

God and Good Governance: The Use and Abuse of God in Contemporary Muslim Politics and the Need for Benchmarking Islamic Political Practices.

Paper delivered at a seminar at the Markfield Institute of Higher Education, 2009

Abstract

Many Muslim countries and many federating states within non-religious polities, like Nigeria and Malaysia, have raised the Islamic flag and claim to rule according to the Sharia. While this has triggered the expected western institutional frenzy, the 'Islamic' regimes have not quite delivered on their 'Islamic' claims at home. What is more; the Muslims are not sure what exactly are the deliverables? While the disappointment and uncertainties at home and the exacerbations by western institutions abroad, especially of human rights, generate tension and confusion, the Muslims in the west are often called upon to explain or defend something they don't themselves quite understand much less agree with. It is time to examine the claims and locate the deliverables, so that the actors, the victims and the spectators can see each other for what they are; and hopefully we shall all be the better for it.

Synopsis

"If the misery of the poor be caused not by the laws of nature, but by our institutions, great is our sin." Charles Darwin

We are all too familiar with 'The politics of God', the title of Thomas Struth book. In his review article on the subject, Mark Lilla, could not hide the shock that when they thought with the enlightenment, American and French revolutions they had separated politics from religion, they were wrong after all. The article was clearly inspired by the rise; some would say domination of religious rhetoric in American Politics especially in the last eight years of the republican period.¹

We are also familiar with the agitation to install Islamic governments; some have long been declared, Pakistan, Mauritania and Iran, for example. More recently, under Western Liberal democracies, federating units with Muslim majority has opted to rule according to Islam, as in Nigeria and Malaysia. This has cause tension at home and worries abroad. It has also triggered a debate at both constitutional and political levels as to the feasibility and utility of the move. In these debates some forgotten works have been resurrected, like that of Ali Abd al-Raziq, an Azahari scholar who early last century wrote to contest the notion

¹ New York Times Magazine, August 19, 2007

that Islam has direct any particular kind of government. Many more have written to argue otherwise and proceed to describe what the government should look like. Some scholars have furthered argued that the tools of modern liberal democracy are not cut for Islamic regimes, whose ontology and epistemology are completely different. But these scholars have not quite developed alternative tools, thus unwittingly playing into the hands of rulers of Muslims polities who wish to escape any scrutiny.

There are yet some scholars who while concede for Islam a clear notion of government wish to create a secular niche as a buffer to the unrestrained and blanket application of some provisions of Islamic governance. An increasing number of Western non-Muslim scholars are not only conceding to Islam a clear notion of governance but they are also finding it desirable and wish to see the Institutions that gave it its check and balance strengthened. There are some scholars who find the demand for Islamic governance actually therapeutic, for it is a legitimate decolonization process which has not been completed.

Well, this seminar is not about all these. It not about whether Islamic state is necessary or not or even how to create and run one. Rather it has a humble and practical objective of engaging those who claim to run an Islamic government; to show what is it are they doing that is different from others who made no such claims. In other words, what is Islamic about an Islamic government? Beyond the rhetoric, what exactly are the principles which guide Islamic governance? Are Islamic governance activities measurable? If yes, then what are the performance indicators? If no then how do we know?

This has become necessary because in the last one decade that one has been in politics one has seen how states that claim to run Islamic governments have had the worst poverty records, the worst development indices, especially infant and maternal mortality rates, and have recently constituted World health hazard by failing to eradicate diseases like polio. Even in areas of literacy, these states have the lowest literacy figures. It would appear that some people are getting away with murder and all in the name of God.

Whether one agrees with the idea of having an Islamic government or not, is not the issue here. The issue really is that there governments at different levels in different countries that claim to be Islamic and even explain the attack they elicit from other nations or international agencies on account of their Islam but for which there are no Islamic standards that we can use to measure their claims. If

only there are clear measurable standards, at least their citizens can demand of them to meet those standards. Admittedly there is an Islamic declaration of Human Rights, first developed and launched by the Islamic council of Europe on September, 19, 1981. A decade later the OIC came together in Cairo to declare the 'Cairo Declaration of Human rights in Islam' on August 5, 1990. That not much changed after all these declarations is reason enough to return to the necessity of not only setting standards and benchmarks but also to set up mechanism within civil society for engaging regimes which claim to be Islamic. Regimes that never claim to rule on behalf of God have always lent themselves to engagement, even if they failed to meet targets.

It is important to make this point here, that an increasing number of studies are bringing out the fact that, in history the quality of Islamic governance started to decline when the executive arm of government weakened and incorporated the ulama, who, largely made up the judiciary and acted as the civil society - the conscience of society. This, for reasons that are fairly well known, was particularly pronounced in the Sunni part of the Ummah. The civil society, with or without the Ulama must engage Muslim rulers, especially those who claim to run Islamic regimes. But for them to engage productively they need to develop the bench marks and this is what this paper attempts to draw attention to.

The first step should be to define what are the deliverables of an Islamic regime? In other words when a regime claims to be Islamic what should be our expectations? We are today familiar with the standards of good governance with which we judge all regimes, democratic and otherwise; what are the Islamic standards of good governance? Without being exhaustive, seven such areas are suggested below.

1. Electoral Process – the process through which leaders emerge in Islam has evolved over time. But from the famous debate among the Ansar and Muhajirin when Sayyidna Abubakr (R.A) was elected to lead the Ummah after the prophet, two elements have been very central, that is the quality of the person and the acceptance of the people. It would appear that whatever the system, these two requirements form part of the irreducible minimum. How do we measure this quality and how do measure the acceptance of the people? For the avoidance of doubts, a number of Hadiths of the Prophet have made it categorically clear that anybody who rules a people without their consent has no legitimacy with Allah. And to show the gravity of the crime, the Hadiths say that Allah will not accept his

prayers; in another rendition Allah will not accept any of his acts of worship.

2. Accountability – this is a central issue in the life of a Muslim, the Qur’an and Hadiths are replete with reminders on accountability. But it becomes even more important in matters of governance. The early Muslim governors as well as citizens understood this very well and each did his duty in ensuring that the Islamic standards are met. The case of Umar bn Kahttab and Umar bn Abdul-Aziz are oft repeated and have become house hold, yet we have not developed the contemporary mechanism to demand the high standards of accountability. Considering the depth of corruption and horrors of its impact in Muslim polities, this is both necessary and urgent.
3. Justice and Equity – Adl, or justice and equity, is another pillar of governance, the import and position of which both Qur’an and Hadith left us in no doubt about. Islamic governance in its pristine beginnings was defined by Adl. This covered not only the treatment of non-Muslims, the weak but even animals. From the prophet’s life in Madina, which was a heterogeneous society, to Amr bn al-As in Egypt, through the Muslims states of Andalusia, the story of Islamic Justice is proverbial. This has all but disappeared. Indeed many Muslims states, including those which claim to rule on behalf of Islam are today defined not by their justice but by their oppression. We should have no difficulty retrieving our records and setting the true Islamic standards.
4. Freedom and Human Rights – a very important and admittedly delicate issue. Western duplicity and selective application of human rights have been used as a cover for many an Islamic regime to ignore this basic rights which Islam has clearly guaranteed. The Cairo declaration has covered this ground extensively, including the prohibition for spying, torture and discrimination on ground of sex etc., surprisingly, emphasizing that all these drive directly from the divine command and the Sunnah of the Prophet (SAW). The famous story of Umar bn Khattab and the drinking people in Madina, even if hagiographical, captures the restraint of the state in the psyche of Muslims citizens. It is necessary this key issue is re-invented in a way that can give it life again.
5. Consultation and Dissent – the divine directive that Muslims affairs must be decided through consultation is very well known and oft referred to. What is not often discussed is the possibility of dissent. If you consult, the possibility of dissent should come automatically, otherwise there would be

no need for consultation. So how would an Islamic regime accommodate dissent? The closest I have come to an admission of a room for dissent is in Muhammad Asad's rendering of Qur'an, Nur 24:62.² A closer and more reflective reading of the text should be able to reveal more. At the moment the records of Islamic regimes of dissent can only compare with the communists of old. A lot of work remains to be done.

6. Inclusions and Exclusions – the extent of participation of non-Muslims and Muslim minorities is another thorny issue which has been consistently evaded. While the historical incidences are very well captured in our history books, the evolution of the relations in the changing dynamics of our contemporary times has not been sufficiently addressed. The costs of lives today in polities with Shi'a and Sunni alone should be enough reason to address this issue. Another and perhaps even more pressing is the exclusion of women in Islamic regimes. Even as the OIC documents reads very much like the Geneva Convention on issues of discrimination, there is nothing to suggest that things are about to change to conform to OIC's ostensible understanding of Islam on the discrimination of women.
7. Program Focus – What is it that differentiates an Islamic regimes form others in terms of program focus or priority? One would have thought that given the premium Islam has placed on learning, Islamic regimes ought to focus on issues of literacy and education. In the same vein one would have thought that issues of hygiene, health, especially infant and maternal, ought to have a priority. There is also the issue of poverty, which the Prophet Muhammad (SAW) had likened to *kurf* (unbelief) in terms of the effects it has on its victims. It should be possible to look at Islam's overall objectives and design programs that are aimed at meeting these objectives so that regimes the claim to be Islamic cannot escape responsibility for the welfare of their citizens.

This is not exhaustive. The message of the paper is the simple one that Muslim scholars and civil society have a duty to examine issues of good governance and develop standards by which we can engage the regimes that claim to be Islamic. This process of benchmarking where best practices are sought and incorporated will improve the quality of Islamic governance and make it difficult for the charlatans to escape with the crimes they commit in the name of God.

² “[True] believers are only those who have attained to faith in God and His Apostle, and who, whenever they are [engaged] with him upon a matter of concern to whole community do not depart [form whatever has been decided upon] unless they have sought [and obtained] his leave.