

CAN AN IDEAL STATE BE ESTABLISHED WITHIN THE FOLD OF ISLAMIC LAW?

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Abstract

An ideal state is said to be a blend of democracy, moderate secularism, people's welfare and controlled capitalism provided it meets with certain conditions. This research paper discusses the above parameters of an ideal state and identifies the areas of improvements in them so that a perfect mix of an ideal state is presented to our readers. We have also analyzed if this foolproof model of an ideal state can be established within a state governed by Islamic laws.

Keywords – Democracy, moderate Secularism, Religious state, Religion, welfare state, capitalism

It is said that democracy is the best form of governance as compared to other forms of governance in the world. What are the other forms of governments prevailing in the world? To answer this question, a brief account of various forms of governance are provided below.

Governing patterns in the world

(i) Absolute monarchy

In this form of Government, a monarch / king rules for life and passes on this rule to his heirs. He enjoys absolute powers. Often, he is assisted by a group of loyalists around him. He is responsible for some social ideals or culture which was imbibed in him by his parents / society.

(ii) Dictatorship

A political or military ruler who has the powers of a monarch and whose basis for rule is not hereditary (like monarchy) but based upon military or political power or by popular election. There are some extreme examples of dictatorships like (a) autocracy – rule by a single person who does not care for others' opinions and insists upon his own way of Governance, (b)

Despotism – rule by a single leader in which all his subjects are treated as his slaves, and (c) Totalitarianism – a form of government by a dictator under whom the lives and actions of every individual and enterprise is controlled by him or by his group.

(iii) Aristocracy

General trust in one class in society to rule and protect, like members of specific noble families that have worked and defended the nation across many generations, upholding traditions, standards of living, culture, commerce, and defense.

(iv) Plutocracy

Rule by a few financially wealthy groups.

(v) Theocracy

Rule by religious people.

(vi) Oligarchy

Rule by groups of people who share similar interests or family relations.

(vii) Minarchy

A minimal loose hierarchy or nominal central Government.

(viii) Ochlocracy

It is a mob rule in which people trust the instincts and power of large groups. There is no consistent civic authority in this form of governance.

(ix) Libertarianism

This system calls for minimal government intervention in all areas of public activities, including internal and external affairs. Emphasis is given on absolute personal freedom.

(x) Technocracy

Reliance on scientists, doctors, technologists, etc., to rule and define the risks for the nation.

(xi) Anarchism

No government or governing hierarchy. An ethical code enforced by personal governance and voluntary association of different groups. Often this is the result of a weak or non-existent central authority.

(xii) Communism

A government in which all property is owned by the community. Communist regimes forcibly convert people into atheism to establish a pure atheist society in the country. Followers of different religions are persecuted by the state.

(xiii) Socialism

Rule by a broad array of ideologies and political movements with the goal of a socio-economic system in which property and distribution of wealth are subject to control by the government for the purpose of increasing social and economic equality and cooperation.

(xiv) Constitutional monarchy

A monarch / king purely symbolic and devoted to a moral example. He is a mediator and tie breaker for the people in power. He is tied with some deliberative authority and subjected to the guidelines provided by the Executive / Legislature of the nation.

(xv) Director democracy

Decisions made directly by citizens without guidance, usually relying on multiple choice laid out by the experts.

(xvi) Deliberate democracy

Decisions made by locally grouped citizens obligated to participate in consensus decision making process.

(xvii) Bio-regional democracy

A deliberative democracy regulated by highly qualified scientific advisors, ecologists and ethics who can use scientific methods to challenge or veto major ecological decisions, means of measuring the well-being or selecting criteria of the State.

(xviii) Representative democracy

A political class of elected representatives entrusted to carry out duties for the people. There are two forms of representative democracies.

(a) Parliamentary Representative Democracy

In this format the President is the Head of the Government who reigns but does not rule. The executive power is held by the ruling majority party in Parliament led by Prime Minister. The President is elected by an electoral College.

(b) Presidential Democracy

In this format, the President is elected by the people and/or by an electoral college consisting of the elected representatives. He is the Head of State with massive executive powers. He is assisted by a team of handpicked cabinet secretaries. The President is required to convince the Parliament before taking decisions on some specific issues.

When we study all the above forms of governance, we realize that the ideal form of Government is democracy where people's representatives have a say in decision making. Among democracies, the most popular forms of governments are (i) Parliamentary Representative Democracy, and (ii) Presidential form of democracy.

Democracy

There are different categories of democracies in the world, as follows.

(i) Full democracy - in which they try to enforce most of the democratic principles.

(ii) Flawed democracy - in which civil liberties are not fully protected, corruption is rampant and electoral frauds are reported frequently.

(iii) Hybrid democracy - in which there are regular electoral frauds, suppression of opposition, seizure of civil liberties, lack of independent judiciary, widespread corruption, harassment of people, media, and officials. These can be termed as authoritarian democracies.

There is a world renowned organization, 'The Economist Intelligence Unit (EIU)' whose offices are in New York, London, Hong Kong, Dubai, etc. They provide annual democratic rankings of 167 countries in the world. They classify the countries into 4 categories, viz., (i) Full democracy, (ii) Flawed Democracy, (iii) Hybrid democracy and (iv) Authoritarian regimes.

Among the top-ranking full democracies in the world, it is observed that there are some inherent areas that need to be improved. We have identified these areas in the following.

Corruption

(i) Lack of foolproof mechanism to pluck the loopholes for anti-social elements entering politics.

(ii) Lack of mechanism to protect/stop elected representative from horse-trading.

(iii) Lack of mechanism for elected representatives to work in bipartisan way when they are appointed as Head of states, Ministers/Governors/Secretaries.

(iv) Lack of mechanism to prevent corporate houses from buying the services of elected representatives to enact laws to benefit the rich and corporate houses at the expense of the poor and middle class.

(v) Lack of mechanism to prevent criminal/drug mafia, extremist organizations, hate mongers, etc., from entering politics.

Education and training

There is room to provide prerequisite education to the candidate who would like to enter politics to serve the country. In the absence of a comprehensive education and training, no one can be productive in his/her profession.

Age

Does age matter in a person's ability to serve in an effective way?

Research shows that it does.

(i) As per to the National Bureau of Economic Research (NBER), US, a 10 percent increase in the population of people over 60 and above decreases growth in GDP per capita by 5.5 percent.' These statistics show that older people cannot contribute as compared to younger people in view of restrictions of age-related health issues.

(ii) The younger people in politics generally have longer time horizon to implement long-term policies that benefits the country in the longer run. They are also beneficial to their constituencies as they can develop long term relationships with them.

(iii) There are laws in most of the democracies of the world that a candidate cannot vote until he reaches 18 years of age. Similarly, there are age limits to contest an election. Like in the US, a person must be 25 years old to fight election to the House of Representatives and for Senate, he should be 30 years old. For contesting election for the President, a person should be 35 years old. However, there is no upper age limits for candidates when they should be barred from fighting election.

There can be a genuine concern for the people who are over 65 years old. If they get elected, will they be able to serve their term or not. Also, their health issues may hamper their ability to function.

(v) As a politician grows older, he/she is less likely to be open for changes and not interested in innovation. A study was conducted in this context by Vincent Barker and George Mueller in 2002

who found that older leaders spent less on research and development than younger leaders.

(vi) Older politicians beyond 65 years of age are more likely to delegate executive powers to others as they cannot take stress of internal and external politics. Therefore, are more likely to maintain status quo. Their age-related anxiety stops them from foreseeing new opportunities and exploit them for the benefit for their people.

(vii) Many studies were conducted in this context which concluded that as the probability of health issues increases beyond 65 years, human bodies wear out and their minds do not operate efficiently, therefore the burden of leading a nation at this age can be catastrophic to the person and to the nation.

Party politics

There is a necessity for a mechanism to stop a person from working for the party interests as soon as he/she takes the oath of an office where he/she needs to work in a bipartisan way. The moment a person is assigned a ministerial position, he/she should not be allowed to campaign at the behest of themselves or other members/candidates of their party. If the party is fighting election in a different state, then members of the party / office bearers of the party, who are not assigned ministerial positions can campaign for their party's candidates. The President, Prime Minister, Ministers, Governors, and other such positions should work in bipartisan way, away from party politics, during their tenure.

Moderate Secularism

There should be a mechanism to stop people in power to get involved into extremist activities in the name of religion. The party in power should not be allowed to use their majority in parliament to lead country into fascism, authoritarianism, religious extremism. For this purpose, the judiciary must work in a bipartisan way.

State's neutrality in a multi-religious, multi-cultural democracy is known as 'Moderate Secularism'. In a moderate secular state, the

people are free to profess their faith and their fundamental and religious rights are protected by law and believers, and non-believers both are treated with respect and welfare of all is ensured by the state.

People's welfare

A well-known sociologist, T H Marshall, described that a welfare state is a combination of democracy, welfare, and capitalism. It is the responsibility of the government in a welfare state to ensure wellbeing of its people, particularly the weaker sections in matters of public health, pensions, social insurance, education, jobs, housing, finance, etc.

Some people say that welfare schemes are counterproductive as very less share of the welfare schemes reaches the needy in view of corrupt bureaucracy. In addition, this kind of programs create a poverty trap for the people.

A study was conducted by Lane Kenworthy of East Carolina University in which the effects of welfare schemes in 15 affluent industrialized countries were assessed for a period of 31 years, between 1960-91. The results of this study showed that social welfare schemes did help in reducing absolute and relative poverty, both, from 20 per cent in 1960 to about 5 percent in 1991.

The schemes in the welfare state can be aimed at educating people to save something to cover for their sickness in future. In this, the Government can also help in reducing their burden. Similarly, they can be encouraged to put some funds aside, while they are working, to cover for any unforeseen circumstances when they lose their jobs, etc. Similar is the case for the children's higher education in colleges. Government incentives in people's savings, and partial participation will encourage people to help themselves in emergencies.

Controlled capitalism

There are many schools of thoughts in economy. Among them, two schools of thoughts are popular in capitalism, (i) free market economy and (ii) controlled marketing economy. Free market

economy is practiced by most of the Western democracies, while controlled marketing economy is practiced in Russia, China, and other socialist countries. Both these systems have pitfalls. There is a need to follow a middle path to ensure growth and at the same time prevent the corporate sector from creating a monopoly in the market.

There is another economic system, away from capitalism, socialism, which was followed by Islamic countries earlier. It is known as Islamic economic system.

A detailed research is required in this context. The research should cover all aspects of economic development to come up with concrete suggestions.

It is important that the wealth of a nation should not be allowed to be held in a few hands. All loopholes in this context must be plucked.

Ideal state in a religion-based society

An ideal state in a religion-based society is only possible if the teachings of that religion are based on principles which fully meets with the 4 factors described in the beginning of this paper that are essential for an ideal state, viz., (i) democracy, (ii) moderate secularism, (iii) people's welfare, and (iv) controlled capitalism.

Since a religious state is not a declared secular state, it is important to know that does the religion of the state accommodates all the neutrality that is the hallmark of a moderate secular state. In addition, establishment of an ideal state is only possible by a religion whose authenticity and continuation are established from the first generation of human beings on this planet.

There are three important articles in this context, (i) *Religion and Secularism by Ash Shaikh Mir Asedullah Quadri, Cifia Global Journal, Vol 3*, (ii) *Political Religion by Ash Shaikh Mir Asedullah Quadri, Cifia Global Journal, Vol 3*, and (iii) *Is there a conflict between religion and science' by Ash Shaikh Mir Asedullah Quadri, Cifia Global Journal, Vol 3*. In these articles, a detailed

discourse has been given on Islam in the context of governance.

There are 15 specific parameters that the Islamic doctrine must conform to in order to establish an ideal in a country. These are, (i) justice, neutrality, and equal treatment of people, (ii) Taking decisions together after a detailed consultation, (iii) Freedom of following any religion, freedom of conscience and expression, (iv) social justice and prohibition of waste, (v) preventing corruption, (vi) proper qualifications of the officials, (vii) System of proper education, science, and research (viii) Standing with the righteous and honest and opposing the wrongdoer, (ix) prevention of corruption in the economy and business, (x) accountability of the officials, administrators and responsible persons, (xi) Equal distribution of wealth, (xii) Distribution of inheritance, property of a person after his death, (xiii) Eradication of concentration of wealth in a few hands, (xiv) Encouragement of charity to the poor, (xv) Free and fair markets, etc.

The best way to find the authentic teachings of a religion is to study its scripture. Upon research, it becomes abundantly clear that both the Quran and the Ahadith conform to all the parameters mentioned above. Below is the summary of the research.

(i) Justice, neutrality, and equal treatment - the Quranic commandments in 7-29, 8-42, 16-90, 4:58-135, 38:22-26

(ii) Taking decisions together after detailed consultation - the Quranic commandments in 3-159, 42-38

(iii) Freedom of following any religion, freedom of conscience and expression - the Quranic commandments in 2-256, 6-107, 109-6, 4-140, 42-48

(iv) Social justice and prohibition of waste - the Quranic commandments in 7-31, 17-26, 107:1-7, 30-38

(v) Preventing corruption - the Quranic commandments in 2-188

(vi) Proper qualifications of the responsible officials - the Quranic commandments in 4-58, 39-9

(vii) System of proper education, science, and research - the Quranic commandments in 2-44, 39-9

(viii) Standing with the righteous and honest and opposing the wrongdoer - the Quranic commandments in 3:104-110

(ix) Prevention of corruption in the economy and business - the Quranic commandments in 17-35, 83:1-3, 26-181-183

(x) Accountability of the officials, administrators, and responsible persons - the Quranic commandments in 3-161, 60-12

(xi) Equal distribution of wealth - the Quranic commandments in 70-24-25, 6-142

(xii) Distribution of inheritance, property of a person after his death – the Quranic commandments in 4:11-12 and 176

(xiii) Eradication of concentration of wealth in a few hands - the Quranic commandments in 59-7, 43-32,

(xiv) Encouragement of charity to the poor - the Quranic commandments in 2-43, 83, 110, 215, 273, 274, 276,277,

(xv) Free and fair markets - the Quranic commandments in 70-24-25, 6-141

When we look at the current Muslim regimes in the world, they do not seem to fully meet the above criterion.

The Constitution of Madina is an example of an Islamic state in which people of all faiths and ethnic backgrounds had equal rights.

Conclusion

Among the various forms, representative democracy is an ideal form of government in the world. Among democracies, there are various kinds, like (i) Full democracy, (ii) Flawed Democracy, (iii) Hybrid democracy. Among

these, full democracy is popular in the world today.

It is observed that within these full democratic governments there are many areas that need to be improved to make them an ideal democracy. These areas have been identified in the paper in detail.

An attempt has been made to see if an ideal democratic state can be established within the parameters of Islamic law. When we study Quran and Sunnah, we realize that it is possible to establish an ideal state within the parameters of Islamic law. In this context, the first Islamic state of Madina formed by Prophet Mohammad (صلى الله عليه و آله وسلم) is a perfect example.

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About the author



Ash Shaikh Mir Asedullah Quadri is well known all over the world for his explanation of Islamic Tawheed, Sahih Iman, Sahih Islam and Sahih Ihsan. He is a scholar, historian and poet. He is the author of Tafseer-e-Asedi, Irshad Al Asedi, Fusus Al-Iman and over 1000 books on various Islamic subjects. He has written many research articles on religion, history and other subjects. He is also the Editor in Chief of CIFIA Global Journal.