



How Does Islam Ensure Good Governance

﴿مَثَلُ الَّذِينَ اتَّخَذُوا مِنْ دُونِ اللَّهِ أَوْلِيَاءَ كَمَثَلِ الْعَنْكَبُوتِ اتَّخَذَتْ بَيْتًا وَإِنَّ أَوْهَنَ الْبُيُوتِ لَبَيْتُ الْعَنْكَبُوتِ لَوْ كَانُوا يَعْلَمُونَ﴾

“The likeness of those who take (false deities as) Auliyâ' (protectors, helpers) other than Allah is the likeness of a spider who builds (for itself) a house; but verily, the frailest (weakest) of houses is the spider's house – if they but knew.” [029:041]

We are all witness to the reality of the people in the Muslim countries and others as well. We are witness to the injustices that is met by the people, Muslim and non-Muslim alike globally today. Injustices in terms of all aspects, economic, education, rights and others as well.

The situation is the same globally.

The democratic system itself has been a failure in making the lives of the people any easier. As a Muslim and we as Muslims should understand that Allah (swt) says,

﴿وَنَزَّلْنَا عَلَيْكَ الْكِتَابَ تِبْيَانًا لِكُلِّ شَيْءٍ وَهُدًى وَرَحْمَةً وَبُشْرَى لِلْمُسْلِمِينَ﴾

“And We have sent down to you the Book (the Qur'ân) as an exposition of everything, a guidance, a mercy, and glad tidings for those who have submitted themselves (to Allâh as Muslims).” [TMQ Nahl:89]

In a reality where the western media and politicians have attacked Islam as a repressive, violent and totalitarian system it is important that we put islam in the right context and expose the secular democratic system.

And to put the record straight, it's important to have a clear picture of the Islamic solution or the Islamic viewpoint towards these realities.

I will be evaluating the Islamic solution to the problems based on certain criteria that any civilized society should have.

1. Leaders in any society should be elected and be held accountable for all of their actions.
2. Political parties who adhere to the constitution should be allowed to work within the system.
3. Political leaders should represent the interests of all the people not just a narrow elite.
4. There should be a judiciary independent of the executive, who can hold the executive to account.
5. Citizens of every creed, race or gender - able-bodied or disabled - should have the same rights under the state.
6. No individual or group is above the law.
7. Arbitrary arrest, internment, torture and extraordinary rendition should be absolutely prohibited.

Western political values and institutions are not universal and completely fail the standard for good governance. Western secularism does not has a right to brag about having rights for their citizens for the reality today is that most excesses are happening in the Democratic systems, where torture is sanctioned, communities live under intimidation and surveillance and rights are being eroded. It wouldn't be exaggeration if it was to be said Secular democratic governments are becoming more like the oppressive regimes in the Muslim world.

Let's discuss the Islamic system. I first of all would like to make a statement “The characteristics of good governance are defined, detailed and implemented in the Islamic Governance system alone”

So what is the **Islamic System of Governance**? “It is a ruling system with a defined structure and apparatus of government where the Khaleefah (ruler) is elected to represent the people in looking after their affairs by the Islamic Shari’ah”.

“It would be incorrect for anyone to start thinking that the Khilafah or what I am discussing here is what groups like ISIS are claiming to be ‘The Islamic State or what they call as *dawla Islamia*’, they have hijacked the label and pasted it on their own project that has barely any relationship with Islam.

The Islamic political system has a number of key principles; two of the fundamental ones are that:

1. Legislation is derived from the divine sources i.e. the *Qur’an* and *Sunnah*, *Ijmaa as-Sahaba* (Consensus of the Companions of the Prophet ﷺ) and *Qiyas* (Analogical reasoning)
2. The authority lies with the people.

The former principle contravenes the key tenet of secular democracies, while the second principle undermines the key features of dictatorships.

This means in origin that the people are the ones who hold the authority of ruling and they contract the ruler (Khaleefah) to rule according to the Qur’an and Sunnah. The contract or bay’ah stipulates that the ruler be permitted to rule the people as long as he rules according to the Quran and Sunnah. The appointment of the ruler is thus through popular consent from the people through an election process.

A ruler must have a mandate from the population or is then considered illegitimate. So he cannot enforce himself upon the people. The Khilafah State (Caliphate) is not a religious dictatorship imposed upon the people through religious fiat.

Let us evaluate the Islamic System of Governance on these 7 points.

1. Leaders in any society should be elected and be held accountable for all of their actions.

The head of state in an Islamic State is elected within an open transparent election and is directly accountable for all his actions to the people.

How do you maintain this accountability?

This accountability is maintained by having a vibrant open society and political parties, the presence of strong institutions including independent courts as well as the presence of strong values.

There are many Islamic evidences that are well known that obliged enjoining good and forbidding evil (*amr bil maaruf wa nahi anil munkar*) upon rulers.

عن النبي ﷺ قال: «والذي نفسي بيده لتأمرن بالمعروف، ولتنهون عن المنكر، أو ليوشكن الله أن يبعث عليكم عقاباً منه، ثم تدعونه فلا يستجاب لكم» (رواه الترمذي وقال: حديث حسن صحيح).

The Prophet ﷺ said, “**By Him in Whose Hand my life is, you either enjoin good and forbid evil, or Allah will certainly soon send His punishment to you. Then you will make supplication and it will not be accepted.**” [At-Tirmidhi]

Within the *Khilafah* State there is a specific institution called the Court of Unjust Acts (*Mahkamut ul Madhalim*), which has the mandatory power to look into any complaint against the Head of State, his advisers, any assistants or the governors in the provinces. The court itself has the right to look into any case of injustice by the executive even if nobody filed a complaint.

2. Political parties who adhere to the constitution should be allowed to work within the system.

For many the picture of Saudi and Iranian political systems is what resembles the Islamic political process. However, let’s understand that these states are not Islamic except that their

populations are Muslim. Saudi is a monarchy and Iran is a pseudo secular democratic and theocratic state.

Like most states, the Islamic governance structure mandates that the state would have a written constitution that governs the society and therefore allows individuals and political parties to operate within that constitutional construct. Of course an Islamic constitution would be different to a constitution that promoted free-market capitalism and social liberalism. However, constitutions, written or implied, in democratic states also constrain individuals and parties to ensure that everyone operates within the same political rules and systems. The Islamic system in that sense is no different.

Someone may ask aren't the political parties and people allowed to account the government in the West. The answer is Yes and No. Let's look at the situation in the West, since 9-11 we are seeing a greater intolerance of people who are challenging fundamental ideas. Look at how the US made an example of anyone who would want to stand up against their repressive rules like Edward Snowden and Julian Assange.

Within an Islamic political system, accounting leaders and their decisions is not merely encouraged – it is mandatory!

Allah Almighty says in the *Quran*:

﴿وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَئِكَ هُمُ الْمُفْلِحُونَ﴾

'Let there arise from amongst you group(s) who call to the *khair*, enjoin *maaruf* and forbid *munkar*. They are those who are successful.' [Translated meaning Surah aal-Imran 3:104] – meaning that there must at any one time be groups within the Ummah that account the rulers. We also know that Islamic history has a long record of accounting rulers, debate and discussion

An Arab Bedouin entered the quarters of Sulaymaan Bin Abdul Maailk and said: 'O *Ameer* ul Mu'mineen, I am going to speak to you in a certain way so endure it, even if you dislike it, as behind it there is something that you will love if you accept it'. He said: 'Speak'. So he said:

'O *Ameer* of the believers, you have been surrounded by men who have purchased the *Dunya* at the expense of the Hereafter and have bought your pleasure at the expense of the anger of their *Rabb*, they feared you more than Allah (swt), they have demolished the Hereafter and built the *Dunya* and they are at war with the *Aakhirah* and at peace with the *Dunya*. So do not entrust them with that which Allah (swt) has entrusted upon you because they will not leave a trust except in loss and will not spare the *Ummah* from sinking down. This is because you are responsible for the crimes that they commit whilst they are not responsible for your crimes. So do not make good their *Dunya* by ruining your *Aakhirah* because the most unjust of people is the one who has sold his *Aakhirah* for the *Dunya* of someone else'.

Sulaymaan said: 'As for you, then you have let your tongue free and it is sharper than your sword'. He replied: 'Yes *Ameer* ul Mu'mineen, but is for you and not against you'. Sulaymaan then asked: 'Do you have anything that you want for yourself in this matter?' He replied: 'Other than the general benefit for all I have nothing specific that I want for myself'. He then stood and left.

Sulaymaan then said: 'To Allah (swt) belongs all glory for the likes of this man. How honourable is his origin and how complete is his heart, how sharp is his tongue and how pure is his intention and how excellent is his spirit!!'

3. Political leaders should represent the interests of all the people not just a narrow elite.

The Western cocktail of money and politics has caused huge problems in generating corruption, a degeneration of society's values and instability in global peace and security as worldwide resources are constantly fought over.

The Islamic system would take the money out of modern politics.

Let's look at the elections, Every four or five years (every two years for the House of Representatives in the United States) in democracies encourages the growth of money in politics forcing politicians to either raise grotesque amounts of money for re-election or maximise their own wealth before they get booted out.

E.g., Obama's campaign in the 2012 elections cost 1 Billion USD majority of which was funded by corporates and business houses. 1 Billion USD is a huge amount. There are 10 countries globally whose annual GDP is 1 Billion USD and less.

The Islamic system, though not immune from the temptations on offer, seeks to actively detach both finance and the interests of corporations from politics by avoiding the constant electoral circus.

In addition, whereas capitalism and democracies are fused at the hip in the West, so creating a class of politicians who are either personally corrupt or beholden to a corporate class, no such influence is permitted in an Islamic political model where strong restrictions surrounding relationships and influence are in force.

The Islamic economic system puts the problems of the ordinary man over big business.

Moreover, a record of corruption is a matter that would violate a contractual condition of ruling for the *Khaleefah* – meaning such a person would either not be allowed to take office, or would be removed once in office.

4. There should be a judiciary independent of the executive, who can hold the executive to account.

Judges and courts are completely independent from the head of state and the executive and are key parts of the *Khilafah* State's institutions. Moreover, a sitting judge who is investigating a matter relating to the executive cannot be dismissed till the conclusion of the investigation.

5. No individual or group is above the law

No one - including the head of state, their family, or any religious scholar - is above the law. No one is immune, and unlike the Secular Political system where justice is skewed to those that are more powerful and wealthier, Islamic courts have historically - and will do so in the future - exercised justice for the weak, minorities and the less well off.

This was because of the saying of the Prophet (saw) mentioned in Bukhari and Muslim when he was petitioned to intercede for a noble lady who had committed theft:

«إِنَّمَا هَلَكَ مَنْ كَانَ قَبْلَكُمْ أَنَّهُمْ كَانُوا يُقِيمُونَ الْحَدَّ عَلَى الْوَضِيعِ، وَيَتْرَكُونَ الشَّرِيفَ، وَالَّذِي نَفْسِي بِيَدِهِ لَوْ فَاطِمَةُ فَعَلَتْ ذَلِكَ لَفَقَعْتُ يَدَهَا»

'The nations before were destroyed because if a noble person committed theft, they used to leave him, but if a weak person amongst them committed theft, they used to inflict the legal punishment on him. By Allah, if Fatima, the daughter of Muhammad ﷺ, committed theft, Muhammad ﷺ would cut off her hand!'

6. Citizens of every creed, race or gender - able-bodied or disabled - should have the same rights under the state.

Islam does not discriminate against any of its citizens on the basis of creed, race, gender or disability. Muslims are not specially favoured

This is a common accusation but has no grounding in fact. The *Khilafah* State is mandated by divine law to treat non-Muslim citizens well; protecting their right to their religious beliefs and protecting their places of worship. The State is forbidden from discriminating at all between the individuals in terms of rule, judiciary and management of affairs or anything similar. Rather, every individual should be treated equally regardless of race, creed, colour or anything else.

Allah Subhana wa Ta'ala says ﴿وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ﴾ ***"And if you judge between people, judge with justice."*** [Translated Meaning Surah al Nisa 4:58] and in His

﴿وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا اَعْدِلُوا هُوَ اَقْرَبُ لِلتَّقْوٰى﴾

“And let not the hatred of others to you make you swerve to wrong and depart from justice. Be just, that is nearer to piety” [Translated Meaning Surah Maida 5:8].

Also The Messenger of Allah (saw), فَلَا يَرْخُ، «أَلَا مَنْ قَتَلَ نَفْسًا مُّعَاهِدًا لَهُ ذِمَّةُ اللَّهِ وَذِمَّةُ رَسُولِهِ فَقَدْ أَخْفَرَ بِذِمَّةِ اللَّهِ، وَإِنَّ رِيحَهَا لِيُوجَدُ مِنْ مَسِيرَةِ سَبْعِينَ خَرِيفًا» **“He who kills a covenanted person unjustly shall not find the scent of heaven; its scent is found the distance of a hundred year march”** [Tirmidhi].

Historically Jews and Christians were well protected and examples of Islamic Spain and the refuge given to Jews by Istanbul at the time of the Inquisition are documented examples.

In one famous case from the early period of Islamic rule, a non-Muslim took the head of state to court over a property dispute and won the case.

Non-Muslims of any creed (or none) have no fear from an Islamic system and for many who see Western societies increasingly mired in materialism and political corruption may seem pleasantly surprised at the Islamic alternative model.

7. Arbitrary arrest, internment, torture and extraordinary rendition should be absolutely prohibited.

Islam does not believe in arbitrary arrest or torture or rendition or internment. Every person has the right to a presumption of innocence, a right to privacy and a right to a fair trial. Secular democracies do not have a monopoly over respecting the rights of its citizens.

An example from Islamic history about the second *Khaleefah* Sayidina Umar (RA): *One day news reached him about his Amil (city governor) over Homs, Umayr Ibnu Saad, who had said while over the pulpit of Homs, “Islam will remain strong as long as the authority is strong. And the strength of the authority does not come about with the killing by the sword or the lashing by the whip, but by judging with the truth and the upholding of justice.” Upon hearing this ‘Umar said, “I wish I had a man like Umayr Ibnu Saad to help me with the Muslims’ affairs.”*

Something very endemic to the Muslim world and including the West is spying.

Islam prohibits the State from spying on its citizens – *Spying on Muslims is haram as stipulated in this verse. Allah says: ﴿وَلَا تَجَسَّسُوا﴾ “And do not spy on each other”* [Translated Meaning of Quran 49:12]. *This is a general prohibition of spying...confirmed by the hadith reported by Ahmad and Abu Dawud in their narration from Al-Muqdad and Abu Umamah when they said: “The Messenger of Allah ﷺ said: «إِنَّ الْأَمِيرَ إِذَا ابْتَغَى الرَّبِيَّةَ فِي النَّاسِ أَفْسَدَهُمْ» “If the amir sought for suspicion amongst the people he would undermine them.”* [Abu Dawud, Sunan, #4889 and al-Haythami, *Majma’ al-Zawa’id*, vol.5, p.218]

There are also clear constitutionally enshrined Islamic prohibitions on torture and abusive behaviour amongst other things – applied to the police, armed forces and security services as well as the general population - as a protection from such forceful rule; ***In origin, one is innocent. No one should be punished without a court ruling. It is absolutely forbidden to torture anyone and anyone who does this will be punished.***

In conclusion, the Islamic Ruling Ruling System is a timeless, unique, practical and a defined structure where the characteristics of good governance are based on divine sources and it is this system alone that can deliver justice to mankind.

Written for the Central Media Office of Hizb ut Tahrir by

Abo Khaled Alhijazi