

Governance in a Contemporary Islamic Negara

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Like all great truths, the concept of Islamic Governance is simple. It transcends time and place, its ideational structures consistent and enduring, and its values universal. This universality and simplicity in expression is embodied by the Madīnian Polity and is the epitome of Islamic Governance. Qur'ānic ideals and values in its purest form manifest in the Madīnian Polity, inspired by Prophetic leadership, and capturing the ideals, principles and vision of what an Islamic political community should espouse to possess. Justice, equity, accountability, compassion and other qualities of high civilisation were demonstrated and established herein, mandated by the Prophetic Sunnah.² But like all complex human associations, the relational dynamics at play in the Prophetic city of al-Madīnah was complicated and multifaceted, contributed by competing interests.³ This element of volatility subsisting within 'perfection' is crucial for reinforcing the conceptual Polity with a firm dose of realism, beyond the oft-unreachable ideal. It is within this volatility of human behaviour that the Muslim community coalesced via a common civilisational scheme constructed upon four conceptual components:

- (1) The theological component, which provided the Polity its civilisational impetus, and as the principal motivating impulse that spurred Muslim action;
- (2) The juristic component, which defined the contours and limits of those theological motivating impulses, when made manifest in the form of human action;

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² The Sunnah means the 'traditions' of the Prophet Muhammad ﷺ. In its technical meaning, the Sunnah consists of the actions, the sayings, and the tacit approvals of the Prophet Muhammad ﷺ. For further reading on the Prophetic Sunnah see Muhammad Zubayr Siddiqi, *Hadith Literature: Its Origin, Development and Special Features*, Islamic Texts Society, Revised edition, 1996.

³ For one of the finest renditions of the Prophetic history in the English language, see Martin Lings (Abu Bakr Siraj ad-Deen), *Muhammad ﷺ: His Life Based on the Earliest Sources, Inner Traditions*, 1983.

- (3) The Qur'ānic values, such as equity, benevolence, and compassion, that calibrate the juristic prescriptions demarcating the scope of Muslim action, and to ensure at all times compassionate justice prevails, and;
- (4) The cultural component that expresses the face of society, what makes them who they are, and moulds the social arena within which Islamic Governance resides.

Together these four components form the operational framework that constructs the concept of Islamic Governance, and determines the relational dynamics between the Polity's constituents, by providing a level of cohesiveness sufficient for establishing the foundations for future success. All processes of governance must subsist within this framework. The Madīnian Polity provided the conceptual platform necessary for creating growth, not just socially or economically, but a phenomenal civilisational outburst of science, engineering, medicine, art, mathematics, and architecture: one of the greatest civilisations in human history, though by then it was known among many others as Baghdād, Bukhāra, Andalusia, Cairo, and Timbuktu. In retrospect, the formation of an institutionalised civil authority after the Hijrah was an expectable outcome from the preceding course of events. Relentless Makkan persecution of the Muslims occasioned their escape to the northern oasis city of Yathrib - later to be renamed al-Madīnah - where they sought refuge and merged united with the local inhabitants as a struggling but free community. Where the Makkan¹ Revelations - which spanned over a 13-year period - once emphasised a more theological narrative, deepening the Muslims' doctrinal convictions, the Madīnian² Revelations reflected the change in circumstance, expressing a more developmental discourse commensurate for launching socio-religious and political action. Thirteen years of constant torment and intimidation imbued the early Muslims not only with physical and mental tenacity but more importantly, strength of Faith.

So, by the time the Prophet ﷺ and his followers relocated to Yathrib, the organisational and societal functions of the city began to be ordered as a civil

¹ Verses of the Qur'ān revealed to the Prophet Muhammad ﷺ during the period before the Hijrah, when he ﷺ was still a resident of Makkah, though not necessarily the verses were revealed to him in the city of Makkah itself.

² Similarly, they are verses of the Qur'ān revealed to the Prophet Muhammad ﷺ during the period after the Hijrah, when he ﷺ was a resident of al-Madīnah, though not necessarily revealed to him in the city itself.

authority with a corresponding government. For the first time in many years, a single leadership unified Yathrib. Already controlling traditional geographical areas, they began to enforce their borders. Al-Madīnah imposed sovereign rights within those areas by use of a military force while possessing a developed, albeit limited, economic capabilities. Correspondingly, the Madīnian Revelations began to emanate a more civilisational narrative and became the impetus for a cultural revolution introducing numerous notions of community building, such as trade, law, marriage and governance. When viewed retrospectively, al-Madīnah was for all intents and purposes, a 'state'. The Hijrah initiated a transformative process elevating the early Muslims from a fledging community of religious dissidents to a polity of Believers. Although the Arabic term '*daulah*' or 'state' is not mentioned in the Qur'ān, the Madīnian Polity possessed all the familiar attributes of a present-day sovereign state.¹ After 1400 years, it is important to appreciate the Madīnian Polity as a concept, as the epitome of Islamic socio-political association, and not as a physical entity to be reproduced in its literal form. The principles, ideals and values that underpin the Madīnian Polity should be employed for developing approaches and strategies for application in any historical and socio-cultural context. No less than the esteemed Companion Ali ibn Abi Tālib, and fourth Rightly Guided Caliph, typified this awareness of al-Madīnah as a conceptual polity and not just a physical religio-political utopia. He relocated Islam's seat of power to Kūfa, in southern Iraq, away from al-Madīnah, thus reaffirming the conceptual function of the Madīnian Polity and not the physical entity and location of the city itself.

Indeed, throughout history Islam's seat of political power repositioned numerous times, initially from Madīnah to Kūfa, then to Damascus and Baghdād, then to Cairo and Andalusia, and finally to Istanbul. Throughout these different political loci in Muslim history, the ideals, values and vision of al-Madīnah persisted, cutting across various geographical, historical, and socio-cultural lines. Granted, attempts to replicate the ideals of the Madīnian Polity had been pursued with varying levels of faithfulness,² and hence of success, but it is the

¹ This is a key premise in order to validate a relevant and legitimate correlation between a political entity located in ancient history and the contemporary Muslim state.

² In reference to disputes as to how close, or how far, Muslim rulers were in implementing the Prophetic Madīnian polity, both in letter and in spirit. Some have argued that historically most Muslim regimes have largely not been faithful in adhering to Islamic values. And on the occasion those regimes have done so it was only as a means to legitimise their rule before the Muslim masses (See Hamid Enayat, *Modern Islamic Political Thought*, Introduction). However, the fact that

possibility of relocating and often times replicating the Madīnian Polity simultaneously in multiple locales that is the critical contention. Such an undertaking is only viable by emulating the Polity's inherent vibrancy, conceptualised by the notion of Islamic Governance, where each Islamic locale was underpinned by a common set of principles. After 1400 years, the concept of Islamic Governance is today the culmination of real-life application of a theologically-driven system of organisation over many centuries, imbued with extensive experience in rulership and its challenges in socio-political organisation across different nations and cultures. The principles remain, but on the experiential level, Islamic Governance as a concept as well as a system has thoroughly matured. What is important to appreciate is that whatever form Islamic Governance assumes, and it may vary according to time and place, it must always subsist within a conceptual framework defined by the Madīnian Polity.

With constantly changing circumstances, challenges, and therefore different solutions that may be required, as long as those solutions remain within the Islamic Governance operational framework, the strategies conceived will remain true to the objectives, or *Maqāsid*, of the Sharī'ah. And fundamental to maintaining fidelity to the objectives of the Sharī'ah is a profound appreciation of the premise that what makes Islamic Governance 'Islamic' are the theological impulses that motivate Muslim action. Those theological impulses are generated from the concept of *Tauhīd*, or the Oneness of Allah, and it is the core premise of the religion of Islam. One needs only to be conscious of the *hadīth* reported by Omar ibn al-Khattāb to recognise the motivating function of the unitary theological impulses when the Prophet ﷺ declared, "...all deeds are [conditional] upon their intentions".¹ It follows then from this *hadīth* that if an Islamic form of governance is endeavoured, then a genuine belief in the Oneness of Allah is a pre-requisite, and ensuing from that belief, or *īmān*, is that the intention of such an endeavour must be solely for the sake of Allah. If the motivation, or intention, for action is other than for the sake of Allah then the core element that establishes the Islamicity of that system of governance would be absent. What the *hadīth* of Omar also establishes is that there are two distinct yet mutually

Muslim rulers have actually turned to Islam to validate their policies is proof in itself that those rulers recognised Islam's legitimising authority and its pivotal role in the overall political process.

¹ Narrated by al-Bukhāri and Muslim.

substantiating variables within this devotional equation: first, the notion of 'action' and secondly, the notion of 'intention'. The repercussion of this notional dichotomy is that only when action is desired that intention is necessitated.

Since belief, faith or *imān* in the Oneness of Allah is the motivating impulse that compels Muslim action, *imān* is therefore a latent dynamic that lies in the spiritual domain, located in the hearts of the faithful, and remains dormant until made manifest through action. The moment *Tauhīd* begins to manifest itself in the form of action, as it moves from a latent and dormant condition into an overt and physical space, a level of Islamicity becomes externally apparent. However, whatever form *Tauhīd* may express itself, it must be at all times subject to the Law. Recalling once more the *hadīth* of Omar, where the Prophet ﷺ said: "...all deeds are [conditional] upon their intentions", those deeds, in addition to its acceptance being conditional upon the correct intention, or *niyyah*, it must also fall within the boundaries of what is deemed by the Sharī'ah as legitimate action. Sheer theological fervour no matter how sincere and well-meaning must be confined to within certain parameters to ensure conformity to the Divine Will. Without these boundaries, Muslim action may be incompatible with what has been prescribed by Allah, and will always be vulnerable to primal human urges: the heedless indulgent sort as well as the cruel and callous. The function of the juristic component of the Islamic Governance operational framework is critical because theological impulses constantly impress upon the hearts of the Believers, and the intensity of those theological impulses determines both the extent as well as the nature of Muslim action.

The more powerful those theological impulses are, the greater the determination to implement the Will of Allah. When compared to political action incited by ideological motivations, which merely impinge on the mind, belief-based impulses offer much more powerful incentives to act by stimulating the heart. As most matters pertaining to the inner conscience, in some ways like emotions, there are occasions when religious action does not cling to the scaffolds of reason. Belief systems are generally not built upon logical structures but rather they possess an internal cohesiveness that can only be grasped by faith. Any logical gaps, if encountered, can be traversed by leaps of faith, creating that theological cohesiveness that only Believers can appreciate. The problem occurs when there are too many leaps of faith. Once overwhelmed by the intensity of

theological compulsion, and propelled by a solemn belief in the Divine Will, the utility of the rational mind - which is also created by God - in balancing human action is often diminished. Those overly intense theological impulses can be easily contorted and are vulnerable to manipulation for unsavoury ends. At this point, all humanity dissipates; all the very reasons that make us human are rendered senseless. Violence, murder, and torture become desensitised. So regardless of how sincere or well-intended a Muslim may profess to be in his actions for the sake of Allah, such deeds must be restrained to within the ambit of the *Sharī'ah* – the juristic definitions of Islamicity – and not swayed by the whims of self-desire.

At this juncture, it is worth remembering that the nature of law is largely prescriptive, and can often be dogmatic and, in some circumstances, harsh. Although the physical, material and intellectual manifestation of *Tauhīd* on all levels¹ is the principal objective of Islam, it is purposeful to recall that despite the overtly physical actions performed in the name of Allah, Islam is still for all intents and purposes, a spiritual system. So, it is important to be aware that the moment a spiritual system is devoid of its spirituality, like a soul extracted from its vessel, religiosity becomes immoral. Rather than being driven by the love of God, a soul-less Believer will instead exploit God; manipulate the name of God in order to justify acts of immorality. Love, compassion, beneficence, graciousness and mercy, adjectives that Allah ascribes to Himself, and repeated by self-professed Believers of this Merciful God numerous times in the five daily prayers, remain utterances devoid of conviction. It is here, that the essence of Islamic Governance is located: in the spiritual pursuit of Allah – the God of Good, Compassion, Mercy, Love and Beneficence – and where rulership, the management of human society, is but one dimension in the manifestation of God's Will. Often, many confuse God's Will for their own. Triggered by their self-anger, personal frustrations, grief, and other vexations, they will themselves to act in a manner that they think will please Allah, yet not realising that their deeds are in reality only to quench their own selfish satisfaction, and contradict the exemplary actions of the Prophet of Mercy ﷺ. Lest we forget that Allah had not sent the Prophet Muhammad ﷺ.

¹ On the individual, social and political levels.

“...except as a mercy for the worlds.”¹ This is the meaning of Islam: submission to the Will of Allah - not to submit to the desires and cravings of our own exasperations. Hence, personal as well as social values equally prescribed by the Qur’ān and Sunnah, such as justice, accountability, compassion and equity act as the moral compass within which bona fide Muslim action should be effected. The Qur’ānic values espoused by the Sharī’ah functions as the measure by which to evaluate the impact of juristically defined action. Thus, actions prompted or inspired by Qur’ānic Law must be applied with a clear sense of justice balanced by compassion and due consideration, and above all, reinforced at all times by a healthy portion of common sense. The value component in the operational framework within a system of Islamic Governance is therefore the mediating element, ensuring the preservation of Islam’s inherent practical sobriety. The Islamic Governance operational framework is not simply constructed from an ancient religious experience devoid of sensibility and rationale. Islam is not merely a religious system, but it is a complete way of life designed for achieving success not only in the spiritual sense, but also for tangible success in life. The variance in form, structures and systems that Islamic Governance may assume should be constantly fine-tuned to achieve certain objectives, or ‘*Maqāsīd*’, sought after by the Sharī’ah.

Thus, the relational dynamics between each component in the operational framework that constructs Islamic Governance are defined by the circumstances and the strategies adopted in order to achieve those objectives. On the other hand, while systems are important it would be prudent to remember that processes and procedures are not the critical factor in any organisational endeavour. The human agency, as the arbitrator of those processes, is. For even processes that are theologically motivated, defined by the equity and justice of the Law, and calibrated by Qur’ānic values are contingent upon the frailties of the human agency. The human agency is about leaders and leadership, and more importantly, it is about followers, and how to be a good follower, and bound by the notions of power, authority and legitimacy that defines the relationship between leaders and followers. These are all indeed conventional notions, common to all power structures, but now differentiated by conceptualisations that are coloured by the perspectives of faith. In contemporary terms, despite its

¹ Surah al-Anbiyā: 107

experiential maturity, Islamic Governance is still very much a dormant idea. As the Muslim world rebuilds its civilisational precepts as part of its on-going process of introspection and reform, there is an expectation among many Muslims for the creation of conceptual parallels along those existing in the West. The current interest in 'governance' among many Muslims is yet another civilisational impulse riding on the crest of a global Islamic resurgence.

Many Western concepts, like 'banking', 'finance', 'economics' and others, that have already been conjoined with the adjective 'Islamic' - hence 'Islamic' finance, 'Islamic' banking, 'Islamic' economics etc. - governance is the latest in the procession to Islamise Western concepts. But the reality is that the concept of Islamic Governance is a timeworn notion now recalled by contemporary demand. The fact is, numerous Muslim thinkers from centuries ago like al-Ghazālī,¹ al-Mawardi,² al-Farābī³ and Ibnu Taimiyyah⁴ have already articulated their depiction of the Madīnian Polity, and thus of Islamic Governance, in response to the demands of Muslim society and the challenges of their day. While it is true that the term 'Islamic Governance' was not employed per se, being a contemporary term more commonly visualised from Western perspectives, the thrust of their ideas is similar: how to rule, its objectives and the principles that guide rulership. Islamic Governance's conceptual maturity offers a vast theoretical, as well as experiential, body of literature upon which a contemporary and more pertinent vision of Islamic Governance can be postulated. Yet, despite this rich intellectual and experiential heritage, questions still persist of what exactly is Islamic Governance? The immediate task therefore is to explain the principles of Islamic Governance by bridging classical Islamic

¹ Abū Hāmid, Muhammad bin Muhammad al-Ghazālī. Born in Tus (Iran) in 1058AD and also died in Tus, 1111AD. In his book *at-Tibr al-Masbūk fī Nasīhat al-Mulūk* or '*The Ingots of Gold for the Advice of Kings*', he expressed an ethical perspective on governance, and it was translated from Persian into English by F. R. Bagley, Oxford University Press, 1964.

² Abū al-Hasan, 'Ali Ibn Muhammad ibn Habīb al-Mawardi. Born in Basra (Iraq) in 972AD and died in Baghdad (Iraq) in 1058AD. He expressed juristic perspectives on governance in his book *Al-Ahkām as-Sultāniyyah wa al-Wilāyāt ad-Dīniyyah* and was translated from Arabic into English as '*The Ordinances of Government*' by Wafa H. Wahba, Ithaca Press, 2000, and also as '*The Laws of Islamic Governance*', translated by Asadullah Yates, Ta-Ha Publishers, 1996.

³ Abū Naṣr, Muhammad ibn Muhammad al-Fārābī or better known in the West as Alfarabi. Born in Farab (Kazakhstan) in 872 AD and died in Damascus (Syria) in 950 AD. His most celebrated work is the philosophical *Mabādī' arā ahl al-Madīnah al-Fādhillah* or the '*Foundations of the Opinions of the People of the Virtuous City*', translated from Arabic into English by Ricahrd Walzer as *On the Perfect State*, Kazi Publications, Revised Edition 1998. For further reading on al-Farābī's political philosophy see also Muhsin S. Mahdi, *Alfarabi and the Foundation of Islamic Political Philosophy*, University of Chicago Press, 2010.

⁴ Taqī al-Dīn, Abū al-'Abbās, Aḥmad ibn 'Abd al-Salām ibn 'Abd Allāh ibn Muḥammad ibn Taimiyyah. Born in Harran (Turkey) in 1263 AD and died in Damascus (Syria) in 1328 AD. His work on Islamic Governance is the juristic treatise, *as-Siyāsah ash-Shar'iyyah fī Islāh ar-Rā'ī wa ar-Ra'iyyah*, and translated from Arabic into English as *The Political Shariyah on Reforming the Ruler and the Ruled*, by Umar Farrukh, Dar ul Fiqh, 2000.

scholarship with the present to in order to create contemporary functional relevance for what is essentially a primordial concept. But what is important to understand is that the application of Islamic Governance will be different for different people living in different times and different places, but the underlying principles are the same.

Despite the fact that there is an absence of a cohesive contemporary articulation of the theories of Islamic Governance, it does not imply in any way that Muslim governments currently do not function Islamically. Indeed, vestiges of Islamic ideals persist even in secular Muslim states and societies, and nuances of Islamicity endure in the fabric of local cultures. Similarly, although the 'Negara' is essentially a political culture Indic in origin, this concept, after many centuries of socio-cultural evolution, is today saturated with elements of Islamicity. Numerous Indic political cultural nuances still persist in Brunei as the context within which Islamic Governance resides. The traditional Bruneian socio-political structures and vocabularies of power and prestige are some obvious examples.¹ But Brunei's national philosophy of Malay Islamic Monarchy (MIB)² is illustrative of the syncretic compound of Islam and Malay-ness, which is represented by the monarchical Negara. Meanwhile the *Negara Zikir*,³ or *Zikir Nation* initiative, provides the theological impulses necessary for motivating Muslim action. On closer observation, these initiatives are part of the institutionalisation process towards creating Islamicity, and parallels can be found with some of the components of the Islamic Governance operational framework. The point here is that the absence of a cohesive contemporary articulation of the theories of Islamic Governance does not imply in any way that Muslim governments currently do not function Islamically. *Insha Allah*, when all the processes of governing, policy formulation and decision-making are defined within the Islamic Governance operational framework, and thereafter function as social norms of the Negara, then the quest for generating functional and practical relevance for Islam in everyday Muslim activities will become closer to reality.

¹ For example, the Sanskrit terms Baginda, Cheteria, Dato, Maha, Paduka, Raja, Seri and numerous others.

² Melayu Islam Beraja

³ Declared by His Majesty the Sultan of Brunei in his Titah at the Majlis Ilmu on 26 July 2008.