (*al-ʿadl*); justice is the criterion (*al-mīzān*) by which God will evaluate mankind; and the sovereign is charged with the responsibility of actualising justice.

Notwithstanding such a fact, it should be noted that despite the extensive discussions on the axioms formulated for ideal governance, Islam does not prescribe any particular system to be known as 'the' Islamic governance due to the dynamic nature of its teaching and principles. However, as a comprehensive guidance for mankind (as believed by Muslims), Islam does provide the core elements and principles, which form the basic philosophy of a system for governance that engulfs change in its structure and mechanisms according to the reality through the process of *ijtihād*. For this reason the following chapter will deal with the articulation of these axioms, which will be formulated into a specific typology to bring Islamic ideals of governance into reality.

The articulation of the axioms must, therefore, involve the holistic and comprehensive role of governance actors according to the *tawhidic* reality. Furthermore, the axioms will accumulate and create the *iḥsānī* culture in the interaction of all the elements involved in keeping it alive and constantly functioning to achieve *falāḥ*.

The elements required for such articulation amongst others ought to include individuals as the most basic instrument, as their role in governance is undoubtedly crucial. Active participants from the functioning individuals in their individual capacity and a collective societal level with certain qualities will ensure a level of success for the axioms to operate in the field of governance. Accordingly, the functioning individuals require effective institutions to enable them to be collectively active based on both actorgenic and factorgenic elements of the individuals, hence the efficiency of the governance system. By the same

token, the combination of individuals, societies and institutions could never epitomize the perfect meaning of the aforesaid axioms without apposite space to enable and allow it to work in the current paradigm of state. In sum, an enabling state is but another prerequisite to ensure the capability of the other elements of the ideal governance actors to function. The combination of these elements necessitates distinctive typology to be supported by discrete culture to achieve explicit aims derived from the very ontology of *tawhidic* reality. All these building blocks will be examined thoroughly in the subsequent chapter.

CHAPTER SEVEN:

ARTICULATION OF ISLAMIC GOVERNANCE

> *In his famous piece 'Don Quixote', Miguel de Cervantes describes the novel's protagonist Quixote's growing obsession with knight-errantry, saying, "he so immersed himself in those romances that he spent whole days and nights over his books; and thus with little sleeping and much reading his brain dried up to such a degree that he lost the use of his reason".* (Cervantes, 1992: 1/1)
>
> *Quixote's obsession with knight-errantry led him towards his sleepless journey in fighting what he perceived as giants, king's enemies and others. The journey took him away from his family and not only nearly caused him his life, but also led him in some cases into humiliation. However, after spending days and nights on his mission of knighthood he finally found his way back and returned to consciousness. On his deathbed, 'the knight', after rejecting his stories of chivalry, tells his family, shamefully, "My judgement is now clear and unfettered, and that dark cloud of ignorance has disappeared, which the continual reading of those detestable books of knight-errantry had cast over my understanding".*
> (Cervantes, 1992: 2/16)

7.1. INTRODUCTION

Establishing a new model of governance from certain metaphysics-oriented ontology and epistemology may be viewed by some people as a construction of just another dream. Therefore, some might perceive that the axioms developed and the way the ideal of Islamic governance is articulated in this research is another imagined reality akin to Don Quixorte's. It has been found through experience that the normal consequences of such imagined reality is but another failure in the reality of the physical worldly. In order to moderate the 'ideal' of the proposition made in this study, this chapter aims to articulate the axioms in real life, specifically in the realm of contemporary governance operation.

The axioms require a certain specific paradigm to ensure their articulation into the reality of the contemporary ideals of governance. For this reason, a comprehensive

and holistic paradigm as a means of articulation and mechanism to translate potentially operational realm is needed. After extensive scrutiny into the deep Islamic spirit of Shari'ah rulings through the literature and the practices of Muslims throughout the history, the reader will see that the very foundation of efficiency of any Islamic ideals and teachings that derive from the ontology and epistemology are expected to operate only within the paradigm of *tawḥīd*. Such paradigm views that the human being is but the *khalīfah* (vicegerent) to deliver the mission assigned to him/her in the worldly life.

However, contemporary usage of the term 'governance' connotes the exercise of power or authority (political, economic, administration, *etc.*) to manage a country's resources and affairs. The practice of governance, thus, comprises the mechanism, processes and institutions, through which people from all groups and social strata within the society can articulate their interest, exercise their legal rights, meet their obligations and mediate their differences. Accordingly, good governance would imply the sets of rules (*system*) governing the actions of *individuals* and *organizations* (*society*) and the relations, transactions and negotiations of differences between them that could only be established and resolved through proper *institutions* (Van Dok, 1999). In the same spirit, the formulated axioms of Islamic governance cannot be relegated to work only through the individuals; instead they must be articulated through the comprehensive interconnection of all four main elements of governance: individuals, society, institutions and state. These four elements are expected to work as the articulator of Islamic governance through the typology of *khalīfah* within the environment and atmosphere (culture) of *iḥsānī* social capital, the expansion of which determines the nature of governance in terms of its quality.

7.2. *KHALĪFAH* TYPOLOGY

Exploring the field of governance through the lens of the Islamic or *tawhidic* worldview requires a fresh approach be presented due to the specific framework of its epistemology. At the same time, such effort demands certain room for *ijtihād* for the development of this new subject. Current reality and context inspire this subject to be more dynamic in responding to them. For such reason, *khalīfah* typology in the sense of *homoIslamicus* is proposed as an ideal framework for the proposed Islamic governance axioms. According to this understanding, the notion of *khalīfah* is to be

expanded from its classical exclusive political meaning, which connotes an individual position as the highest political and administrative rank in the Muslim community. Unlike the conventional stereotyping of the meaning of *khalīfah* in Islamic political doctrine, the term has to be brought back to its original and general meaning of Allah's vicegerent. This initial definition of the term indicates that every human being is God's vicegerent on earth and been created to fulfil the mission of *istikhlāf* (vicegerency), in which they will be individually accountable before Him in the hereafter.

This *tawhidic* worldview shapes Muslims' lifestyle and vision of life that implies that Allah is the sole creator and the only omnipotent God to be worshiped, and human beings as a whole are the '*makhlūq*' (creature) or more specifically 'the servants' of Allah the Creator. These servants are created with a mission (*istikhlāf*) which is to be accomplished in this world and they will be questioned on it during the life hereafter. The human being in this sense, hence, is the vicegerent (*khalīfah*) of the Creator in this world (Faruqi, 1989)[1].

This *tawhidic* reality worldview also denotes that the human race has been created with a special quality over other creatures to be God's representative or *khalīfah* or vicegerent. Thus, everything else in the universe is subservient to human beings, and if man utilizes them positively, he will participate in God's continuous process of creation (Omar, 1992: 43; Ahsan, 2007: 1). According to this worldview, the individual as *khalīfah* will only succeed in both this world and the hereafter by executing God's order through delivering justice, fairness, prosperity, development and harmony according to the will or guidance from the God as the fulfilment of his role as 'trustee' or vicegerent of Allah. Failing to deliver this responsibility or trust might lead the human to descend to a position that is less than that of *asfala sāfilīn* or animals[2].

This vicegerency, hence, defines the position of man in this universe, to populate and civilize the earth, free, chosen, commissioned and responsible. On the other hand, his freedom was governed by the terms of the contract and covenant of vicegerency,

[1] Qur'an (2:30; 51:56).
[2] These are the ones who al-Qur'an mentions as: "Have hearts [minds] wherewith they understand not, eyes wherewith they see not, and ears wherewith they hear not. They are like cattle, nay more misguided; for they are heedless (of warning)." (Qur'an, 7:179)

which is the Divine Law.[3] This worldview also demands from Muslims to further the '*daʿwah* mission' (propagation) by calling people to the *iḥsānī* world for *falāḥ*, which has been asserted in many Qur'anic verses[4]. It is through this mission that Allah has given to the Muslims the title of '*ummatan wasaṭan*' (justly balanced or moderate) to be the witness (*shuhadāʾ*) to the human being:

> Thus, have We made of you an *ummah* justly balanced (*ummatan wasaṭan*), that ye might be witnesses (*shuhadāʾ*) over the nations, and the Apostle a witness over yourselves; and We appointed the Qiblah to which thou wast used, only to test those who followed the Apostle from those who would turn on their heels (From the Faith). Indeed, it was (a change) momentous, except to those guided by God. And never would God Make your faith of no effect. For God is to all people, most surely full of kindness, Most Merciful. (Qur'an, 2:143)

As implied, achieving development and bringing harmony and stability to the community (through the axioms of Islamic governance) are amongst those 'righteous' deeds and are part of the duty of the *khalīfah*. Muslims as the *ummatan wasaṭan* should have an active role in such a field, since it is part of what are to be considered as the accomplishment of their mission as the *khalīfah*. Furthermore, as *khalīfah*, Muslims aim to attain the status of *iḥsān* in their life. As mentioned in the discussion on the axioms, *iḥsān* connotes the holistic idea of 'comprehensive excellence', which is the level above of mere Islam (knowing) and *īmān* (believing) as mentioned in the popular tradition of the Prophet Muhammad known as *ḥadīth Jibrīl* (The tradition of the archangel Gabriel)[5]. *Iḥsān* as a culmination of values and

[3] "It is who hath created for you all things that are on earth" (Qur'an, 2: 29); "Say: My Lord hath commanded justice." (Qur'an, 7: 29); "O David! We did indeed make thee a vicegerent on earth: so judge thou between men in truth (and justice): nor follow thou the lusts (of thy heart), for they will mislead thee from the Path of God." (Qur'an, 38: 26); "God commands justice, the doing of good and liberality to kith and kin, and He forbids all shameful deeds, and injustice and rebellion: He instructs you that ye may receive admonition." (Al-Qur'an, 16: 90); "Ye are the best of peoples, evolved for mankind; enjoining what is right, forbidding what is wrong, and believing in God." (Qur'an, 3: 110); "Those who have faith and do righteous deeds, they are the best of creatures; their reward is with God: Gardens of Eternity, beneath which rivers flow; they will dwell therein forever." (Qur'an, 98: 7-8; also see 22: 14; 4: 57, 122, 124, 96: 6; 30: 14-15).

[4] "Ye are the best of peoples, evolved for mankind, enjoining what is right, forbidding what is wrong, and believing in God. If only the People of the Book had faith, it was best for them: among them are some who have faith, but most of them are perverted transgressors." (Qur'an, 3: 110); "(They are) those who, if We establish them in the land, establish regular prayer and give regular charity, enjoin the right and forbid wrong: with God rests the end (and decision) of (all) affairs." (Qur'an, 22:41); "Let there arise out of you a band of people inviting to all that is good, enjoining what is right, and forbidding what is wrong: They are the ones to attain felicity." (Qur'an, 3:104).

[5] Narrated by al-Bukhārī: One day when we were sitting with the Messenger of God there came unto us a man whose clothes were of exceeding whiteness and whose hair was of exceeding blackness; nor were there any signs of travel upon him, although none of us knew him. He sat down knee unto knee

actions of Muslims life requires them to live with the quality of above *par* excellence in all their worldly, intellectual, spiritual and social life. The attainment of *iḥsān* is but the essential of ensuring *falāḥ* in the life of the community, which is still subject to the fact that those aiming to achieve *iḥsān* must also extend their support to others to follow the path for *iḥsānī* development.

Khalīfah typology, thus, in this manner gives Islamic Governance a *sui generis* that distinguishes it from the others, the rationale which was discussed previously. The main difference is not only in the principles, structures and institutions, but also in its spirit and values within the individuals as the major actors of governance. It is from the *tawhidic* worldview that individuals under *khalīfah* typology will emerge as God-centred individuals, as their actions are strongly attached not only to the ritual-spiritual teaching of Islam, but also the action based consciousness of articulating the requirements of being *khalīfah* on earth, such as philanthropic elements in its socio-political and economical doctrines. Such ideals imply that the administration of such God-centred individuals entails the God-centred environment that brings the highly moral spirit in the realm of governance (Hudson, 1982: 9), and hence fulfils the notion of *iḥsān*. This will result in 'functioning individuals' who not only believe and functioning according to what they believe, but also continuously impart what they believe and what they practise to others to form a culture or environment conducive to 'Islamic governance' according to the axioms. Thus, ideal governance or 'good' governance within such a paradigm can only be attained or established by the community which lives according to the spirit of this system of *khalīfah*. This implies

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opposite the Prophet, upon whose thighs he placed the palms of his hands saying: "O Muhammad, tell me what is the surrender (*Islām*)." The Messenger answered him saying: "the surrender is to testify that there is no god but God and that Muḥammad is God's Messenger, to perform the prayer, bestow the alms, fast Ramadan and make if though canst, the pilgrimage to the Holy House." He said: "thou hast spoken truly," and we were amazed that, having questioned him, he should corroborate him. Then he said: "Tell me what is faith (*īmān*)." He answered: "To believe in God and His Angels and His books and His Messengers and the Last Day, and to believe that no good or evil cometh but by his Providence." "Thou hast spoken truly," he said, and then: *"Tell me what is excellence (iḥsān)." He answered: "To worship God as if thou sawest him, for if thou seest Him not, yet seeth He thee."* "Thou hast spoken truly," he said, and then: "tell me of the Hour." He answered: "The questioned thereof knoweth no better than the questioner." He said: "Then tell me of its signs." He answered: "That the slave-girl shall give birth to her mistress; and that those who were but barefoot naked needy herdsmen shall build buildings ever higher and higher." Then the stranger went away, and I stayed a while after he had gone; and the Prophet said to me: "O Omar, knowest though the questioner, who was he?" I said: "God and His Messenger know best." He said: "It was Gabriel. He came unto teach you your religion." (al-Bukhārī (1985: 1/27; 4/1793); Muslim (n.d.: 2/715).

that *khalīfah* requires certain characteristics within the community to shape its development according to the *tawhidic* worldview.

However, in formulating the means of articulation for Islamic governance, *khalīfah* typology implies comprehensive and interrelated components of mechanisms to bring all the axioms into day-to-day practice. Thus, as mentioned previously, four major elements, or four dimensions are identified as crucial in order to deliver those ideals: individual, society, institutions and state. The Islamic governance ideals through the established axioms can best be articulated through these four interdependent elements in order to be operationalized. *Khalīfah*, therefore, requires that good governance is practised on the individual level by '*functioning individuals*'; then on the level of society through '*benevolent society*'; and at the state level through '*enabling state systems*', which is ideally 'effective' and 'minimal' in nature; while at the institutional level the axioms must be interpreted through *effective institutions*. It should be noted that effectiveness in this paradigm should not only be understood in the limited conceptualization of the neo-classical worldview but rather it implies achieving the expected outcome, that is the maximization of *iḥsānī* social capital with the objective of reaching *falāḥ*.

Based on the *khalīfah* typology, it can be concluded that the aim of governance in Islam, unlike the conventional versions of governance is to achieve comprehensive human well-being *(falāḥ)* through the articulation of *tawḥīd, amānah, ʿadl wa iḥsān, ukhuwwah, iṣlāh, ikhtiyār, rubūbiyyah, tazkiyah* and *maqāṣid al-Sharīʿah'* through the mechanism of *khilāfah* (vicegerency). Furthermore, 'Islamic governance' is part of the means to achieve *iḥsān* as the culmination of human life for a better life for the community.

It is upon such a definition that this research has been structured and organised and the articulation of the afore-mentioned axioms within the '*khalīfah* typology' elements will be expounded extensively in the following sections.

7.2.1. Functioning Individuals

Accordingly, *khalīfah* requires harmony and interrelated stability of three major components in human life: the physical, intellectual and spiritual. These elements in human existence are not regarded as three different compartments but neither are

they necessarily irreconcilable due to their unique mutually exclusive nature. As *khalīfah*, the human being is neither a fallen angel nor an ascending animal, but rather, a responsible being with the potential to ascend to a position that is higher than that of the angels, or to descend to a position that is lower than that of an animal (see Qur'an (2:30; 51:56; 95:4-6). (Badawi, 2002: 5). The interdependence and the balance of the corporeal elements of human life (represented by the physical and intellectual) and the spiritual, in shaping the *haḍārah* (civilisation) of human life is explained in depth by Bennabi (1979: 21): "*Haḍārah* (civilisation) can be defined in fact as a set of spiritual and material elements that allow a society to ensure all social guarantees to every single individual".

Upon this foundation, Bennabi (1979) points out the essentials of the consciousness of both material and spiritual elements for the progress of the society, which must be articulated into a policy and a project according to the Islamic ideals. In this sense, *haḍārah* emerges within the world of ideas and then it is transformed into a social regulation and a governing power within that society, framing itself with a spiritual control to ensure its safe and right steering. Hudson (1982) highlighted such uniqueness of Islamic society's political orientations by acknowledging the transcendental matter and therefore 'God centred' as opposed to the human centred Western ideals.

Within such typology, an individual is a person who preserves his vertical relation with his God and his horizontal relation with his fellow humans and his environment by articulating the aforementioned axioms of Islamic governance. His *tawhidic* reality worldview guides him towards living according to God's guidance in the terrestrial life, to achieve *falāḥ* through the culture of *iḥsān*. Consequently, *falāḥ* can be achieved through comprehensive wellbeing in one's life as a result of the continuous obedience to the guidance with the quality of *iḥsān* (see: Qur'an, 2:189; 3:130; 3:200; 5:35; 5:100; 24:31; 28:67; 24:51). This comprehensive well-being is obtained through the preservation of the highest objectives of Sharīʿah (*maqāṣid*) when the guidance is followed and implemented in one's life.

As far as *khalīfah* is concerned, all his life is dedicated to fulfilling this responsibility of being the vicegerent of Allah on earth, as all actions are considered as acts of worship (ʿ*ibādah*) or submission towards the Creator (Omar, 1992: 40). Arif (1989)

names such an individual as *tab'ay* (obedient) human being,[6] while Al-Buraey (1985: 237; 316) defines such a character as the 'God-fearing' individual. Such a person then is a responsible individual with a *tawhidic* mindset, which becomes the precious social capital for the community or the Muslim nation as a whole. This ideal makes 'Islamic' approach to governance different from the 'materialistic' and 'individualistic' liberal proposal of good governance. It also leads to the political economic idea of 'two-dimensional utility function' (present and the hereafter), which leads to a *homoIslamicus* being unlike the conventional economic system which is based on a one-dimensional utility function, which leads to *homoeconomicus* or *homopoliticus* (Asutay, 2007b).

In substantiating the position taken here, it should be stated that the importance of 'functioning individuals' is thoroughly discussed by Bennabi (Berghout, 2005: 167-68) who strongly asserts that any social change or civilising process should depart from the very tiny cell of the *ummah*, which is the individual himself. In this way, it is understood that civilisation should never be confined to the formulation of objects and wealth *per se* or what (relates to what he terms the realm of objects or *ʿālam al-ashyāʾ*) as perceived by many, but it must rather be generated from the realm of persons and ideas or *ʿālam al-afkār* (which he calls the social investment). By quoting the example of the Germans who rose up after World War Two, he declares that the driving force behind that was not its destroyed world of objects and things, but its human resources (individuals) and will of such individuals for reconstruction. The Qur'an (21:107) mentions this (functioning) individual's mission as the continuation of the Prophet Muḥammad's mission as an agent of mercy to the universe: "For I [Allah] have created you [Muḥammad] to be nothing but a blessing for all creation".

This type of *homoIslamicus* as a functioning individual is essential to the articulation of the axioms of Islamic governance according to the *tawhidic* worldview. They become sustainable people, conscious of their role of being the agents for *iḥsān*, they are able to earn a living and to have a quality of life acceptable to themselves as they continue to learn about themselves and their communities and to strive to improve

[6] Where according to him, "to be a Muslim is a necessary but not a sufficient condition to be *tab'ay*" (Arif, 1989).

their life as well as the community by maximising *iḥsānī* social capital[7]. Functioning individuals are also those who live with self-integrity under the banner of *amānah*, which entails the inner attitude of self-accountability and due to this self-consciousness, they are always transparent in delivering the trust rendered to them. As part of the delivery of the *amānah*, functioning individuals *do* actively participate in the governance activities of the community as active not passive citizens due to the principle of individual empowerment through *shūrā* and *amr maʿrūf nahy munkar* within the concept of *iṣlāḥ*.

In addition, according to the *tawhidic* worldview, functioning individuals, as part of the 'moderate nation' (*ummatan wasaṭan*), and also as part of the community, in which they live, should explore the field of participation to achieve good in the worldly life and to attain *falāḥ*. Ramaḍān (2005:134) suggests that the participation of Muslims in the political and social life of the society is but a reflection of their good faith and spirituality. Furthermore, their participation is but a fertile ground for those individuals to perform their '*al-amr bi al-maʿrūf wa nahy ʿan al-munkar*'. This is in agreement with the current theory of people's empowerment in governance, in which individuals should have the right to participate in the activities of a political community and in effective decision-making about the shared future through their personal capacity or the group's collective action (Cornwall, 2002: 1; Saward, 2005: 179-194; Theiss-Morse and Hibbing, 2005).

Furthermore, in the prevailing theories of Islamic governance, the sphere of participation should be expanded towards every person in the community to enhance their direct-participation opportunities, which must aim at strengthening the lower echelons of public administration through various means such as plebiscite, civic-based policy-making efforts, public debate, polling etc. (Boyte, 2005; Kim, et al., 2005: 650). It is through participation that individuals exercise their culture of *iḥsān* to ensure *falāḥ*. It is their effort to fulfil this mission that is valued as 'Islamic' governance. Thus, participation should not only be limited to the political realm, but as a radical democratic position electors should claims their right in policy making beyond the elected. The importance of such active and functioning individuals in the realm of governance is mentioned by Havel (1997: 146), who firmly maintained that:

[7] This social-concern characteristic of functioning individuals is similar to the *socio-tropic individuals* coined by Asutay (2007b: 4).

"A modern state cannot consist merely of civil service, political parties, and private enterprise. It must offer citizens a colourful array of ways to become involved, both privately and publicly, and must develop very different types of civic coexistence, solidarity and participation". It should be mentioned that Islamic moral economy's concept of participation can respond to such calls, as instead of mere competitiveness, Islamic moral economy aims at the coherence of both cooperation and competitiveness. The financing participatory nature of the economy and finance is strongly argued, as the aim is the formation of *khalīfah* typology through functioning and active individuals.

Participation, hence, according to this also contributes towards the broadening of responsibilities for the decisions adapted to each and every citizen and their commitments towards society, thereby fostering political competences, enhancing the quality of collective decision-making and activating the market by not solely depending on the state to plan for their micro-economic life.

As can be seen, participation related theories are but another face of the expansion of the *shūrā* concept by widening the scope of consultation to every *'empowered' functioning individual*. This ideal will lead to the active role of civil society, an independent community and less dependence on the authority.

In the same manner, a functioning individual lives within the spirit of the rule of law as part of their *amānah*. Similarly, the spirit of *ʿadl wa aḥsān* requires permanent guidance in the life of the functioning individual for them to not only respect the rule of law for the well being of the community but also to act as an agent to promote the concept. While at the same time, the principal of *iḥsān* drives a functioning individual to keep striving towards comprehensive excellence to attain *falāḥ* in his life in line with *maqāṣid al-Sharīʿah*. Such an individual also lives with the high spirit of universal solidarity and benevolence through the concept of *ukhuwwah*. The *ukhuwwah* spirit also ensures mutual respect and mutual acknowledging between individuals with sufficient room for freedom for everybody to practise their rights and obligations.

Having said all this, *homoIslamicus,* as functioning individuals are not merely an imaginary, utopian society based purely on theory without consideration for the reality. Islamic governance as another means of achieving society's 'well-being'

directly contributes towards the development of 'social capital', or *iḥsānī* capital, which is currently accepted by many as an effective element for the promotion of economic development, equality, participation, and democracy.[8] Moreover, these 'material' objectives are not the ultimate aims of the Islamic governance. They emerge as a result of collective individuals exercising the axioms, motivated by an 'inner' foundation within the hearts of those individuals on their journey to attain *falāḥ* through the culture of *iḥsān*. Those individuals are not living individually in the pursue of their aims, but rather acting collectively with the spirit of solidarity and sharing their ideals with others.[9] The struggle of the functioning individual to pursue his own well-being and that of the community not only manifests the ritual-spirituality of the individual, but also represents the true meaning of *jihād fī sabīl Allah* (striving in the way of Allah). *Jihād* in its broader term encompasses the struggle for individual development, justice, humanity and well-being, which are the results of Islamic governance through *khalīfah*. Thus, this 'inner' element differentiates between mere worldly 'good governance' and Islamic governance.

The functioning individuals, however, could not function in vacuum within the minimal state. The previously mentioned *iḥsān* characteristic of Muslim *Ummah* requires the establishment of benevolent society comprise of the functioning individuals. With the spirit of universal solidarity amongst its individuals, the benevolent society will maximize the potential of its member to be independent and to self-actualise their *falāḥ*. This ideal benevolent society will lead to the creation of 'independent society' or 'virtuous society' that will articulate the axioms of Islamic governance within the larger sphere of individuals. The ensuing section will elaborate further on how the benevolent society as an element of *khalīfah* typology is essential in constructing the big picture of ideal governance in this thesis.

7.2.2. Benevolent Society

As mentioned above the *khalīfah* typology of functioning individuals does not work in a vacuum. The functioning element of individuals only becomes workable within the sphere of a society that enables them to be functioning. Upon this premise, a 'big

[8] Increasing evidence shows that social cohesion is critical for societies to prosper economically and for development to be sustainable (see: The World Bank 1999).
[9] This is due to the understanding of the '*shuhadā'*' (witnesses) mission, where the conscious individuals will strive to impart their consciousness to the others.

society' in which the individuals are politically and economically less-dependent on the state, but rather interdependent on each other based on the concept of social justice and universal solidarity, and hence the virtuous society. This paradigm, nevertheless does not deny the individualism and ownership, but the individualistic nature of the individuals are rather interdependent on each other not solely to pursuit everybody's respective personal interest, but rather to collectively assisting each other to pursue their own personal *falāḥ* but also to help each other in reaching *falāḥ* through the expansion of the *iḥsānī* social capital. Such a big society in Islamic governance is essential in order to articulate its philosophical foundations and it is best to be known as a 'benevolent society'.

In the same token, this benevolent society itself is the result of the intercommunicating and interrelated networking of the functioning individuals within the culture of *iḥsān*, which demands from every single individual not only to achieve his personal well being by creating a '*falāḥ*' of his own, but also to cultivating an environment which can facilitate the *falāḥ* of others due to the *tawhidic* reality worldview. As mentioned in the previous paragraphs, functioning individuals strive not only towards their own happiness through participation and self-determination, but also to assist others to attain total self-actualization (*falāḥ*). This collective mutual interdependent nature of the functioning individual is the gist of the aforementioned axioms.

Tawhidic principal which acts as the *imago mundi* of the society framework of governance within the hearts of individuals leads to the realization of their *amānah* (trust), by preserving their rights and also enables them to execute their obligations in a just and benevolent manner as indicated by the *ʿadl wa iḥsān* axiom. The just and benevolence principal requires the individuals, as part of the notion of *iḥsān*, to live and pursue their lives not only for their own personal interest, but also as agents of mercy to mankind and the environment. Furthermore, the effectiveness of benevolent society that would mutually connect the individuals is strongly founded on the spirit of universal solidarity or *ukhuwwah* axioms through *takāful* (mutual cooperation), *tafāhum* (mutual respect). The articulation of these concepts will lead towards social cohesion in achieving their well-being (*maqāṣid al-Sharīʿah*).

Such a *tawhidic* ontology based society of individuals exemplifies 'social capital' through the empowerment of each single cell of the society's members. A social capital of this type comprises all three types of social capital as proposed by Woolcock (2001): bonding, bridging and linking[10]. If the contemporary notion of social capital arises from the horizontal material needs and is structured by the vertical framework of the state, Islamic social capital is to be shaped by moral-based and faith-inspired *iḥsān* culture to produce the '*Iḥsānī* Social Capital', which implies that the horizontal relation amongst the people or individuals is established by the concept of *ukhuwwah* (universal solidarity), which is derived from the vertical *Tawhidic* worldview relation between the individuals and God. It is the quality of their inter-connectedness with each other (horizontal) that determine the quality of their vertical relation (with Allah) in attaining *falāḥ*. Active, functioning, empowered individuals are thus expected to articulate their governance rights and responsibilities within the sphere of this *iḥsānī* social capital realm.

Furthermore, a continuous process of *tarbiyyah* and *ta´dīb* (education and virtuous impartment process) as part of the *shuhadā´* characteristics must prevail within the benevolent society, the nature and the magnitude of which will determine the magnitude and the quality of *iḥsānī* social capital and therefore the nature of good governance in a dynamic and integrated manner with causal relationship is expected to be yielded.

This process can only constantly and naturally be carried out on the very basic branch of society, the family institution. Islamic moral and teachings place crucial emphasis on the value of the family. Without a proper virtuous family institution that enables individuals to function, and Islamic values to prevail, it is hard to produce benevolent

[10] The central thesis of social capital theory is that '*social networks based relationships are a valuable asset*'. People's interaction amongst themselves within the realm of social relation and networking enables them to build communities with each other, through the well-knitted social fabric. As argued by many, this trust-based relation within the community will bring great material benefits to people for the development and economic growth (Mehmet, 1999, 139; Kliksberg, 2000; John Field, 2003: 1-2). In expanding the discussion of this type of capital, Woolcock (2001) divides the relations of the social capital into three major types: '*The bonding*' type of social capital is the relation of community which based on enduring, multi-faceted relationships between similar people with strong mutual commitments such as friends, family and other close-knit groups; while the '*bridging type*' of social capital is formed from the connections between people who have less in common, but may have overlapping interests, for example, between neighbours, colleagues, or between different groups within community; and finally the '*linking type*' of social capital derived from the links between people or organisations beyond peer boundaries, cutting across status and similarity and enabling people to exert influence and reach resources outside their normal circles. Gilchrist (2004: 6) asserts that these types of social capital must come together interrelated to produce the well-connected community.

elements in the society. Strong family institutions with Islamic values will ensure social networking amongst society members to establish the *iḥsānī* social capital. The effective role of families and social networking with the influence of culture, virtue and religious value is acknowledged by many researchers of development and social capital as another factor towards the holistic and comprehensive development (Chang, 1997; Kenneth Newton, 1997; Teachman, *et al.*, 1997; Kliksberg, 2000).

Universal solidarity within this benevolent society expands beyond political economy issues and the ownership and rights discourse. It encompasses the comprehensive elements of family, social, education, and ethos, ritual-spiritual, moral, values and responsibilities aspects of human life. It is through this process that virtue and values are kept alive in the lives of individuals and families. Such a realm of *iḥsānī* social capital enshrines the very meaning of *ukhuwwah* through the practice of *naṣīḥah* (mutual reminding) amongst its members. These qualities will sustain in both *actorgenic* and *factorgenic* factors[11] within the society due to the establishment of the support system of effective institutions working in the maximum space left by the minimal enabling state as discussed in the following paragraphs. This ideal practice of benevolence will lead towards balance, harmony and mutual respect within the society. Compared to the benefits of the contemporary notion of social capital,[12] the *ihsani* social capital through benevolent society would bring about the well-being (*maqāṣid al-Sharīʿah*) of the community through the ideals of Islamic governance.

However, *iḥsānī* social capital through the benevolent society can only be articulated within the framework of effective minimal state where more room for the society's dynamism can be fully exercised through active state and non-state institutions, as *iḥsānī* social capital requires opportunity to flourish and nourish without the hindrance and interference of the state. Within such a framework, a society must be substantially autonomous to self-determine its way forward. Not only should the state with its system and mechanism allow a benevolent society to nourish, it should also allow non-state institutions as part of the realm where the individuals and the society

[11] Actorgenic means those matters, which are found within the individual or the group; and factorgenic: implies those matters, which are the results of human action, external to man and able to survive longer than an individual or the group (Alatas, 1972: 22).

[12] Putnam (2001: 296-333) points out that what he coined as the social capital is useful for education, social stability, lower crime rate, well being of society, socioeconomic growth, health and others. The World Bank (1999) has also brought together a range of statistics to make the case for the social and economic benefits of social capital.

with its limited autonomy can be actively involved in the centre along with the state's. In the same spirit, the state itself must be interdependent with the society in which it operates in creating the atmosphere of *iḥsān* to attain *falāḥ*. This nature of interdependency between the state and the society (represented by its individuals) in governance is exemplified through the effective institutions in civil society and the state.

7.2.3. Effective Institutions

While determining the role of individuals and state in articulating the Islamic ideals of governance through the axioms, it should be noted that both elements as part of the *khalīfah* typology could not effectively function without proper institutions connecting the two. This implies that the critical dual role of institutions can obviously be determined firstly by facilitating the articulation of any system or ideological objectives and aspirations and then by translating them into actions. Thus, the existence and capabilities of institutions for crystallizing and guiding collective efforts are most critical in the realm of governance, whether it is for strategic visioning and long-term policy-making or for actual implementation or evaluation and control. The significance of institutions also lies in their role in accomplishing the mandates, missions and objectives derived from the axioms, as well as in structuring and organising groups and individuals within the community according to their roles and responsibilities due to the degree of authority vested in each groups.

In explaining the significant role of institutions, North (1990: 3) develops a theory that defines institutions as "humanly devised constraints that shape human interaction". His theory explains that institutions are essential in exercising two fundamental roles: as 'rules of the game' and as a 'system of incentive distribution'. As the rules of the game, institutions regulate actors' (individuals') behaviour, in determining the conduct of the individuals, in a particular way, institutions will promote cooperative behaviour. While as the system of incentive distributions, institutions have a duty to provide individuals with a fair and equal opportunity to apply sustainable strategies to pursue their interests collectively (North, 1990: 6-9). Institutions are also important for regulating the system of rules to crystallize and maintain the philosophy, ideology, culture and 'traditions' that underpin or rationalize the operation system of the institutions and its constituent parts.

Governance institutions, thus, embody several elements: formal and informal rules of behaviour, ways and means of enforcing these rules, procedures for mediation of conflicts, sanctions in the case of breach of the rules, and organizations supporting market transactions (North, 1994; World Bank, 2002). Institutions are more or less developed depending on how well these different features operate. They can create or destroy incentives for individuals to engage in governance.

As an act of steering a people's socio-politico-economic development, governance is a multifaceted compound situation of institutions, systems, structures, processes, procedures, practices, relationships and leadership behaviour in the exercise of social, political, economic and managerial/administrative authority in the running of public or private affairs (Leftwich, 1993; Williams and Young, 1994; Van Dok, 1999; Rhodes, 2003). Good governance, in this context, is the exercise of this authority with the participation, interest and livelihood of the governed as the driving force. Hence, institutions that deal with the issue of governance must facilitate collaboration, involvement, consultation and participation of all stakeholders in all sectors (public sector, private sector and civil society) in the act of governance. At the same time, due to the nature of the social constructs of governance institutions, they encompass not only temporal structurally-conditioned behaviour but also tendencies that are products of the socio-politico-economic and historical conditions of the context in which they operate.

Attention should be paid not only to central government institutions and processes under the notion of Islamic governance, but also to the attributes and capacities of sub-national and local government authorities as mentioned in the discussion of the enabling state. In addition, the current trend in worldwide governance assigns a more active role to civil society institutions due to the gap between states or governments and their citizens becoming wider[13]. The term itself became so popular with the emerging non-state social actors in governing society interests either in education, the market or the socio-political field. Therefore, the civil society became an important institution for establishing good governance across the globe. The nature of such

[13] In the mean time, the 'New Institutional Economics' model, which started to emerge as a new fad of global contemporary macro-economic theory promotes that the basic institutional framework encouraged the development of economic and political organisations such as NGOs, political parties, other civil society actors, business networks, market actors, etc. The self-interest maximising activities by the institutions may have directly and indirectly promote investment in variety of sectors, which will eventually contribute towards the independency of the people from the state. (North, 1991a: 51).

institutions can be described as "The realm of organized social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state, and bound by a legal order or a set of shared rules" (Pasha, 2004: 1-2).

Unlike current civil society models that are derived from the framework of post-Enlightenment discourses of the West, the Islamic notion of civil society emerges from the 'inner' foundation of the functioning individual.[14] The realization of the axioms motivates individuals to act and react to the reality by forming the society according to *tawhidic* ideals. The very dynamo of such civil society is not personal interest or the mere protection of individual rights against the state, but it was part of the articulation of the individuals' conviction in achieving *falāḥ* through the culture of *iḥsān* with the continuous spirit of *iṣlāḥ*. In sum, civil society under the *tawhidic* paradigm reflects the degree of religiosity of the individuals in maintaining their vertical relation with God and their horizontal relation with their fellow humans as well as the environment.

Historically, several state and non-state institutions actively operated the governance of Muslim political economic affairs based on such motivation. From the time of the Prophet Muḥammad up to the days of the Ottoman Empire, different institutions were formulated and functioned in Muslim society to articulate the ideals of Islamic-inspired governance alongside other institutions adopted from the occupied lands. As a matter of *ijtihād* and the ongoing process of development, the institutions flourished while contributing towards the aim of attainment of *falāḥ* of the community. Hence, it is worth mentioning some of those institutions to see how the Islamic ideals of governance contributed to shaping the governance process of the past through institutions contributing to the micro dynamics of the governance. Some of the institutions' functions may be worth reconsidering under the proposed paradigm of Islamic governance in this research.

[14] Keane (2009:133-36) asserts that the emergence of civil society could be traced in Islamic history through the flourishing social institutions within Muslim society in the past. The civil society (*jamāʿī madanī*) that emerged was mainly motivated by economic factors, which amongst others was to protect ownership and welfare purposes. *Waqf* was identified as the early civil society institutions developed by early Muslim societies in enabling people to resist vigorously any attempts by the state over individuals' wealth. *Waqf* as an important actor of governance will be discussed in the topic effective institutions as part of *khalīfah* typology.

ʿUlamā´

ʿUlamā´, or scholars and experts of the science of Islam have a special place in the heart of Muslims and within the social strata of the community. As people who possess the knowledge of revelation and the guardians of the religion through the preservation of the Qur´ān and its traditions, the Qur´ān and the Prophets glorify the status of *ʿUlamā´*.[15] With such a status they sanction the greater role they have to perform and the massive responsibilities they have to deliver in all social, religious and political milieu (Ghannoushi, 2001; Imarah, 2005:84-92). It is rather interesting to view that throughout Muslim history, *ʿulamā´*[16] were not at the monolithic position as the Christian clerics during the pre-Enlightenment and the so-called 'dark ages' of the Medieval Europe. *ʿUlamā´*, on the other hand, post al-Shāfiʿī's *magnum opus*, *al-Risālah* emerged as an institution separate from the state, and as a product but at the same time an essential part of Muslim civil society, to become the guardians of religion on behalf of the society from any interference of the Caliph or the state. In this, the role of *ijtihād*, which is the prerequisite for any individuals to issue any decree on religious issues managed to safeguard the religion from becoming another tool for the despots. Since then, history has witnessed the rival of *ʿulamā´* as an institution to challenge the state on behalf of the society (Hofmann, 2001: 4).

However, *ʿʿulamā´* have also acted as a buffer zone between the society and the state (Ghannoushi, 2001). *ʿUlamā´*, as the representatives of the civil society, according to Ibn Taimiyyah have the role of mediator between the ruler and the ruled, as Ibn Taimiyyah suggests the collaboration between the leadership and the *ʿUlamā´* is essential in maintaining the order and the ideal of a just and virtuous state. It should therefore be noted that within the classical set-up of Muslim society, the two groups were the most central pillars in the governance process (Zubaida, 2005: 100). The *ʿulamā´* sustained their living and the continuity of their position through the nourishment of *waqf*, which was separate from the state. In fact, it was the *ʿulamā´*, for instance, who safeguarded the institution of *waqf* for the benefit of the people from any infringement by the state by making *waqf* an independent and separate entity from the state (Nafi', 2010: 276). The historical accounts also show the active role of the *ʿulamā´* in protecting the religious, social and civil life of individuals

[15] Amongst other verses: al-Qur'an (41:3; 29:43; 30:22; 2:230; 6:97; 6:105; 7:32; 39:9).
[16] I am reluctant to translate them here as 'clerics' for its Eurocentric connotation.

against the overwhelming and infringing nature of the state. Therefore, the historical account also testifies the struggle given by the *ʿulamāʾ* against the state in fulfilling such roles.

Unfortunately, the *ʿulamāʾ* institution due to its informality is not a monolithic institution. History has proven that there are proportionate numbers of *ʿulamāʾ* who also agreed to be in subservience of the state and rulers. Those who subjugated themselves under the power of the palace or working under the influence of the state were known throughout history as *ʿulamāʾ al-Sulṭān*, which literally means the scholars of the castle or the co-opted scholars (Imarah, 2005). During these periods, the judiciary (*qaḍāʾ*), religious education and the *waqf* became the bureaucratic state institutions administrated by or assigned to the *ʿulamāʾ* (Lapidus, 1996; Ghannoushi, 2001). The number of these scholars increased after the closure of the door of *ijtihād* which resulted in the shift of the *ʿulamāʾ* institution from civil society to the state, namely under the Sultanate state, which was the object of the Sultanate state which aimed to protect its power which was open to question in terms of Islamic legitimacy. The condition deteriorated especially during the Ottoman period when the institution of *ʿulamāʾ* was officially put under the supervision of the state (Lapidus, 1996), leading to the control of the religion for the interest of the state, as Ottoman political culture is summarized by the concept of '*din vu devlet*', namely religion exists to serve the state, unlike the Islamic notion that everything in the universe is aimed at nourishing the state.

However, the survival of independent *ʿulamāʾ* as unofficial institutions within civil society remains separate from the body of Muslim societies around the globe, which has become a reality under the global forces within the Muslim nation states Moreover, the independent *ʿulamāʾ* institutions have proven their leading role in the society of many Muslim countries during the period of colonialisation. Historical literature has abundantly recorded the spearheading role of the *ʿulamāʾ* in challenging the colonials (Zaman, 2002). However, the post-independent Muslim nations, under the framework of the modern nation-state have managed to put the *ʿulamāʾ* institution again under the control of the state by minimising their role under the *waqf*, which turned has become just another ministry under state control in many Muslim states. Despite the global condition of the *ʿulamāʾ* institution, many *ʿulamāʾ* tried to revive the initial and viable role of their predecessors through what are

nowadays known as Islamic movements or political Islamism (Butterworth, 1992; Lapidus, 1992; Ghannoushi, 2001; el-Affendi, 2003, Nafi', 2010).

Waqf institution

Zarqa (1988) points out that there are various institutions and structures that Islam has instilled to redistribute income and wealth for the fulfilment of the basic needs of all in society. The institutions include, among others, *zakāh* and *waqf*. Nevertheless, *Waqf* is the most vital institution in enshrining the Islamic ethos by balancing between the private ownership and communal obligation. The fundamental idea of *waqf* was to bring the profound ideal of philanthropic and benevolent attitudes within the society into reality through institutionalizing. As an act of volunteerism and third sector of the economic structure, *waqf* overlaid a concrete foundation for the wealthy individuals of the society to share their wealth with the unfortunate as part of their social contribution. In modern jargon, *waqf* as endowment reflects a strong motivation for the development of social capital in a society due to the fact that the policy of modern economic development puts emphasis on the micro-dynamics of the society.

Since the dawn of its practice, the idea of *waqf* was very inclusive in that it expanded not only within the territory of religious endowment, but also for social and welfare activities (al-Salih, 2001: 165-170). Keane (2009: 136-38) implies that *waqf* was amongst the earlier vehicles, which have represented civil society since the dawn of Muslim history. It was a mechanism for Muslims in those periods to gain endless rewards for the ongoing benefits of charity from the *waqf* system (Gil, 1998). *Waqf* along with *zakāh* (alms) as part of the voluntary sector has contributed toward the economic well-being of Muslim societies for centuries (Lewis, 1990; Hoexter, 1998; Baskan, 2002: 13) by creating an opportunity space for the development of *iḥsānī* social capital.

Waqf acted as the source of the individual's or the society's sources for independency from the state. The *waqf* system contributed to the flourishing of mosques, orphanages, motels, schools (*madrasah*), Sufi lodges (*zāwiyāt*), water wells, food distribution, debt relief and other social welfare means (Baer, 1997; al-Salih, 2001; Hasan, 2006) as part of the people's independency from the state.

In time, the third sector of social life deteriorated and the *waqf* system became an official institution, which was centralized under the state separate from private *waqf* (*waqf ahliy* or family *waqf*) (Lewis, 1990). However, it was al-Shafiʿī through his *al-Risālah* who managed to prevent the *waqf* from becoming another state institution and returned it back to the society to be administrated by the *ʿulamāʾ*. Since then that the *waqf* institution has performed an important role in Muslim societies throughout history in establishing and sustaining educational institutions including prominent higher education institutions like the al-Qurawiyun University in Tunisia, al-Azhar in Cairo and other early universities in Islamic Andalusia long before Oxford and Cambridge (Baer, 1997). It was also the source of building hospitals and clinics throughout Muslim lands, which were known as *bimaristan*[17] thus contributing towards the enhancement of medical science and discoveries by Muslim scientists (Baer, 1997).

Unfortunately, after the colonialisation period, when *waqf* became part of the state as an official institution or organ of the state, it became a separate ministry, the *waqf* failed to have a dynamic role in the society any more (al-Salih, 2001: 209-10). The official role of *waqf* was relegated to being strongly associated with religious matters (mosques, cemeteries, orphanages, *madrasah*, maintenance of religious authorities, etc.) with a little emphasis in some Muslim countries on the non-mundane charity and welfare issues (Lewis, 1990; Baer, 1997). Non-official *waqf*, like family *waqf* was also affected by this distorted image of *waqf* involved in the religious related matters *per se*. However, the emergence of Islamic movements, organisations and the *daʿwah* and other progressive groups in the forms of NGOs, qua-NGOs and foundations have established a new revival of the dynamic *waqf* as part of the citizen-based charity and welfare institution (Lapidus, 1992; Clark, 1995; Hasan, 2006; Harrigan & El-Said, 2009; Nafi', 2010). The current studies and implementation of official *zakāh* throughout the globe have been influenced by the new trend and have begun to expand beyond the traditional official exclusive religious function of *waqf* (Hasan, 2006).

In conjunction with the Islamic governance proposal the *waqf* institution, as it was functioning in the past, remains an important institution for ideal governance. With

[17] Córdoba, Spain alone was reported to have had as many as 50 hospitals at the time of Abū al-Qāsim al-Zahrawī (Abulcasis) (Francoise, 1996: 999-1001)

its constructive role in providing endless revenue for the civil society, *waqf* will continuously fuel the sense of empowerment of the individuals and accordingly constantly cultivate an atmosphere of benevolence in the society, hence detaching the society from the state. Historically, *waqf* was institutionalized as the rich wanted to keep away money from 'non-good governance of the state' as *waqf* gave them an opportunity to keep their wealth away from arbitrary confiscation by the state (Kuran, 2001).

Accordingly, Cizakca (2004) suggests a model in which the concept of cash *waqf* can be used in contemporary times to serve the social objectives of the society by referring to the experience of Muslims in Turkey during the Ottoman period in micro-financing. This self-micro-financing practised by the members of the society further minimized the role of the state and at the same time enhanced the element of benevolence within the community, hence leading to the nourishment of the aforementioned *iḥsānī* culture. Within the *iḥsānī* culture, both elements of *khalīfah* typology depend proportionately on effective *waqf* leading to the lesser size of the state, which is an essential element in ensuring the viability of the *khalīfah* typology for Islamic governance.

Ahl al-Ḥil wa al-ʿAqd (*shura* council)

In medieval political theory, the term refers to a group of honest, wise, experienced and righteous people who possess the right to elect or remove a ruler. It could be depicted as council of experts, or elites or wise men to whom the Caliph or the ruler referred when making any decision (Ghraybeh, 2000: 306-07). Often it is associated with the important duty of electing caliphs based on extensive consultations to reach consensus as well as the ability to impeach them (al-Mawardi, 2005: 6-7). However, in practice, most rulers designated their successors so the task was generally a mere formality. In much of the literature, this institution has also been identified as '*shūrā* council' or *shūrā* assembly in the modern term used by some contemporary Muslim countries. Some modern thinkers have tried to accommodate this task to that of a parliament (al-Sulami, 2003).

As part of governance, with a central role in Muslim history, the institution deserves to be discussed to understand the functions it has performed throughout history. Derived from the practice of Omar when he appointed some companions to elect his

successor after his demise, the institution became a landmark for the legitimate succession of leaders (Imarah, 2005: 59-60). Due to its *ijtihādī* nature, the structure, the size and the mechanism for selecting the members of the council varied at different times. A deep inquiry into the historical root of Omar's idea would trace it a long way back to the practice of pre-Islamic Quraishite-Meccan tribal leaders at *Dār al-Nadwah* in Mecca (al-Sulami, 2003: 38). Nonetheless, it is common sense for any leaders in any part of the world at any time to have such a council to assist them.[18]

Having said all about the *ahl al-ḥil wa al-ʿaqd*, to take it to its minimum end and for its dynamic nature to appear in any structure of governance, it could be viewed as a useful tool in governance. As both a system and institution that reflect decision making in governance, the council could be developed into a wider paradigm to align with the *Tawhidic* worldview. In modern times, the size of the council should be expanded to include larger community representatives and actors including all individuals towards what should be known as 'open-*shūrā*'. It is through the mechanism of representatives of the people at every layer of society that every single individual will have their part and say in making decisions, which directly involve them (Hofmann, 2001: 9). Thus, individuals would be detached from dependency on certain elites representing the state to determine their life in the name of good governance. Every person's decision is valued through this open-*shūrā* process that will be articulated in representative councils at local, national and also society level. Only through such expansion can the *shūrā* council be another means to articulate the axioms in accordance with the *iḥsān* culture in the interest of people according to the *Tawhidic* worldview attaining *falāḥ* for all, and not only a mere rubber stamp that works in the interest of the rulers as happened in the past.

Ḥisbah (Regulation and enforcement body)

The institution of *ḥisbah* initially emerged as a body to regulate and monitor the market. The main aim of the enforcement of *ḥisbah* was to maintain the ethical norms within the marketplace based on honesty, propriety and hygiene (Ibn Taimiyyah, 1985). *Ḥisbah* in its original form was not only an institution of the spiritual order *per se*, but also part of the state mechanism to enable a total Islamic

[18] Keane (2009: 148-55) implies that the practice of consultation (*shūrā*, *mishwārah*, *mashwārah*, etc.) across Muslim history led to the emergence of representative democracy in the West through the Islamic Andalusian civilisation.

environment which to manifest both the mundane and material aspects of the society (Husayni, 1969: 30-36) by directly engaging with the consequences of the market to prevent any excesses or deviations. The *muḥtasib,* (officer in-charge of *ḥisbah*) also known as *ṣāḥib al-sūq* (market inspector) was responsible for enforcing the regulations imposed on the market and supervising the day to day business affairs of the actors involved in the marketplace (al-Māwardī, 2005: 260). His function was to detect and punish immorality in terms of the consequences of the state amongst traders and customers alike, including the use of false weights and measures, the adulteration of wares and other offences.

Later, the *ḥisbah* evolved and expanded beyond the marketplace into ethical issues to enforce moral and Islamic rulings in the public arena of the community. This can be seen in al-Māwardī's *al-Aḥkām al-Sulṭāniyyah* (2005: 337-362) in which he expounded in detail the role, duties and rules relating to *ḥisbah* and the *muḥtasib* (*ḥisbah* officer). Since then it has become an office of the state and the *muḥtasib* has been appointed officially as a government officer. Ali (1975: 28) insists that the major responsibility of the *ḥisbah* then became to ensure that community life was not contaminated with immoral and un-Islamic practices and also to execute other administrative duties, which were not directly connected with religion.

Being the most sustainable institution in Muslim experience of governance, the *ḥisbah* continued to exist as the major player in ensuring the preservation of moral issues in the community and marketplace until the middle of the nineteenth century (al-Soliman, 1988). Later the Ottomans replaced the institution with country councils (Mardin, 1969). In other Muslim states, unfortunately, today, nothing is left of the *ḥisbah* apart from the name and its single and distorted function. While in some countries the *ḥisbah* is only known strictly as the moral police and spiritual enforcer and separate from its political economical and governance function. In the study of Islamic governance, *ḥisbah* reflects how the state acts as the market regulator and how a state institution could contribute to establishing the relation between the state and the market.

Furthermore, good governance also requires checks and balances which the *ḥisbah* as an institution is capable of providing. While referring to the axioms developed for Islamic governance, the *ḥisbah* implies the spirit of *amānah*, *iṣlāḥ* and *maqāṣid al-*

Sharīʿah through the continuous checks and balances mechanisms in the society, as well as in the state instruments represented by the accountability process and empowerment, hence good governance. Thus, it is not only an institution aiming at spiritual development, but also functions to overcome the excesses and deviations generated by the market system (Oran, 2010). This will be elucidated more in the coming sections discussing how these institutions could become a useful concept in the modern day notion of governance.

Dīwān (Chancery or Bureaucratic offices)

Dīwān has been an important aspect of administrative institution since the days of the second Caliph, Omar bin al-Khattab. It has long been used in the Islamic administrative machinery as a name for a tool for government organisation of the administrative branch of state (Bureay, 1985: 278). Initially it was known as *Dīwān al-jund*, emulating the Persian administration, and it was responsible for collecting revenues from taxation, managing the royal income and expenditure, and acting as the paymaster of soldiery (al-Māwardī, 2005: 217-18). It served the state as the contemporary department of financial operations and taxation. *Dīwān* was also operated as the payment system institution responsible amongst other things for distribution or payments to the state officers and the army. *Dīwān* emerged as the first bureaucratic institution in Muslim history and continue to work as such throughout Muslim history under the administration of various caliphs. As an important element in the governance of Islamic state, the function of *dīwān* expanded due to the expansion of the state and the bureaucracy.

Apart from *dīwān al-jund,* Omar also established another important bureaucratic institution namely, *dīwān al-inshāʹ* (chancellery) to keep all official documents of the state (Majdalawi, 2002: 40) which can be considered in contemporary terms as articulating transparency and accountability. In the later years of Islamic administration, specifically during the Umayyad and the Abbasid periods, *dīwān al-inshāʹ* became the most crucial and sophisticated organ for state diplomatic affairs. The chief of *dīwān al-inshāʹ* or the *dīwān al-rasāʹil*, known as '*al-kātib*' (secretary) was a very important rank in the state bureaucracy (Bosworth, 1964). He was the equivalent of today's Secretary of State, with his pen acting as the voice of the state's foreign policies. Also in this period, *dīwān* shifted from its initial notion to the more

progressive and comprehensive idea of bureaucratic institutions comprising offices, secretariats, boards, ministries and departments. Various other departments or ministries were established during the Umayyad period and continued to exist during the Abbasid period under the name of *dīwān*, such as *dīwān al-kharaj* (treasury department), *dīwān al-jund* (department for military affairs), *dīwān al-khatm* (office of the seal), *dīwān al-mustaghallasat* (department for land administration), *dīwān al-barīd* (post office), and *dīwān al-rasāʹil* (department of correspondence) (Hitti, 1964: 321-325).

The institution was developed during the Abbasid reign (al-Mawardi, 2005: 282-308), when more *dīwāns* were established to facilitate the viziers and their officers such as *dīwān al-muṣādarah* (department to look after the confiscated properties of political enemies), *dīwān al-ʿAzimmah* (department to control and monitor the accounts of other *dīwāns* and supervise them), *dīwān al-Hash* (department to look after the people in royal service), *dīwān al-Riqāʹ* (department responsible for public complaints), *dīwān al-Maẓālim* (ombudsman for complaints against the officials of the state), *dīwān al-Sawād* (department for tax only in Iraq), *dīwān al-Nafaqāt* (department of public officers payment and welfare), and other *dīwāns* (Buraey, 1985: 259-261). Unfortunately, this archaic bureaucratic institution did not contribute much to empowering individuals and the society but rather gave excessive power to the state and hence resulted in producing results for the 'non-realisation of good governance in Islamic norms'. However, the emergence of the *dīwāns* implies that Muslim politicians and leaders widely and wisely used the mechanism of *ijtihād* in the past to attain efficiency in state governance. *Dīwān* was an example of how Muslims in the past articulated their ideals of governance through bureaucratic mechanism by developing an integrated system of administration, which aimed at maximizing the *iḥsānī* social capital through the activities and functions of the state.

Islamic Guild (*Ahi system)*

Ahi or *Ahilik* 'union' organisation is another civil society institution that emerged in Muslim history in the area of Turkish Anatolia that is worth studying. As a fraternity, the Sufi-oriented organisation, the '*Ahi*' or '*Ahilik*' in Turkish was actually a union of merchants and traders working together to achieve certain goals. Members of *Ahi* acted in accordance with rules because of their spiritual progress, which took place

during the highly disciplined promotion procedure along the levels of organisation hierarchy. It was established in Anatolia, and then spread all over towns and villages across the region during the Seljuk's and contributed profoundly to the establishment of the Ottoman Empire (Lewis, 1937; Kuran, 2000).

The members of *Ahi* adhered strictly to Islamic codes of conduct and their articulation in their daily business and personal life. Not only was their life dedicated to the spiritual ethos, but they were also heavily involved in charitable works and ethical ways of trading. However, one might conclude that the main functions of this fraternity were religious and moral, military, political, cultural and social.

The word '*Ahi*', which means 'my brother' explains deeply the very philosophy of this group. Furthermore, the members believed and upheld the four core principles: (i) Social responsibility of the organisation; (ii) Excellence in service; (iii) Honesty and integrity; (iv) Living together. The structure of the union was very regimentation and recruitment oriented. A certain period of training or apprenticeship under the supervision of a 'master' was a prerequisite for one to become '*ahi*' (brother). At the end of the training, the new '*ahi*' was given a hard task to be accomplished before he could be responsible for his own business or become another 'master' (Lewis, 1937).

The moral principles of *Ahi* organisation were primarily for the well-being of the society, and to protect individuals' rights in the society. However, at the same time it aimed to maintain the spirit of solidarity in the community. These elements made a strong bond within the organisation and resulted to resilience amid all the formal rules and laws imposed by the state (Ottoman) on them and on the market. During the Ottoman period, *Ahi* became an organisation of pure craftsmanship akin to what is known in the west as a guild.

Despite the authoritarian nature of the Ottoman state and its interference in market life, the *Ahi* managed to survive and build their own benevolent society within their own territory, which was the marketplace (Mardin, 1969). They had the final say on the regulation of the market without any legal positivistic approach but rather by maintaining their culture and practice amongst their members. Apart from their success in turning the market atmosphere to the value of moral and ethics, *Ahi* were also able to bring the market back to the society, instead of separating itself from them. For the *Ahi*, as well as realising his economic activities and his personal

interests in society, the public interest was also important for him (Lewis, 1937).

The '*Ahilik kulturi*' or the '*Ahi* culture' lasted for centuries, shaping the market economy according to their moral and virtue ideals in the Turkish Ottoman land. What is interesting about the *Ahi* culture was their ability to harmonise between the private ownership of market economy and the ideals of charity, solidarity, welfare and communality. In sum, the *Ahi* culture reflected the independency of individuals in the social capital environment. It also implied the workable example of the benevolent society within the framework of market economy through the mechanism of internal-*ḥisbah*. The internal-*ḥisbah* mechanism through *Ahi* culture detached the market totally from the state (as it was structured within the classical *ḥisbah*) by empowering the market actors to inter-regulate and mutually monitor amongst themselves. Furthermore the *Ahilik* also resembled the comprehensive interdependency of the axioms to be articulated into a social capital means thus empowering the civil society as part of an important element in ideal governance.

Reflecting on the aforementioned institutions and their importance in governance throughout history, on the other hand there were also a few informal and cluster civil societies that emerged in the form of informal but efficient institutions within Muslim communities such as guilds, *majlis* (informal assembly), brotherhoods, and religious networks (i.e. *hawzah*, *zāwiyah*, *katātib*) and flourished greatly throughout Muslim history. These multi-functional institutions sometimes acted as intermediaries for the public to approach their leaders for help and assistance, and sometimes as their voice against the injustice committed by the state, and on many occasions as a means to community welfare. These traditional forms of organizations remain functioning, as they were in some places, as a result in the present day in active modern modes of participation.[19]

The shift of the tectonic plate of governance in post-modern societies, however, demands a new paradigm for the classical governance institutions in Muslim history to re-emerge in a new form. The classical structure, which reflects the result of Islamic dynamism by responding to the political economic situation of the time,

[19] But unlikely perceived by some Western Liberals as a hindering factor of political development. As described by James Bill and Robert Springborg, "the culture and experience of the Middle East have combated the fires of political development through the use of traditional development crossfire" (Bill & Springborg, 2000: 12-13).

could never give any justice to the current situation. By referring to the *khalīfah* typology, larger governance related institutions should shift towards civil society (due to necessity and not because it is imposed by the state), thus the *iḥsānī* social capital could be enabled. As mentioned in the discussion on the classical model, new non-state institutions akin to the earlier model/institutions should be developed with proportionate adjustment to make the *khalīfah* typology workable.

As an example, the role of the *ʿulamāʾ* in enhancing *iḥsānī* social capital through their advisory roles in civil society consciousness of the tawhidic paradigm is vital. Apart from the non-state involvement, the *ʿulamāʾ* along with intellectuals and professional bodies (as interest groups) within the community in the modern time within the expanded *shūrā* notion and under the spirit of the *iṣlāḥ* axiom will enhance the governance process through their representation in some of the state bureaucratic institutions. At the same time *waqf,* along with *zakāh,* by providing revenue for the society themselves should re-emerge as independent endowment foundations as part of the third sector (within small government existence based economy) within the society to fund welfare and other civil society activisms by separating individuals from the state. This pro-active role of *waqf* and *zakāh* will strengthen the third sector to stimulate the governance process hence empowering the *iḥsānī* social capital in terms of creating an opportunity for the emergence of both functioning individuals and benevolent society with the objective of ensuring the minimal role of the state. Accordingly, in achieving such aim, the notion of *waqf* has to be separated from the state and be expanded to its larger dynamic far from the current exclusive ritual-spiritual paradigm. In other words, *waqf* must be essentialised as part of the civil society away from the parameters of the nation state.

The open *shūrā* concept on the other hand, is essential to expand the classical framework of *ahl al-ḥil wa al-ʿaqd* functions from its elitist exclusivity to effectively functioning for individuals within the *khalīfah* typology. Thus, it is to be expanded to encompass all the stakeholders to represent every member of the society. *Ahl al-ḥil wa al-ʿaqd,* within such a framework of ideal governance, becomes an inclusive mechanism not to be monopolized by the centre, but to empower individuals with the spirit of *iṣlāḥ* and *ukhuwwah*. In the same manner, the intertwined nature of open-*shūrā* with *ḥisbah* spirit is essential for *iḥsānī* culture in the governance process for both state and civil society institutions. The very practice of *ḥisbah* spirit within

benevolent society will enable the axioms *amānah, ʿadl wa iḥsān, iṣlāḥ* and *ukhuwwah* to interact thus strengthening *iḥsānī* social capital. Open *shūrā* itself is a major theme for civil society to interact with state and its institutions to provide active participation ideals within the *islāḥ* spirit to attain the maximised *iḥsānī* level leading to *falāḥ*. The functioning open *shūrā* institutions in both state and non-state institutions will serve political accountability and stability.

Finally, a historical institution, namely *ahi* of the Ottomans, exemplifies an excellent model on how *iḥsānī* social capital could operate within its own public sphere with *iḥsānī* culture to establish ideal governance at the level of institutions for individuals and society. An inclusive *ahi* culture within benevolent society represented by the networking of small entrepreneurs and other civil society and market actors will complement the bigger picture of governance at micro level, hence crystallising the *khalīfah* typology. *Ahi* manifests the *iḥsānī* social capital network practicality articulating and realising all the axioms to work together on a smaller scale. The more *ahi* clusters within benevolent society could be developed, the more *khalīfah* typology would emerge in the governance process, hence the ideal governance would be achieved and *falāḥ* would be obtained.

While the ideal *ḥisbah* concept and spirit as part of the proposed *khalīfah* typology expands from a merely top-down process in which the people are morally policed or monitored by the state *per se* to a holistic process in the whole community involving all the elements functioning for the ideal governance within the *iḥsānī* culture. The very spirit of *iṣlāḥ* to exemplify the concepts of *tawḥīd, amānah* and *ukhuwwah*, which is the *raison d'être* of *ḥisbah* encompasses the all-vertical hierarchical social and political economical dimensions of top-down, bottom-up and horizontal at the high and lower level will ensure the workable nature of the institutions instead of a *ḥisbah* institution delivering the *iḥsānī* governance function. As Lewis (2006:7) mentions:

> The institution of *ḥisba* offers a framework of social ethics, relevant to monitor the corporation, with the objective to obligate the correct ethical behaviour in the wider social context. It also empowers individual Muslims to act as 'private prosecutors' in the cause of better governance by giving them a platform for social action.

The effective *ḥisbah* institutions, which represent the whole governance mutually

functioning and interacting axioms within the *khalīfah* typology in the current framework of governance, should prevail in the kind of anti-corruption agency, ombudsman, public inquiry, consumer watch, scrutiny committee for parliamentarians and bureaucratic offices, citizen bureau, and other civil society watchdog societies and organisations. Functioning *ḥisbah* institutions in both state and non-state institutions enable collective political accountability and sustainable economic stability. This new function of *ḥisbah* enables individuals to actively perform their functions in governance, thus ensuring the process encompasses the whole networking of the social capital and the bureaucrats. However, the efficiency of any *ḥisbah*-inspired institutions is heavily dependent on the level of freedom which exists in the state, which implies a minimal state.

In achieving all these, the ideal governance demands the minimal but effective role of the state and the state system so that the room for opportunity should be left to other elements of the civil society. *Effective minimal state* enables *benevolent society* to develop more independent social institutions to create a public sphere for the individuals to be empowered for functioning as mentioned. A larger state with a non-effective or autocratic system will not only disable the *khalīfah* typology of functioning but will also deprive the *iḥsānī* culture through the dysfunction of the individuals' dynamic, as the large state implies large rents to be extracted and distributed in the society in a patronage system leading to client-patron relationship. Rationally, in the case of individuals who are heavily dependent on the state, those individuals will be 'least functioning', and will never develop a benevolent society since the state will hold all the philanthropic means and leave nothing to the people except an imagined version of solidarity which is actually state-enforced. The nature and the function of the minimal state functions, as part of the *khalīfah* typology element will be expounded furthermore in the following section.

7.2.4. Effective Minimal State

In their proposal for the Islamic economy system to operate efficiently, El-Ashker and Wilson (2006) maintain that *a politically strong Islamic state* is amongst the essentials for the establishment of Islamic moral economy based order. In the same vein, Chapra (1992: 240) accepts that the political factor is one of the most important factors responsible for the failure of Muslim countries to implement the Islamic

strategy for development with justice. Hence, for an Islamically-optimum and efficient functioning of an Islamic moral economy based integrated system for 'good governance' to be deeply rooted in any society requires political will and power. The same logic applies also to the field of development and governance, which are part of the political economy issues.

It should be noted that Zaman and Asutay (2009: 92-93) warn that what is meant by politics or the political establishment is not always synonymous with the state or government-led establishment. They highlight the role of civil society as another important factor in the political structure. Furthermore, they argue that the state is a modern post-enlightenment western concept and hence is not inherently an Islamic organization of the politics of society. The nature of modern states is also highlighted by the Virginia School of political economics by arguing that, "the state should not be perceived in a romantic sense to serve the society and maximize a romantically constructed social welfare function, as new political economics evidences such a social welfare function does not exist at all, nor does there exist 'benevolent despotic' politicians to maximize such a welfare function." (as cited by Nazim and Asutay, 2009: 93).

In the light of such discussion, a reflection on how Islamic governance based on *khalīfah* typology could be articulated in certain systems should be discussed. Unlike the mainstream assumption that Islamic systems could only work within the paradigm of larger state with planned economics through its welfare system, the Islamic governance theory proposed in this study espouses an *effective minimal state*. Such a state within such a paradigm is to be complemented by the mentioned functional individuals, benevolent society (or *iḥsānī* social capital) and effective institutions, which also make up the civil society. The active culminant interaction and interdependence of these three major elements within the minimal enabling state will ensure the effectiveness of the axioms operating in the realm of the contemporary society and responding to the 'public choices' without the hegemonic nature of the large and string state which does not provide much opportunity for any other institutional form.

In searching for evidence for the impact of an enabling state on development, the *World Development Report 1997* shows that an effective enabling state is vital for

development (World Bank 1997c). Using data from 94 countries over three decades, the study shows that it is not just economic policies and human capital but the quality of a country's institutions that determine economic outcomes. Those institutions in effect determine the environment within which markets operate. A weak institutional environment allows greater arbitrariness on the part of state agencies and public officials. Along this line, the importance of an effective and enabling state with effective institutions is also echoed by Fukuyama (2004: 19), who insists that the role of state institutions is more crucial than state functions. Similarly, Acemoglu *et al.* (2004) asserts that political and economic institutions play an enormous role in development and growth.

State, as a new topic within Islamic literature and as part of an ongoing debate of *ijtihād*, in the realm of the proposed Islamic governance ideals should be minimal and limited in nature[20] to allow the other factors of governance to have their share in the power exercise and in decision-making. The nature of Islamic governance of an (ideal) state will not dominate the centre but rather empower the peripheries as a caveat to enable individuals to function thus have greater involvement in the public sphere. Apart from its limited nature, the state also plays an important role as regulator and enforcer in creating a just order and harmonious society through the implementation of the rule of law and its mechanisms[21] according to the concept of *ʿadl wa iḥsān*.

It should be noted that an enabling state should match its role to its capability. What the government does, and how it does it, should reflect the capabilities of the government-and those of the private sector. The performance of states based on their capabilities can be developed through the reinvigoration of the aforementioned *khalīfah* typology institutions with the crystallization of the 'moral essence' of

[20] State in Islam was exemplified by the Prophet during his reign in Madinah and the Caliphs, functioned as the protector of people security and their freedom, councilors, maintainer of the law and order, regulator of the market and public goods without interfering in its process through planned or restricted economy, and guardian for the conditions in which the individuals could fulfill their belief and function according to the belief. However, under the succeeding dynasties and sultanate regimes, the state became too large and was expected to undertake public works, guarding the religion and determining the life of the people in exchange with the obedience from the people (Kahf, 1991; Lambton, 1981: 308-9; an-Naim, 2008; el-Affendi, 2008).

[21] As mentioned earlier, rule of law demands the viable separation of powers, which entails the independent of judiciary, institutional checks and balances, and effective watchdogs, can all restrain arbitrary state action and corruption.

Islamic governance through the promulgation of rules and norms according to the axioms, in particular the concept of *tawḥīd*.

An enabling state, on the other hand, as a means to articulate the concept of *tawḥīd* and *amānah* ensures that the spirit of accountability appears in and involves the efficiently-structured administrative and technical capacity in its institutions and systems. This can be achieved by ensuring the efficiency of a minimal state's ideals through the feasible separation of powers to empower the legislative and the judiciary; viable checks and balances mechanisms through more room for accountability by the media, legislative members, political parties, civil society and other third sector actors; and decentralization of administration through the empowerment of individuals, local government administration and making greater use of non-governmental organisations through the networking framework (Williams and Young, 1994: 87). Enabling minimal state could also refer to 'open accountable and audited public service' with greater political and social accountability and transparency contributing to the realization of more efficient government and efficient service delivery mechanisms' (Smith, 2003: 202-47; Sutton, 2003: 12).

Such a governance system will encourage the state to provide accountable and responsible public administrators and officials with moral and spiritual incentives to act in the collective interest while restraining arbitrary action and corruption as complementary elements of the *khalīfah* typology. The effective state of Islamic governance should enable individuals, society and social institutions to be functioning and independently self-governing. With this enabling function, a state under such 'enabling minimal' typology will translate the culture of *iḥsān* into the life of the individuals and society not only as something that lives within the heart of the individuals but is also embedded in mechanisms, institutions and the social consciousness by allowing the governance axioms to appear in the daily life of active, functioning individuals within the *iḥsānī* social capital framework.

On the other hand, an effective minimal state, according to Islamic governance, must also work as the regulator to secure property rights through the establishment of a just legal framework and the feasible practice of the rule of law. Such effort requires political and judicial institutions that effectively and impartially regulate the market to secure property rights under the concept of *ḥisbah* and through the establishment

of both state- and society-based (internal) *ḥisbah* institutions. Without a secure environment for such rights, the possibility for any parties, in particular, the state to infringe private property rights is inevitable. If this occurs, the market, which consists of mainly private sectors, will shun it and this would lead to the destruction of economic activity in the society.

Unlike the individualist society, the benevolent society, as part of the *khalīfah* typology elements, will bring a meaningful solidarity concept of mutual wealth-sharing from the *zakāh* and *waqf* mechanism despite property rights and individual ownership. Both institutions ensure the social economic independency of individuals and society through the maintenance of sustainable philanthropic welfare which will contribute towards strengthening the third sector thereby shrinking the burden on the state's social economic duties (Zarqa, 1988; Hasan, 2006). Consequently, with effective endless funding from both institutions, and within the framework of an enabling minimal state, participants in the civil society will be able to assume responsibility for some aspects of social and economic development, such as the provision of essential services in education, public health, and so forth.

Equally, within the minimal state sphere, a creation of social banking as an investment institution for the civil society should be considered in order to achieve the building of social capacity and individual functioning as defined by Sen (1999). Such an institutional solution is aimed at the development of individual lives by "focusing on micro dynamics of the society rather than aiming at affecting the financial equilibrium. This also fits into the new development paradigm; which has shifted the focus from macroeconomic development to micro dynamics. This will imply maximization of welfare of the society by extending the financial involvement of the larger society in the dynamic economic involvement" (Asutay, 2007b: 15).

Such sentiments might share some degree of similarity pointed out by North (1990a, 121) in expounding the role of the enabling minimal state in securing the property rights for the stability of economy. He (1990a, 121) asserts that:

> The next (advanced) stage, the creation of capital markets and the development of manufacturing firms with large amounts of capital, entails *some form of coercive political order* (emphasize by thesis author), because as more complex and impersonal forms of interchange evolve, personal ties, voluntaristic constraints and ostracism are no longer effective…International

> specialization and division of labour requires institutions and organisations to safeguard property rights across international boundaries so that capital markets as well as other kinds of exchanges can take place with credible commitment on the part of the players.

While in the political dimension, an effective and enabling minimal state should enshrine governance through representation by enabling greater opportunity for participation, which is the expanding notion of the classical *shūrā* institution to an open-*shūrā* mechanism. Thus, an enabling minimal state also emphasizes the implementation of sufficient public policies to promote more inclusive and significant political participation, economic development and fair distribution of resources and provision of essential services for all segments of the population. The interactive combination of all the above-mentioned elements, are essential for the substantive and sustainable realization of the underlying principle of empowerment and self-determination for the individuals and societies, equally and without discrimination (an-Na'im and Abdel Halim, 2006).

Accordingly, functioning individuals could be fully and effectively empowered in governance within a sufficient space of freedom for political competencies and participations for decision-making and accountability. All the stakeholders, including men and women, all races and community members should have a voice in decision making, either directly or through legitimate intermediate institutions that represent their intention. Such broad participation is built on freedom of association and speech, as well as the capacity to participate constructively. The institutionalization of participation by all people without any discrimination is a cornerstone of ideal governance.

Thus, individuals must be acknowledged as part of the decision makers, problem solvers and co-creators of public goods. They can no longer be perceived only as voters, volunteers, clients, or consumers within economic but also polity market (Boyte, 2005:537). Hence participatory governance is one which provides the close involvement of people in economic, political, cultural, and social processes that affect them and facilitates the access of individuals and groups to a wide range of opportunities that, in turn, promote responsiveness of governance actors towards people-centred development (Kim, *et al.*, 2005: 650). With this approach, individuals will move from their traditional role in voting and political rights to a more

participatory approach to determining the country's future through a wider, all-encompassing process of governance.

In sum, the enabling minimal state would intensively increase the functioning of *iḥsānī* individuals in the political sphere through the representative government at all levels. Such a framework would enhance the active participation of individuals in the governance process. The creation of the formal structures of representative government must include different levels of community, from the basic neighbourhood community hall to the municipalities and the acknowledgement of the pressure group in the policy making process. In this sphere, the representatives are required to engage in participatory planning, management and auditing, management and auditing with local institutions such as peasant communities, indigenous groups, neighbourhood councils and vigilance committees.

Another elected representation that would enable the individuals to actively functioning could be put into practice in the 'local government' system, which is pointed out by Smith (2004:156) as the strongest form of participation. Through this 'local representative government', people can make their needs known and ensure that the benefits of plans and projects go to the deserving target groups. Thus, the citizens of a locality will have full decision-making powers in some trivial areas of public policy. The participants will also have the right to be consulted on major issues that directly affect their lives, such as important development projects (Smith, 2004: 157). Such a structure of government would also create a small accountability mechanism amongst the local community, in which the members live with the spirit of comprehensive Islamic governance axioms along with the *iḥsānī* culture. Such a social capital ideal would make the governance process more efficient and effective, hence the Islamic governance axioms could clearly be articulated and implemented.[22] In addition, the spirit of *ukhuwwah* would be clearly established to unite the community in preserving their mutual interests.

Apart from the mentioned mechanisms of enabling state, the moral spirit of the axioms of Islamic governance also lead to the upholding of an impartial system of law, criminal justice and public order which guarantees fundamental civil and

[22] This society-state relation social capital has been coin by Woolcock & Narayan (2000: 239) as the synergy form of social capital.

political rights according to the prerequisites of *maqāṣid al-Sharīʿah*. The needs for those laws and order are to protect personal security and provide a context of consistent, transparent rules for transactions that are necessary to modern economic and social development in achieving the well being of the society. Preceding that, the proposed Islamic governance will also promote an open political system of law inspired by the *shūrā*, *amānah* and *iṣlāḥ* spirits, which encourage an active and vigilant civil society (as explained in the previous section on effective institutions) whose interests are represented within accountable government structures and which ensures that public offices are based on law and consent.

However, it should be noted that the concept of effective enabling minimal state as part of the Islamic governance system does not work alone in a vacuum. As far as *khalīfah* typology is concerned, it works interactively with functioning individuals and effective institutions. An enabling minimal state is a state that provides and preserves the scaffold that enables individuals to function, and impart their knowledge to others. As part of the *khalīfah* typology, the state should act as part of the '*iḥsānī*' concept in which the articulation of the axioms could work not only in their mechanistic part but also within their spirit and philosophy. It should also manage to articulate the ethical worldview into the life of the people thus creating the social capital that works for it.

Having mentioned all four elements, it can be summarised that the level of success of ideal governance within the framework of this research is to be measured on their ability to make the *khalīfah* typology workable. 'Islamic governance' is the governance system that enables these four major elements to interconnect and interdependently complement each other to achieve the goal of articulating the axioms into real life. The state must be able to enable individuals to function and institutions to flourish and be self-dependent within the realm of the benevolent society. In the same way, both the individuals and the society are major players in state and civil society institutions in leading the way for citizens to exercise their rights and responsibilities.

It should also be noted that such governance would require a decentralized state with power rested in local communities. The historical experience shows that when the Muslim empires pursued decentralized administration; it provided a very large

opportunity space for civil society and social institutions to actively functioning and contributing to the governance process. Such a decentralized state will ensure the separation of power, thereby leading towards an independent and effective judiciary to ensure the rule of law. Besides, due to the detachment of the state from dominating every aspect of the individual's life, the decentralized state will motivate and enable a more efficient and strong role of civil society to self-administrate the social, economic and political lives of the people. The aforementioned civil society institutions in the past, such as *ʿulamāʾ*, *ahi* and *waqf* were nourished due to the nature of the decentralized state in some periods of Muslim history. Thus in achieving the *iḥsānī* culture, hence the *falāḥ*, decentralization is essential to enable large civil society, and checks and balances and therefore an enabling and effective minimal state.

In reflecting on the historical experience, it is obvious that decentralized nature of administration in every sphere of life brought about strong society with flourishing civil society including the *ʿulamāʾ*. However, modernity's imposed centralized nation state withered away the civil society by imposing official identities in the Muslim world; and hence removed the dynamics of development. This resulted in 'bad governance' and 'underdevelopment' in the Muslim societies. Thus, the alternative paradigm in this study also suggests that since all the foundational principles are related to the micro dynamics of development and governance, it requires that the nature of administration must be decentralized so that a large opportunity space should be available for the *iḥsānī* social capital to develop.

7.3. METHODOLOGICAL POSITIONING IN BRINGING THE IDEAL INTO REALITY

To understand the proposed framework for governance in this study, there is a need to conduct a comparison with the conventional governance framework. Despite the vast diversity between the two in referring to the ontological and epistemological foundation, methods, applications, principals and modes of articulations and even goals and aims, a comparison of both structures will divulge the similarities that also subsist but articulated in asymmetric patterns or means. It is hard to imagine how Islamic governance that rooted from Islamic ontology and epistemology could be wholly contradicted with the universal or common ideal of fairness, justice and

humanity (with slightly different way of articulation). In explaining the nature of the possibility of having an alternative governance system from Islamic ideals, which is complying to the ideals of common justice and fairness, Ibrahim (1996) points out that humane governance that based its root from the preservation of the dignity of man, the inviolability of life, and the responsible freedom has been the focal point in Islamic tenets.

It should be noted that this novel attempt should not be confused with the 'patching up' method adopted by many apologists in proving that Islam is compatible with the West or *vice versa*. El-Messiri (2006: 50) terms this approach as a process of retroactive Westernisation, since it leads to the wholesale adoption of Western epistemological paradigms, through the alteration of terminologies and rationale. This was also the method adopted by the Islamization of knowledge movement. However, through this 'patching up' method, Euro-centrism remains eminent as natural, universal and ultimate, and accordingly all that is needed is to embellish it, or perhaps rearrange some of its components. This, in turn, will disallow the alternative means from emerging as a unique ideal-type and becoming a distinctive phenomenon. In spite of this, in contemplating the articulation of the axioms and the operational part of *khalīfah* typology, one would conclude this to be an ideal model of governance, which is still workable within the sphere of contemporary governance.

To begin with, a closer look into the mentioned axioms (which summarizes the whole wide-reaching nature of Islamic values, spirituality and the horizontal-vertical moral precepts) will reveal how it indirectly contributes towards the moral and material uplifting of individuals, which is the central factor behind the rise or fall of any civilisation or country. Similarly, *tawhidic* reality provides a life-long meaning to the individual's life, thereby motivating them to achieve the noble goals taught by the religion, which accordingly provide development-friendly institutions or moral values to provide a proper climate for their observance.

Equally, the articulation of the aforementioned *khalīfah* typology would also cultivate all the social, human, cultural and natural capitals towards the achievement of development, through an inclusive meaning of capital and a wider definition of development. The inclusive definition of capital, which encompasses the wide-

spreading interactions of humanistic elements (education, health, skills, ownership and lifestyle), social factors (networking, rules of society, solidarity, welfare) and cultural aspects (social relations, customs and structures, environment, sustainable development, natural resources)(Cochrane, 2006: 319-20), has been acknowledged as an active contributor to economic development,[23] which ensures technical progress, competitiveness, sustained growth, good governance and stable democracies (Kliksberg, 1999).

In the same manner, at the macro level, it will lead to the maximization of the economic wellbeing of individuals along with the promotion of social wellbeing and human life without neglecting the promotion of environmental sustainability. Meanwhile, at the micro level, the interrelated elements of *khalīfah* typology cultivates the norms of human rights and the principle of self determination, including respect for life, self-respect, justice and equity, mutual respect, caring, sharing and integrity. Nevertheless, all this is derived together with the *telos* aim to be achieved and fuelled by the inner satisfaction of delivering the job of *khalīfah* in this worldly life.

Furthermore, the coherence of this model with the western notion of democracy, social justice and equality prevails by evaluating the conventional characteristics of 'good' governance with the implication of the previously-established axioms. The preference for such a claim could refer to the concept of *shūrā* and its interrelated components exemplified by the axioms, articulated through all levels of *khalīfah* typology (individual, society, institutions and state). *Shūrā*, as part of Islamic moral doctrine, enables a morally-oriented political system where people are empowered to select their leader and also to stand before them for accountability and the check and balance process through the doctrine of *Amr bi al-maʿrūf wa nahy ʿan al-munkar'*.

Moreover, the previously-discussed *iḥsānī* culture resembles the constant struggle towards comprehensive excellence (*iṣlāḥ* for *iḥsān*) in achieving *falāḥ* through the accomplishment of the higher objectives of *Sharīʿah* (*maqāṣid al-Sharīʿah*). The continuously-mentioned *iḥsānī* process to be adapted into governance life of the community enables the *khalīfah* typology to facilitate the ideal Islamic governance to

[23] Of course with consideration of the refutation by mainstream methodological individualist economists that believes the social cannot be identified separately of individual interactions (Cochrane, 2006: 320).

emerge as a progress paradigm of governance for Muslims as well for non-Muslims. Within such a paradigm, the whole process of good governance, which encompasses all political, economic, social and legislative spheres, will allow healthy and fair interconnection of individual, institution, value and system to develop a meaningful life for the human being according to Islamic worldview or the *tawhidic* reality. The whole process of this ideal governance, which will remove the obstacles to the nourishment of a truthful human life in which all members of the society are able to develop their human capacity in order to obtain personal and social well being, is but another version of '*jihād fī sabīl Allah*' (strive in the way of Allah).[24].

In pursuing such a struggle '*fī sabīl Allah*', a multi-modernity approach works best as a framework for change. The current discourse of democratic processes and institutions, which fits the articulation of certain principles of good governance such as accountability, transparency, efficient public service, human rights, civil society and individual liberty, with certain modifications to align it with the spirit of ideal governance should be incorporated into the bigger picture of *khalīfah* typology. As far as Islamic epistemology is concerned, much could be benefited from current experience but with caution regarding its Eurocentric values and philosophy within; as it is the aim of this attempt to avoid any kind of eclectic and pragmatic approach. Conversely, it should always be noted that those principles are not meant to be the aim of what is perceived as Islamic governance, but they are rather the outcome of the continuous process of the *khalīfah* typology, as the main goal of the ideal governance is to achieve *falāḥ* by expansion of the *iḥsānī* social capital within the *Tawhidic* reality. This is where the true meaning of '*fī sabīl Allah*' lies. In a similar light, at the practical level, it is hard to imagine that *khalīfah* could be easily implemented and practised as it involves construction of thought and action in line with the aspirational dimensions. Unless substantial room for democracy and freedom exists, the ideals of governance as targeted in this research will continue as a 'utopia'.

[24] As Taleqani (1986: 54-56) points out that jihad should be expanded beyond its conventional narrow understanding of merely war to protect people from enemy's transgression to the struggle for the sake of humanity, freedom and the very path of the well being and betterment of human society. Furthermore, Taleqani emphasizes that this broaden and comprehensive understanding of '*fī sabīl Allah*' derives from the very nature of Islam as a religion that aims at reforming humanity and saving them from falling into the valley of animalistic passion.

7.4. ACTUALISATION OF THE ISLAMIC GOVERNANCE

The discussion in this research in general and in Chapter 6 and in this chapter in particular aimed so far to provide the architectonic of the Islamic governance by formulating the building blocks of this new paradigm. The model developed based on this paradigm is depicted in Figure 7.1. This section, thus, provides a short exposition on the working of this model as illustrated in Figure 7.1. However, this is a very brief summary or visual expression of the entire discussion presented in this research with the objective of demonstrating the actualisation of the Islamic paradigm of good governance.

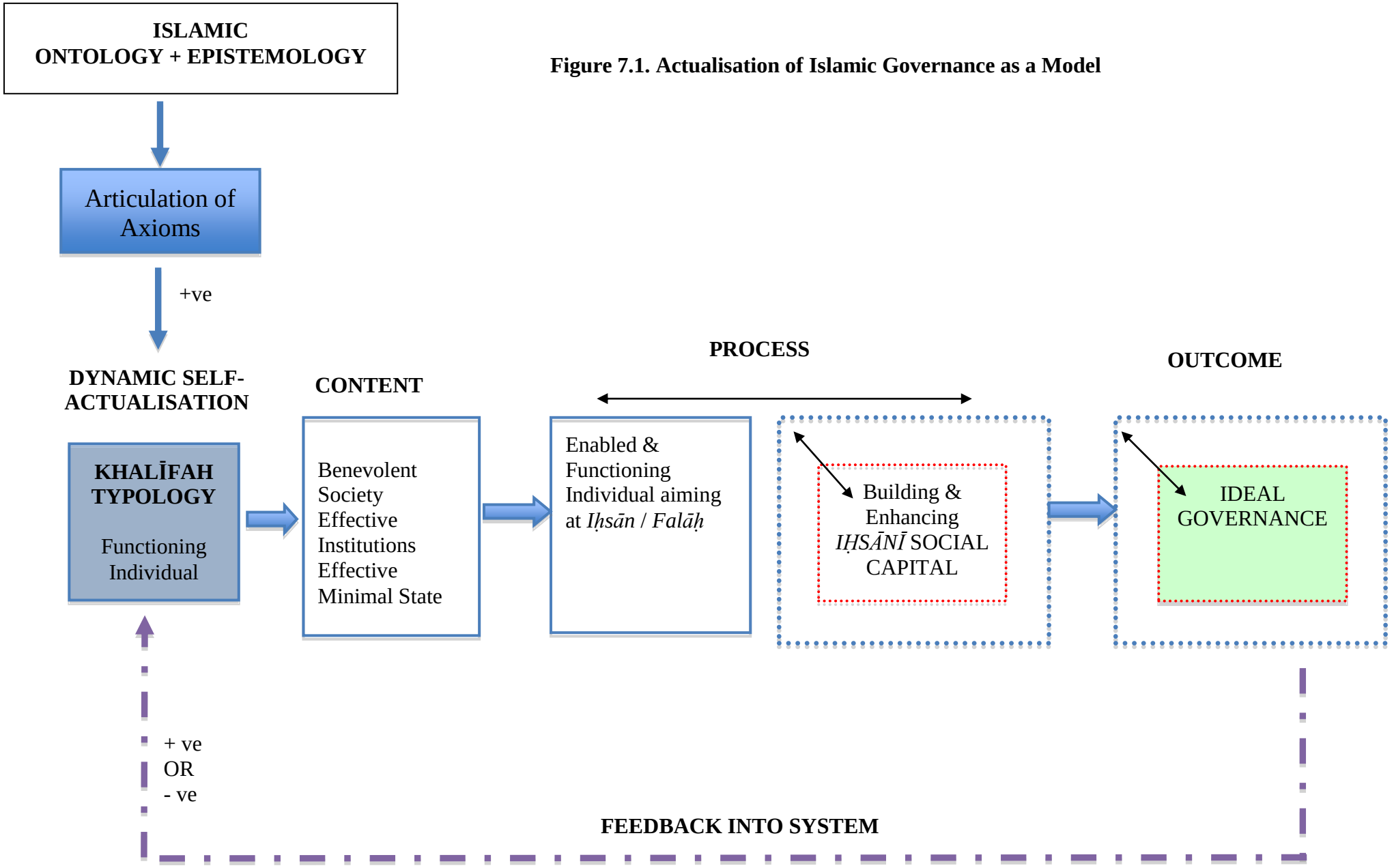
As previously discussed, the process of Islamic governance starts with individual as the most important element in the governance process, which is the case in Figure 7.1., as the *khalīfah* typology constitutes the heart of the entire model. As discussed, *khalīfah* individual aims to articulate and actualize the objective of *maqāṣid* to get the acceptance from God.

The very foundation of this new model, which is the Islamic ontological and epistemological principals are both represented through the axioms as the philosophical value of governance. The articulation of the axioms into the reality, which is to crystallise the Islamic ideals, start with the aforementioned smallest but rather crucial element of the governance process, namely the individual or the *khalīfah* individual. Based on the inspiration of the foundations (ontology and epistemology articulated through the axioms), the individuals that are to bring the ideals into reality must be functioning and dynamically self-actualised according to the characteristic of *khalīfah* typology. The 'self-actualising' nature of the individual stems from the Islamic notion of knowledge process, according to which Islam represents knowledge (hence, 'knowing'), iman represents 'doing', and ihsan represents 'becoming' in the sense of ongoing change and growth of individual within the *tazkiyah* and *rubūbiyyah* axioms. Such an individual endowed with such qualities is expected to be an active agent of change and therefore respond to the development of other individuals, society, natural environment and the state according to the ontology of Islam as articulated in axioms.

The *khalīfah* typology individuals, however, require an enabling minimal state along with the benevolent society and effective institutions to deliver the vicegerency

duties as explained by the *khalīfah* typology. In other words, these elements constitute the 'contents' of the 'Islamic governance paradigm' in the sense that the change is expected in these elements for Islamic governance to be actualised. Within this understanding of the *khalīfah* or vicegerent mission, all the four elements inter-reacted and inter-connected to enable the individuals to attain *falāḥ* for every and each person according to the *iḥsānī* culture.

Figure 7.1. Actualisation of Islamic Governance as a Model



With the motivation and actualisation of khalīfah typology, contents need to be subjected to a process to result in Islamic governance as an outcome. The centre role in the process, as can be seen in Figure 7.1., is again individual who have gone through the process of development to become enabled and functioning individual as discussed so far. This is an expected outcome, as the objective function of the individuals in this paradigm is to achieve *falāḥ* in this world and in the hereafter and also achieving *iḥsān* as social capital. In other words, the result of the workability of the *khalīfah* typology could be seen from the production of *iḥsānī* social capital. Thus, the *khalīfah* individual should be able to shape the 'contents' by subjecting them to the process of development as articulated by axioms and defined by the Islamic ontology and epistemology; and hence *khalīfah* typology based individual should be able to produce *iḥsān* as social capital, as a natural process. In other words, *iḥsānī* social capital through *falāḥ* is the natural expected result of having *khalīfah* typology.

It can be noticed from Figure 7.1 that *iḥsānī* social capital identified different in the schematic exposition, which implies that it can expand and contract. The nature of enabled and functioning individual in the initial part of the process will determine the quality of *iḥsānī* social capital. While *iḥsānī* social capital is considered as the natural consequence of the *khalīfah* typology, the nature of the impact it can have on the contents and the initial process will determine the quality of *iḥsānī* social capital. In other words, the nature and the quality of the four elements functioning will determine if the *iḥsānī* social capital expanding or contracting.

In the last part of the model, as depicted in Figure 7.1., the process of developing *iḥsānī* social capital will determine the achievement of the ideal governance. However, again referring to the dynamic nature of the process, Islamic governance, as the ideal governance, is represented with dotted lines indicating that there could be degrees of governance, from 'ideal' or 'good governance' to 'bad governance'. The quality of governance will be determined by the nature of the *iḥsānī* social capital, as the expanding *iḥsān* will result in expanding governance getting closer to the ideal. The working mechanism being dynamic system with check and balances helps the model to overcome the contraction in the *iḥsānī* social capital and hence in the quality of the good governance. As can be seen within the feedback system in Figure

7.1, any contraction (see –ve) will inform the model through the *khalīfah* typology to check the nature of functioning individual in the sense whether the individual is functioning as expected by the Islamic axioms. By correcting the functioning individual (see +ve from articulation of axioms) through imani self-actualisation, the process continues to enhance the quality of *iḥsānī* social capital and hence the Islamic good governance. Since this is an *iḥsānī*-based paradigm, by nature it represents a 'becoming' process implying an ongoing and sustainable development with *iḥsān* being expanded continuously, as opposed to 'be' or 'being', as the latter two represents the completion of a process.

7.5. CONCLUSION

Within the proposal of Islamic governance in this research, an enabling minimal state with its system, structure and philosophy is expected to yield functioning individuals and to render the benevolent society workable. Active functioning individuals, derived from *Tawhidic* reality worldview and total self-actualization, will lead to *iḥsānī* social capital which will operate in effective majorly non-state institutions (the civil society). It is through this sphere, that the axioms that act as the philosophical foundation will determine continuous individual and collective actions of individuals through a conducive institutional mechanism framework. The axioms will accumulate and create the *iḥsānī* culture in the functions of all the elements hence keeping it alive and constantly functioning in achieving the *falāḥ*.

Accordingly, active and effective institutions, which are naturally the result of functioning individuals and a benevolent society, will determine the nature of *khalīfah* typology *vis-à-vis* the *iḥsānī* culture continuously regenerating the effectiveness of the individual's role. Integrated and comprehensive interdependent functioning of *iḥsānī* culture in achieving *falāḥ* will increase the achievement of the ideal governance and *vice versa*. This functioning element will indicate the real benchmark of 'good governance' from Islamic ontology based epistemology rather than the evaluation of mere institution or economic growth.

In the same vein, the workable nature of such a system of governance within this paradigm will prevail in the effort and the continuous projections to form *khalīfah* in the life of every individual to function within the realm of a benevolent society and the system that enables it through significant institutions. In the same vein, the four

elements will be interconnected and work parallel with each other. Without the elements integrating comprehensively to articulate the 'Islamic governance' axioms, none of the element discretely will be able to present the ideal fairly. The interactions of the elements, especially the (*iḥsānī*) social capital represented through the benevolent society and the institutions enabling it, will be connected to the ideal notion of governance depending on their ability to appear and prevail by the functioning individuals.

The achievement or failure to achieve the ideal (Islamic) governance will heavily depend on the realisation of this function. However, the interdependent structure of the elements will allow the process to correct itself by returning to the same continuous flow should any failure occur in the process. The example of the first and second Caliphs of Islam asking the people to correct them, even with a sword, indicates how the governance process from the Islamic perspective is not free from mistakes, and how a proper, self-correcting mechanism was provided and necessary in the process. Only through such *continuous* and *comprehensive* process will the effort to reach the Islamicness of the governance be valued.

To conclude, it can be summarised that the achievement of governance according to *Tawhidic* ontology and epistemological worldview, unlike the Bretton Woods' (despite some similarities in terms of the outcomes) must not only be measured by the increases in GDP and human rights alone, as this not only limits the idea of 'well being' to economic growth and certain liberal values per se, but also inaccurately reflects the condition of the society. A 'good' and ideal governance, according to Islamic ontological reality, is also *not only a set of instrumental or institutional tools* that work to tackle certain issues such as poverty, corruption and inefficiency of the market, but rather it represents the holistic and comprehensive effort involved in producing certain quality based on faith, morals and values in individuals and society; the continuous establishment of a system that enables such efforts and the mechanisms that facilitate the individuals and the society to achieve *falāḥ* through the culture of *iḥsān*; and finally the institutions to facilitate and enable the individuals and the society within the minimal state environment to mutually function by implementing the aforementioned *maqāṣid* (higher objectives of *Sharīʿah*) with the objective of achieving well-being, both in this world and in the hereafter, hence *falāḥ*.

CHAPTER 8

ISLAMIC GOVERNANCE: WHAT'S NEXT? INSTEAD OF A CONCLUSION

> *The Prophet said: "There are seven whom Allah will shade in His Shade on the Day when there is no shade except His Shade: a just ruler; a youth who grew up in the worship of Allah, the Mighty and Majestic; a man whose heart is attached to the mosques; two people who love each other for Allah's sake, meeting for that and parting upon that; a man who is called by a woman of beauty and position (for illegal intercourse), but be says: "I fear Allah", a man who gives in charity and hides it, such that his left hand does not know what his right hand gives in charity; and a man who remembered Allah in private and so his eyes shed tears."*[1]

8.1. INTRODUCTION

Epistemologically, the above *ḥadīth* implies that it was the *tawhidic* ontology that acted as the motivating factor for those seven people to perform whatever they did in pursuing *falāḥ* for their affairs, both in this world and the Hereafter. The promised 'shade' is but another *tawhidic* inner motivation that triggers individuals to live in virtue and forbearance to their value and faith. From the governance point of view, the examples mentioned in the *ḥadīth* identify how various individuals can work within the *iḥsānī* culture to develop a fair and moral society for better governance. The intrinsic values indicated in the *ḥadīth* reflect implicitly the substantial ideals bearing the spirit of Islamic governance theories, which will pave the way for developing the previously-discussed *khalīfah* typology.

This *ḥadīth* is amongst many other evidences from Islamic epistemological sources expounding the nature of values and virtue that could be extracted to contribute towards the establishment of an ideal governance system. In other words, religious values, in this case Islamic values, become a reference for the formulation of

[1] Narrated in al-Bukhārī (1985: 1/234) and Muslim (n.d.; 2/715).

governance precepts in a value-defined manner. However, incorporating religion, religious values and culture into political economic issues in the current modernity-dominated paradigmatic understanding requires a new dimension and approach as previously argued in the discussion on modernity and Eurocentrism. The entire focus of this research is on proving this presumption within the contemporary Eurocentric mainstream governance discourse.

To bring values, and in particular religious ethos, back into the realm of knowledge to socially construct a new paradigm is rather challenging, due to the paradigm of modernity which excludes religion as a source of knowledge. Thus, dealing with a subject which is against the predominant ideology of the contemporary positivistic world, and applying it to a modern problem, requires careful tailoring as governance, according to its current understanding, would be viewed as non-compatible with the inviolability of religion and faith inspiration or *vice versa*. Despite the empirical case studies and experiences which indicate, the probability of harmonizing religious ethos with activities related to the governance process, it is still viewed with prejudice and scepticism. In the same way, some religious essentialists would view the 'incorporation' of values as another act of digression. However, any attempt to unearth alternative means to the status quo should always ensure that every detail of the reality is presented instead of the enforcement of a single meta-narrative on every community in the world.

The above discussions and arguments regarding developing an ideal model of governance, as illustrated in Figure 7.1., based on Islamic ontology and epistemology are another painstaking effort to respond to the aforesaid challenge. As discussed previously, it has been proved by many current researchers that religions, as part of culture, could benefit human endeavour towards development with their unique approach. Furthermore, religions also give inner meaning to human life and cultivate the necessary good virtues that have been lost amid the materialistic domination in the contemporary world. Therefore, this research aims to produce or establish a new paradigm of governance based on Islamic ontology and epistemology different from the secular ontology.

This study, as summarised in Figure 7.1., should be viewed and evaluated as an attempt to produce the building parameters of *a model* of Islamic governance theory,

but is not offered in any way as *the only* model. Moreover, it has been developed as an alternative means for culturally-inspired or faith-inspired philosophical grounds for ideal governance. The lack of such an approach in the current governance discourse has been discussed in the body of this study. Various factors have led to this situation, mainly the Eurocentric mentality which dominates the discourse regarding political economy as well as governance. As the discussion in the previous chapters indicates, an Islamic model of governance, as proposed by this study, differs from other models in that it is based on ontological and epistemological foundations in response to the spiritual-psychological sociological needs of human beings. The core uniqueness of the model stems from the fact that it is based on faith, values and ethical standards to include the practical life of human being without neglecting the elements of (limited) rationality.

8.2. SUMMARY OF THE RESEARCH

The phenomenon of 'governance' has emerged in the past decade as an aspect of structural adjustment policies. The term was first introduced as a Washington Consensus-based panacea for underdevelopment and poverty after the World Bank's report on Sub Saharan Africa in 1989, and provided a new dimension which was suggested as a remedy for many other problems and challenges. Generally, 'good governance', as initially introduced by the Bretton Woods Institutions and later emulated by many international aid and financial agencies, views developmental issues from a comprehensive political, economic, social and legal approach. In this regard, good governance implies a set of rules (system) governing the actions of individuals and organizations (society) and the negotiations of differences between them that could only be crystallized through proper *institutions* in order to achieve development (Van Dok, 1999).

A great deal of criticism has been made of this agenda from various technical, methodological, operational, economic, political and philosophical dimensions. However, since this research is not an empirical-based research aiming to expose the failures or shortcomings of the agenda, it has only focused on the philosophical issues concerning the subject. The treatment of the subject in this research has focused on the deconstruction of the concept of good governance, with a specific reference to its bias toward Eurocentric modernity. The result of this approach has

revealed that this current concept missed an important building block of development in its discourse, which is the role of culture and religion. In the chapter on the role of culture in governance, therefore, literature was produced by culturalists, as well other post-modernists (and post-structuralists), post developmentalists and post-colonialists who have bravely challenged the Eurocentric conception of the definition of development.

As suggested by this study, culture, faiths and other transcendental values that are often neglected in the modern world should be revisited and reinterpreted from their functional dimension. A great deal of empirical research has pointed to the fact that these values have their role in the life of modern society, as well as in the field of governance. The wide-ranging contributions of faith-based and faith-inspired organisations and movements in the field of development, civil society, educational, economics, politics and other areas in recent times has opened the eyes of many as to how *mitos* has its pivotal place in human life. Religions and faiths are undoubtedly important in giving the *telos* and *nomos* to individuals' lives. As Nasr (1989) points out, human beings cannot neglect the inner spiritual dimension of their lives and how the parameters of inner development have consequences for their external development such as the case of governance. Countless efforts by the faith-based and faith-inspired organisations which have contributed towards tackling underdevelopment problems and other socio-political issues were mainly driven from such a motivation. In this respect, it should be noted that faith and religious belief works efficiently to stimulate the elements of good governance in a similar way.

According to this rationale, this research develops a direct and exclusive analytical discursive study on how Islam as one of the major religions in the contemporary world could contribute towards development and governance by establishing a unique model of governance from its explicit ontological worldview and dynamic epistemology. As mentioned in the Introduction, this exploration aims to identify the possibility of an Islamic model of governance and ways to build the parameters for such a model as an alternative means of governance in replying to the need for a separate and unique paradigm for good governance for Muslim societies needs. This aim as explicitly spelled in chapter four has been the central working hypothesis of this research.

Islamic epistemology is derived directly from its ontological-based worldview, which acts as a beacon for Muslims in conducting their lives and provides the knowledge to assist them in the worldly life. This worldview is derived from *tawḥīd* which is the *axis mundi* of *homo-Islamicus* in determining the 'truth' and the 'reality'. This *tawhidic* reality concept is clearly articulated through the status of man as vicegerent (*khalīfah*) in the world, which is deliberately elucidated in the Qur'an through the story of human creation, and accepted as *a priori* in Muslims' faith.

Such an ontological premise provides the vertical relation between humans as *khalīfah* with the Creator and, in a similar manner; the epistemology (which is derived from the ontology) articulates the ontology into real life, hence establishing the horizontal relation between human beings and the world. In sum, it is only through the epistemology that *tawhidic* reality can be articulated and work within the construction, perception and articulation of social reality. This *tawhidic* reality implies that only by obeying God's guidance in the terrestrial life, will the human being attain *falāḥ* or prosperity in the worldly life and in the Hereafter, as the objective of each individual is considered to be *falāḥ*. God's guidance for human beings can be exemplified by revelation and *ʿaql* (rationality) in interpreting the revelation. Revelation is represented by al-Qur'an and *Sunnah*, while the ʿaql's role is to interpret the revelation according to the *consequentialistic 'moral and value' perspective*, since the resulting hermeneutic of legal rulings is based not so much on specific rules spelled out by the text as it is on the ethical principles revealed as God's purposes behind the text.

The articulation of the revelation to the practice as in the case of governance could be done through the theoretization of the relevant knowledge and experience of the four pious Caliphs. In order to understand the spirit and underlying concepts hidden in the revelation, *maqasidic* approach has been pursued in this study. For that reason, through Ibn al-Qayyim's inclusive and extensive *maqasidic* approach, the attainment of *falāḥ* could be achieved. According to this more dynamic interpretation of *maqāṣid al-Sharīʿah*, the achievement of *falāḥ* is not solely confined to the attainment of the highest objectives of *Sharīʿah* (*maqāṣid*) by preserving the al-Ghazalian five *ḍarūriyyāt* and al-Shāṭibī's addition of *ḥājiyyat* and *taḥsīniyyāt*, but must also include broader measures to ensure welfare (as) asserted by Ibn al-Qayyim

(n.d, 4: 309-11) who emphasized justice and equity, the means to which could never be captured by a finite list.

The comprehensive treatment of the mentioned *maqāṣid* elements would ensure human well-being in their worldly life and a state of salvation in the Hereafter (*falāḥ*). Furthermore, *tawhidic* reality that shapes the individual's worldview will enable him to secure and promote the *maqāṣid* to ensure '*falāḥ*' not only for himself but also for the community and the human species in the universe. While *falāḥ* in the life hereafter is reflected by the life in the heaven for eternity, this *maqasidic* approach will assist the quest to develop an ideal Islamic governance model theory. Consequently, the accomplishment of all the tiers of *maqāṣid* (*ḍarūriyyāt, ḥājiyyāt* and *taḥsīniyyāt*) in the governance process will be a benchmark of an accomplishment of 'good' in the proposed governance model. However, accomplishment is only the end, and the end does not justify the means from the Islamic point of view. Similarly, the means must not be independent from the end; and hence internal consistency should be sought. As a consequence, the means to achieve the *maqāṣid* is part and parcel of Islamic governance itself.

In explaining internal consistency in relation to consequentialist expectations, according to the mentioned paradigm, and as prescribed in the literature related to the topic (Khan, 1984; Ahmad, 1992, 2003; Chapra, 2000; Naqvi 1981, 1994; Choudhury, 1995), a four-tier system prevails in Islam:

> "internal and external consistency and third one, which is consistent with both of them that is moral and behaviour norms of the society, i.e., harmonizing consistency. Whereas, fourth tier is unique in Islamic system that highlights consistency in between the action in this world and the hereafter so behaviour of Muslim individual should be examined, studied and analyzed in this context, structural and textural change within men and society" (Asutay, 2010: 18).

Thus, this model of Islamic governance is completely different from current 'good governance' because of its distinct features: the third and fourth tiers are not part of the conventional model. In Islamic governance, every governance activity moves around a specified nucleus, i.e., *falāḥ* in this world and the life hereafter.

As an articulation of this process, as the primary aim of life for humans as described by Islam is to attain *falāḥ* (ultimate success) in both this world and the Hereafter, as *khalīfah* (God's vicegerents) they are urged to use the resources of this world to

achieve success in both lives. Islamic governance, therefore, aims to achieve *falāḥ* (salvation) by aiming at *iḥsān* (benevolence) through the framework of *khalīfah* (individuals as God's vicegerent on earth). According to this notion, the individuals' success in this role depends, among many other things, on the acquisition, allocation and disposition of the resources, which are *amānah* or trust, according to the consent of *Allah*. In the case of Islamic governance, *Sharīʿah* is the paradigm.

Moreover, based on the preceding epistemological paradigm within the value-laden ontological-determined epistemological system, this research has avoided the adaptation of any literal emulation of the classical governance model and structures without deconstructing the context and underlying philosophy which led to their emergence. Instead, it utilizes a non-conventional way of constructing a new alternative model of ideal Islamic theory of governance. A 'consequentially-aimed social realization process based ethical approach' was chosen as the bedrock for this study instead of the classical deontological legalistic discourse in dealing with Islamic epistemological sources. Unlike the conventional Washington consensus approach to the subject, this new approach transcends the current (nature-matter) materialistic monism of governance by replacing the ends of its process with transcendental values, and by making humans as the starting point of the subject and not as mere commodities. In this model, the human being and his/her well-being is considered as the end and not the means.

Furthermore, it fits into the framework of governance from ontologically determined Islamic epistemology through the deductive method. In formulating this, all-Islamic principal values in relation to material, spiritual and ethical issues related to the subject were articulated in the form of mathematical axioms. As far as the term epistemology is concerned, the exploration also involves Islamic traditions and classical contributions on the subject, but without literal transcriptions; rather it denotes the ongoing, creative attempt to apprehend the paradigm implicit in different Islamic texts and phenomena. The axioms that are soundly derived from the epistemological sources (al-Qur'an and *sunnah*, the practice of the four pious caliphs and *maqāṣid al-Sharīʿah*) elucidate the proposed governance model's philosophy and fundamentals of its philosophy. Consequently, the proposed model does not deal only with mere means and forms of governance through mere discussions regarding its mechanisms and institutions, but also includes the transcendental means and goals of

governance from Islamic ontology and epistemology as its foundation being emphasized in its formulation.

This generative (non-cumulative) paradigm of looking into the governance issue is to be viewed as an incomplete certainty and a production of the continuous *ijtihād* progression, and is not aimed at an imperialist control of reality as the modernities project claimed. Furthermore, this emerging comprehensive theory does not try to relegate reality to its materialist components or dimensions, nor does it try to eradicate dualities. It does not stress the whole at the expense of the part or the reverse; similarly, it does not stress continuity at the expense of discontinuity or *vice versa*. In contrast, it relates the particulars to the general without necessarily reducing the part to the whole or the particular to the general and it attempts to reach the pivotal point where one phenomenon is related to another, yet remains distinct from it. In applying it to the discourse of governance, the individual and small social units cannot be eradicated in the interest of the state, and the human cannot be disregarded in pursuit of the natural. Hence, the deliberation on the governance issue in this research does not focus on the materialistic components such as institutions or mechanisms or growth *per se*, but it encompasses the holistic nature of human life in accordance with the Islamic worldview.

In the development of the related paradigm, the formulated axioms are: *tawḥīd* (unity), which indicates the vertical dimension of the Islamic ethical system; *amānah* (trust), *al-ʿadl wa al-iḥsān* (justice equilibrium) to provide the horizontal dimension of equity; *ukhuwwah* (universal solidarity); *iṣlāh* (constant striving for comprehensive excellence with ethical and moral considerations); *ikhtiyār* (free-will); *tazkiyah* (concerned with growth towards perfection through purification of attitudes and relationships); *rubūbiyyah* (divine arrangements for nourishment, sustenance and directing things towards their perfection) and finally, the *maqāṣid al-Sharīʿah* (*objectives of the Sharīʿah*), which are used to summarise the whole spirit of Islamic governance by providing the socio-legal framework within which this new governance model is located. These axioms are interconnected to create an environment for the attainment of *falāḥ* through the process of governance. It should be noted that these axioms proliferate the normative theory of guiding Muslims by ensuring the parameter of their governance process is in conformity with the *tawhidic* worldview. Policies, systems, institutions and all mechanisms formulated and

promulgated must be within this parameter to ensure that the Islamic governance model is constructed in a comprehensive and robust manner.

However, these inter-reliant and interrelated axioms could only be articulated through holistic and comprehensive role of governance factors within the '*khalīfah* typology', which as a new aspirational human entity implies a comprehensive and interrelated component being shaped by the Islamic notions and the axioms in coming into the reality. In this way, four major elements, or four dimensions are identified as crucial in delivering such ideals: individual, societal, systemic and institutional. At the individual level, *khalīfah* typology enshrines that good governance is to be practised by 'functioning individuals' through the articulation of the formulated axioms in their daily life; then at the larger radius of society through 'benevolent society', where the individuals could mutually and collectively exercise their governance rights and obligations; while at the institutional level the axioms must be interpreted through 'effective institutions' that enable both individuals and society to function at the macro level; and at the state level through 'effective minimal state systems', which provide mechanisms and an atmosphere that enables the previous three elements to be effectively workable. Based on this typology, we can conclude that the aim of governance in Islam, unlike any other version of governance, is to 'achieve human wellbeing through the distribution of trust and the organisation of resources on the basis of *tawḥīd, amānah, ʿadl wa iḥsān, ukhuwwah, iṣlāḥ, ikhtiyār, tazkiyah, rubūbiyyah,* and *maqāṣid al-Sharīʿah'* through the articulation of *khilāfah* (vicegerency). Furthermore, 'Islamic governance' is part of the means to achieve *'iḥsān'* as the culmination of human life for a better life for the community; and hence Islamic governance aims at maximising or enhancing the *iḥsānī* social capital through the consciousness of its participants, *namely khalīfah* individuals.

Within the proposal of Islamic governance in this research, a minimal enabling state with its system, structure and philosophy is proposed as the nature of political culture, which must provide the opportunity to enable functioning individuals and the benevolent society to fulfil their aim, which is to achieve *falāḥ* through the *iḥsānī* process. The active functioning of individuals in the form of 'being' and 'doing' individuals derived from the *tawhidic* reality worldview and total self-actualization is expected to lead to *iḥsānī* social capital to operate in an effective manner in mostly

non-state institutions (the civil society). It is through this sphere, that the axioms that act as the philosophical foundation of actions, will determine the continuous individual and collective actions of individuals through a conducive institutional mechanistic framework. The axioms will accumulate and create the *iḥsānī* culture in the actions of all the elements, hence keeping it alive and constantly functioning in helping the participants to achieve *falāḥ*. Appropriately, active and effective institutions, which are naturally the result of functioning individuals and benevolent society, will determine the nature of *khalīfah* typology *vis-à-vis* the *iḥsānī* culture, which in turn will continuously regenerate the effectiveness of the individual's role. The integrated and comprehensive interdependent functioning of *iḥsānī* culture aiming to achieve the *falāḥ* will increase the achievement of ideal governance and *vice versa*. The role of *iḥsānī* culture is akin to the role of 'manners' in maintaining democracy in America as coined by de Tocqueville (de Tocqueville, 2005: 348-53).[2] Thus, the proposed model is a dynamic model in which the system creates checks and balances to respond to the change in the *iḥsānī* social capital with the objective of keeping it at the maximum level possible.

This functioning element will indicate the real benchmark of 'good governance' from Islamic ontological-based epistemology rather than the evaluation of mere institution or economic growth. In the same vein, the feasibility of such a governance system within this paradigm is possible, with the effort and the continuous projections in forming the *khalīfah* milieu in the life of every individual, of functioning within the realm of benevolent society, and the system that enables it through its institutions. In the same vein, the four elements are interconnected and work parallel with each other. Without the elements integrating comprehensively to articulate and fulfil the 'Islamic governance' axioms, none of the elements discretely would be able to present the ideal fairly. The interactions of the elements, especially the *iḥsānī* social capital represented through the benevolent society and the institutions enabling it will be contracted to the ideal notion of governance depending on their ability to be integrated and internalised by functioning individuals.

Figure 7.1 in Chapter Seven clearly depicts this entire process by identifying each

[2] Manners in this subject has been defined as "the sum of moral and intellectual dispositions of men in society" to be the most important influence in maintaining American political institutions-more important than laws of physical circumstances (Mottahedeh, 2001:3).

stage of the development process leading to Islamic governance. The model summarises the entire paradigm by linking it to '*iḥsānī* social capital' and its maximisation. Thus, it provides another way of looking at social reality through Islamically-constructed knowledge.

8.3. CHALLENGES IN COMPREHENDING AND IMPLEMENTING THE PROPOSED MODEL

It should be noted that Islamic governance mediates differing interests to reach a broad consensus on what is in the best interest of the society and, where possible, on policies and procedures. *Khalīfah* typology as a framework also prepares the stage for the people to make their contribution towards the development of the society in which they live. Every single axiom, which is articulated by *khalīfah* typology, can only be meaningful through the apprehension and active involvement of all individuals within the Islamic governance framework. In the same vein, it is the people who eventually act as the dynamo for the mechanisms of governance to move and work to achieve the ultimate goal they want to achieve, namely *falāḥ* through *iḥsānī* social culture. On the other hand, as mentioned earlier, the implementation of Islamic governance in the proposed framework will contribute towards what is known currently as good governance characteristics represented by accountability, the rule of law, transparency, efficiency of the public administration and the active role of civil society, hence will lead towards the development of the society.

Some might question, then, the rationale and the distinguishing nature of Islamic governance from the contemporary agenda of good governance, since the outcomes may have similarities. Some might also argue that the whole discovery of this research simply represents the actual idea of good governance but in a different guise. So, what is unique about the proposed 'Islamic governance'?

It should be noted that despite the similarities in the outcome, the current notion of good governance proposed by international institutions and the Islamic governance model proposed in this study differ in many fundamental ways. Fundamentally, each version of governance is derived from distinct ontological and epistemological foundations that lead to the diversity of the ultimate aim. In addition to such fundamental differences, the aim or the expected outcome constitute another major difference. As for the conventional, it aims for a mere positivist materialistic goal,

which could best be described as the Washington consensus efficiency. The aims are also evaluated by a specific barometer for the achievement of growth or, in some cases, a purely humanistic measurement. However, Islamic governance considers the process and the outcomes as mere means to achieving the bi-dimensional goals summarised by the term *falāḥ* or human well-being. *Falāḥ* as the goal could best be exemplified by comprehensive actualization of *maqāṣid al-Sharīʿah*. In this case, the process and the outcomes are no longer the main focus of governance, but only represent part of the consequences required from the exercise of the governance realm. Thus, in Islamic governance, human beings are ends in themselves rather than means.

Furthermore, due to its ontological spectrum, the proposed governance model in this study is close to the heart and life of Muslims in accepting it. Due to its revelation-inspired nature, and the fact that it addresses both the material and spiritual aspects of human life, this model of governance transcends the feeling of being forced to accept something foreign amongst Muslims. As per the discussion on the role of religion in development, this state of affairs will inspire and motivate the inner elements of human beings thus giving a meaning to their lives. This inner meaning will not only motivate individuals to pursue their own interest, but will also push them to share their happiness with others. As such, the process of development is not a result of mere individual persuasion of personal interests, but a fruit of mutually-interdependent individuals in bringing 'meanings' to the society and its everyday functioning. By the same token, unlike the current good governance agenda, this Islamic governance model is not expected or formulated to act as an external solution to be imposed or enforced by outsiders upon Muslim countries, as the proposal suggests an authentic and indigenous attempt, which can be considered as a revision of the inner elements that they have lost and missed to serve their own interests and not for other hegemonies.

However, the changes, which would allow this proposed framework, could only be possible if there is political and economic freedom within Muslim communities, societies and countries. Without political freedom, the governance process will only be an artificial decoration of the authoritarian regimes, and without freedom, development is hard to achieve, as freedom is the essential element, through which development efforts can be concerted (Sen, 2001).

Despite of this new formulation, the divergent Anglo-Saxon and European discourse on equity and social justice, which are universally accepted and acknowledged, are not to be rejected. In fact, they are relatively incorporated into this model as part of the consequences of the axioms developed as its philosophical foundation. Furthermore, these two factors are implicitly work as the amalgam of the articulation of the axioms through the interconnection of the individuals and the society. Without equity and social justice it is hard to imagine how a society could be benevolent, and for what purpose the individuals are functioning. Equally, it is the concept of equity that the individuals enjoying their sufficient space to be functioning politically and economically. This will reflect the ideal of *iḥsān* in enhancing the value of individuals within the framework of the aforementioned inclusive *falāḥ* definition. Likewise, the social justice principal, too, is the main narrative of benevolent society proposed in this research.

Considering the nature of the political culture in the Muslim world, it is difficult to imagine that the current situation in Muslims' polity in general will allow room for the proposed governance model to work. Looking into the comprehensive structure of *khalīfah* typology as the framework for the established axioms to operate, political freedom is not only a condition for them to be enabled, but also primarily a *sine qua non*. The present status quo of polity in Muslim countries, therefore, can hardly allow the model to be implemented. The pseudo democratic system, too large state, state-dependent individuals, wide rent-seeking culture, patronage politics and economy and other undemocratic practices that allow corruption, mismanagement, and other practices of bad governance are the major impediments for the implementation of the model.

Apart from encouraging a political environment needed to set a limit for the model to be exercised, a clear understanding of Islam from Muslims is another prerequisite. A narrow view of religion, which perceives it either as a static dogma which lies in the private sphere or the strict literal interpretation of it as a stag doctrine against any amendment and dynamism, will never help the realisation of the model. Instead, a new approach to religion from its functioning dimension is necessary; as without development of *homoIslamicus*, the Islamically-supported and created institutions would not be able to deliver the *falāḥ* and *iḥsānī* social capital.

In referring to Islam, the model could also only be workable through a clear understanding of *Sharīʿah*, as an inclusive doctrine providing a fertile ground for this aim. *Sharīʿah* should not be confined within its limited legalistic consequent independent deontological parameter, but should be recognised as an ethical, value-oriented process to be referred to for all new *ijtihād* for its social realisation. In other words, *Sharīʿah* in relation to *maqāṣid* should be policy-oriented with the objective of interpreting and contextualizing the realities of everyday life within the Islamic epistemological and ontological order by also endogenising morals in a dynamic manner rather than being confined to legal mechanism in a static fashion. In other words, a consequentialist approach rather than mechanistic *Sharīʿah* compliancy must be adopted to create a dynamic environment for the development of *falāḥī* and *iḥsānī* cultures.

To enable that to happen, continuous educational efforts to broaden the horizon of individuals is crucial. Individuals, upon whom the model is to be subjected, must develop mentally and spiritually to enable them to think beyond the traditional conception (*taqlīdī*) of Islam. In the meantime, they must also transcend the stereotypical mindset of captive mentality; therefore, the self-actualisation of Muslims is essential. Individuals should be able to think beyond the imposed boundaries of modernity, and to realise reality according to their unadulterated ontological worldview. This again necessitates a certain degree of freedom and a total reform of religious education. Individuals should be freed from the current modernity-based discourse as well as the traditional dogma in looking into the relation between Islam and their life. In the same way, their perceptions of freedom, rights, responsibilities and self-determination must also be constructed according to the *tawhidic* reality rather than the priorities of the modernity project. In sum, this new model demands a reconstruction of reaffirmed Muslim individuals who are *iḥsānī* self-actualising rather than *taqlīdī* individuals before it comes into the mechanistic dimension.

There is no doubt that the individual, as the main factor of any governance model should first be contained with the spirit of the axioms before the mechanisms. The behavioural norms of the individual will then accumulate the social norms that will lead towards the aforesaid culture of *iḥsān*. Individuals remain the major factor of the accomplishment of the governance system in this model. As per the discussion of the

functioning individuals, Islamic governance should be considered as a process which starts and finishes with the individual.

8.4. QUESTIONING THE FUNCTIONALITY OF THE ISLAMIC GOVERNANCE MODEL

In replying to the global problems and issues by contemporary Muslim societies mentioned in the first chapter, this model is to be verified according to its compatibility to mitigate or moderate such results. If the Bretton Woods good governance was proposed as the panacea for those economic development problems, can the Islamic model of governance discussed in this thesis work as its alternative?

Generally, it is possible to identify four sets of attributes requiring reform for Islamic governance to be brought about: constitutional, political, administrative and public policy. At the constitutional level, *khalīfah* typology requires changes to strengthen the accountability of political leaders to the people, as well as to empower the people to bring their leaders to account by developing individual and social capacities and capabilities. Such changes will cure the problem of the abuse of power and of individuals being deprived by many regimes in Muslim countries. As indicated by many, less-accountable leadership leads to unaccountable abuse of power that finally causes corruption and misadministration. Through such reform, leadership is to be understood as a trust (*amānah*) and not a privilege. Functioning individuals in this realm not only applies to the people, but also to all governance factors in the government and the non-governmental structures of markets and civil society.

Furthermore, constitution under the framework of *khalīfah* typology also requires changes to ensure respect for basic human rights and individual freedom, together with the strengthening of the rule of law, and decentralization of political authority. With such reforms, the abuse of rights and freedom of individuals that is prominent in Muslim countries could be overcome. Islamic governance is the about the sphere where individuals live freely according to their rights and obligations. In the same way, it is the sphere where freedom is present and guaranteed by the law. Accordingly, the viable separation of powers is constitutionally essential in ensuring that rule of law is respected and implemented. In the absence of this element, we have witnessed how Islam has been used as a tool for some people to justify their political-economic and social misconduct and policies and human rights related

abuses. Therefore, the notion that indicates Islamic rule of law confined to the narrow implementation of certain criminal codes should be discarded.

At the level of political action and organisation, along with the freedom ensured by the constitution, Islamic governance entails political pluralism to allow a wider sphere for the extensive participation of the people, as accountability, transparency and participation can only be attained through political pluralism. In the same way, real political participation through a free system will encourage probity and incorruptibility in the use of public powers and offices by public servants. In the Islamic governance model as proposed by this study, the functioning individuals, society and institutions effectively act as stakeholders and as a watchdog for the exercise of power. With such an ideal tool, the civil society is empowered with more rights in determining the way the country is governed. By implementing this ideal, the level of democracy and accountability in Muslim countries is expected to rise. This eventually is expected to lead to less corruption and effective governance in terms of managing power and the country's wealth.

In terms of administrative issues, the Islamic governance model requires accountable and transparent public administration. The smaller but enabling and effective state encompasses more accountable public servants through a highly transparent system. The separation of power along with the freedom of information and politics will allow political parties, pressure groups and other watchdogs to monitor public services. Within such dominion, the functioning individuals through effective related institutions will have a great role to play. This will lead to effective public management, including a capacity to design good policies according to the *maqasidic* parameter and to implement them. With this type of reform, the Islamic governance model will be able to improve the performance of public services in Muslim countries, which in most cases are known to be the source of corruption and abundant inefficiency.

Finally, at the policy level, policy prescriptions must be developed according to the *maqāṣid al-Sharīʿah* that will enable all the elements of *khalīfah* typology to be articulated. The attainment of *maqāṣid al-Sharīʿah* ensures the human well being of the people, thus their human development. Besides, human development in Islam is not only indicated through conventional growth indicators or the HDI which includes

amongst others, life expectancy, adult literacy rate, educational enrolment, GDP *per capita*, longevity, knowledge and standard of living. The holistic understanding of human development within *khalīfah* typology and the culture of *iḥsān* goes beyond the positivist materialistic barometer. It requires the acknowledgement of culture and preservation of values, virtue and benevolent factors, religiosity and piety elements and knowledge and wisdom attainment, as expected through axioms such as *tazkiyah* and *rubūbiyyah*. They may not be able to be quantified and measured by figures, but institutions and activities can imply them. Moreover, their causal effects on other tangible indicators such as lower crime rate, literacy, educational level, and others could illustrate the fruits and outcomes of those intrinsic elements. With such effective policies, Muslim societies could improve the present miserable situation of human life they experience caused by bad governance.

Nevertheless, as mentioned earlier, the key for such reforms must start from the individuals through a comprehensive educational reform which aims to change the internal and the external; as Islamic governance as a dynamic model aims at continuous change in the lives of individuals, societies and institutions. Individuals in Muslim countries should not only be empowered, but must be educated to realise their rights, responsibilities and functions.[3] The strong dependency and patronage culture in Muslim societies should be eliminated and would be eliminated through this new Islamic governance model, as it aims at *homoIslamicus*. In doing so, societies must not only be independent, but also effective within the spirit of *iḥsān*. Without the *iḥsānī* self-actualisation within the heart of the individuals, Islamic governance is far from being achieved. Again, a proper system of education to develop individuals is required in order to develop the holistic implementation of *khalīfah* typology within the sphere of *iḥsānī* social capital. In the same way, the willingness of Muslims to change themselves, specifically their regimes, is another crucial stipulation for Islamic governance to be implemented.

[3] As al-Kawākibī concluded his imagined Muslims conference nearly 100 years ago by saying: "Muslims all over the world are indeed in a state of deadly lethargy; and the only remedy for the sickness then is only through proper education and continuously motivating young people to strive for a better status; to be taken in collective efforts by scholars and sages of insight and wisdom" (al-Kawākibī, 1316H: 91-99).

8.5. CAN ISLAMIC GOOD GOVERNANCE WORK IN MULTI-RELIGIOUS SOCIETIES?

Another question that might be raised regarding this model is its compatibility with multi-religious societies. As most Muslim countries nowadays are no longer homogenous, the new reality demands that Muslims realize and acknowledge the existence of non-Muslims as their compatriots who deserve the same rights and obligations within the territory of the current nation-state system. In such a situation, does this proposed model of governance work equally and fairly for non-Muslim subjects? And does the *khalīfah* typology with the *iḥsānī* culture allow non-Muslim stakeholders to be included?

In responding to this, first it should be noted that fairness and justice do not distinguish between colour or faith. Social justice according to the Islamic notion of universal solidarity (*ukhuwwah*) does not discriminate against any group of people. As for the whole process of Islamic governance which could be summarised with the *khalīfah* typology framework and the culture of *iḥsān*, their outcomes and consequences are in favour of social good for all. With such a consequence, one has to separate between the *fiqhī* legalistic discourses regarding non-Muslims with this version of Islamic governance. If the classical jurist designates certain selective rulings concerning non-Muslims under Muslims polity, they should be viewed from the context of those *ijtihād* being produced. In the absence of the context that leads to the rulings, the legal precepts on the issue should also be amended.

However, on the issue of governance, which is more technical and dynamic in its nature, a whole new revision of the field is needed. Non-Muslims, just like Muslims are part of the whole picture of *khalīfah* typology. As stakeholders they are also the actors of governance within the realm of Islamic governance. As the actors of governance within the *khalīfah* typology, they should also constitute functioning individuals of the benevolent society and become part of the effective institutions. Accordingly, the culture of *iḥsān* that encompasses the whole process of *khalīfah* typology in delivering social good bears no faith significance in its functional mode. The same applies to the axioms which are articulated by *khalīfah* typology and could also be perceived according to their universal meaning through their instrumental

consequential function. Furthermore, the main spirit of Islamic governance lies in the idea of overcoming the boundaries between faiths.

8.6. FUTURE RESEARCH: THE WAY AHEAD

Despite the lengthy discursive analysis of the research in this study, it remains a purely theoretical discourse with a mixture of descriptivism and critical and analytical content analysis. Hence, further research is needed to continue what this thesis has started to examine. As part of the struggle to bring religion into the field of governance, the result of this thesis deserves empirical analysis in evaluating its suitability with the reality. For such, a formulation of new methods to harmonise the proposed Islamic governance into the current status quo framework is needed at both the macro and micro level.

Furthermore, similar to the current governance characteristics that could be quantified and measured with certain index mechanisms and tools there should also be an attempt to put the governance model proposed in this research into a specific index model. Dar's proposal for the evaluation of ethics in the economic sector, through the ethics-augmented human development index (E-HDI) as a new indicator of socio-economic change and development, could be considered for this. The E-HDI incorporates freedom, faith, environmental concerns and the institution of family to the existing model of Human Development Index (HDI). It is expected that ethical concerns will be injected more explicitly into policy making in the contexts in which the human development reports are used (Dar, 2004: 1071). Similarly, an Islamic Governance Index (IGI) could be developed for this purpose by replicating the Kauffman and World Bank's World Governance Index (WGI). The result of the articulation of the axioms and the output of the four elements of *khalīfah* typology would be essential indicators for measuring the governance performance of any Muslim country at the macro level, and any Muslim organisation or institution at the micro level. However, the details of such an index should be taken up in further research.

By the same token, the mentioned axioms, established to erect the foundation of ideal government, are not to be confined and fixed to a limited number. There might be other axioms that have been overlooked in this research that would represent Islamic values in dealing with governance issues, either in the current situation or in the

future. Contexts and changes would determine the necessity to expand the axioms with a proper exploration of Islamic epistemology, as the model proposed is a dynamic model and therefore should be able to respond to changes in the context. As has been repeatedly mentioned in this research, the field of governance is rather a new and fertile field of *ijtihād*. Applying or imposing certain classical or archaic structures or concepts on the new reality will not bring about a realistic result due to the incompatibility of the two. Instead, a fresh and innovative exploration should be initiated to understand the spirit and ethos of *Sharīʿah* and incorporate it into the new reality. The examples from the Prophet Muḥammad's administration and also the Caliphs' reflect this ideal and should thus be emulated. Finally, it is the *maqāṣid al-Sharīʿah* that underlies any attempt to develop any new model or theory of governance, hence attaining *falāḥ* in both worlds.

Nevertheless, this research represents an initial step toward conceiving a new theory of governance. This work reveals that there are compelling reasons to resist the temptation to mechanically impose the growing global concept of good governance on peoples of the world without acknowledging their culture, faith and context. The failures of governance attempts and policies, therefore, could also be explained by them not taking into account such particularities. Significantly, this research demonstrates that governance exists in our contemporary world that may deviate from the conventional, but that is nevertheless *good*. Nonetheless, as another attempt of *ijtihād* within the shade of *tawhidic* ontological based epistemology, the model proposed in this study will remain as a relative and non-definitive answer and model for governance. While it is true that every period has its *zeitgeist* and context, the foundational axioms will continue to guide any future changes in the model but also in developing new models, as the *maqāṣid* suggests that all the efforts of *Sharīʿah* are for human well-being.

8.7. EPILOGUE

It may be concluded, therefore, that Islamic principles of governance, constructed within the magnitude of value-laden, ontology-determined epistemology, could be presented as an alternative for the current discourse of governance as a tool for development. This conclusion is concurrent with the aim of this research as mentioned in the Introduction, that is to explore and analyse the Islamic axioms,

foundation principles and values underpinning the field of governance in an attempt to construct the architectonics of a new systemic and dynamic theory and formulate the articulation of 'Islamic governance', which can be considered as a remedy for the 'bad governance' and underdevelopment cases in Muslim countries through an authentic Islamic approach. It is expected that the failure and the rejection of the conventional models can be overcome with this authentic proposal based on the values of the participants in the Muslim world.

As the discussion and presentations in the previous chapters demonstrate, this research has fulfilled its aim and established its hypothesis that it is possible to establish the building block of a new model of governance based on *khalīfah* typology and *iḥsānī* social capital based on the principles of governance within Islamic discourse through the epistemological sources of Islam namely, the Qur´ān, the Prophet Muhammad's tradition, the pious Caliphs' experience and the *maqāṣid al-Sharīʿah*. This model, as repeatedly asserted in this research, transcends the materialistic monism of the current governance paradigm by replacing the ends of its process with transcendental values, and by making humans as a starting point of the subject and as an end in themselves within the paradigm determined by Islamic ontology and epistemology.

However, the result of this research akin to all the previous studies is not the goal; it does not even bring us close to the ultimate end in describing the nature of the subject. Similar to the jurists (classical and contemporaries) who produced and are still producing their *ijtihād* in formulating the ideal model of 'Islamic Governance', all explorations beyond the parameter of *fiqh* are also considered as a continuous *ijtihād* process to bring people close to the ideals. As human life is constantly changing, no definite model could be promulgated as the final result in defining 'the' Islamic model of governance. It is an ongoing journey and the end is not yet in sight. Like the saying, "it is better to travel hopefully than to arrive", or what the old Taoist says, "the journey is the reward". Our quest for discovery fuels our creativity in understanding the wisdom beneath the teaching and guidance of Islam. "More discoveries will only increase the complexity, if not in depth, and shall always be the centre of an expanding horizon of possibilities" (Hawking, 2001: viii).

"*My Lord, grant me success in struggling during failure, in having patience in disappointment, in going alone, in Jihād without weapons, in working without pay, in making sacrifice in silence, in having religious belief in the world, in having ideology without popular traditions, in having faith without pretensions, non-conformity without immaturity, beauty without physical appearance, loneliness in the crowd, and loving without the beloved knowing about it. My Lord, You teach me how to live; I shall learn how to die.*"[4]

[4] Supplication by Ali Shari'ati, available at: http://www.shariati.com/pray/pray1.html.

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