

# THE ISLAMIC POLITICAL SYSTEM: A BASIC VALUE APPROACH

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## **ABSTRACT**

The analysis of the Islamic political system through the use of economic methodology is rare. It is common to provide historical analysis based on the experience of “Saqifah(t) Bani Saad” with the selection of the first Khalifa Abu Bakr, as well as the method used to select the three following Khalifa. This would involve a great deal of textual evidence and their interpretation. This paper presents an alternative approach to draw the main features of the Islamic political system from the basic Islamic values as well as contemporary human experiences. We start with identifying the most important Islamic values related to the field of politics, and set the salient features of a configuration of a contemporary political system that would fulfill such values.

The first section deals with Islamic political values and in particular, those related to Tawheed, which we define it to be something more than just monotheism. In addition, we draw from contemporary Muslim literature the Islamic constitutional values. The second section discusses how Maqassad (ultimate objectives) of Shari'ah are related to the political system. The third section discusses economic theory of social choice. The fourth section discusses the sources of political failure and how they can be confronted. The fifth section discusses the choice between types of government. The sixth section discusses the lessons to be learnt from the government of Madinah. Finally, in the last section, a blueprint for an Islamic economic system is presented.

Keywords: political values, constitutional values, freedom, justice, liberty, equality, economic theory and social choice, impossibility theorem, political efficiency, political failure, redistribution of political power, choice of government type, democracy, political party, political agency models, models of representative democracy, Khelafa, Shura,

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## INTRODUCTION

The analysis of the Islamic political system through the use of economic methodology is rare. It is common to provide historical analysis based on the experience of “*Saqifah(t) Bani Saad*” with the selection of the first Khalifa Abu Bakr, as well as the method used to select the three following Khalifas. In addition it is common in one Islamic school of thought to provide textual evidence supporting hereditary religious government, limited to the lineage of Ali Ibn Al-Khattab, the cousin of the prophet and the spouse of his daughter. This would involve a great deal of textual evidence and their interpretation.

This paper presents an alternative approach to draw the main features of the Islamic political system from the basic Islamic values as well as contemporary human experiences, using wherever possible economic analysis. We start with identifying the most important Islamic values related to the field of politics, and set the salient features of a configuration of a contemporary political system that would fulfill such values.

The first section deals with Islamic political values and in particular, those related to Tawheed, which we define it to be something more than just monotheism. In addition, we draw from contemporary Muslim literature the Islamic constitutional values. The second section discusses how Maqasid (ultimate objectives) of Shari'ah are related to the political system. The third section discusses economic theory of social choice in a way that attempts to bypass the analytical difficulty presented by Arrow's Impossibility Theorem. The

fourth section discusses the sources of political failure and how they can be confronted. The fifth section discusses the choice between types of government. The sixth section discusses the lessons to be learnt from the government of Madinah. Finally, in the last section, a blueprint for an Islamic economic system is presented.

## **ISLAMIC BASIC VALUES**

Political systems reflect the values generally taken for granted by most people living in a society. To identify such values in an Islamic society, the basic beliefs in Islam must be consulted.

### **I. TAWHEED AS A SOURCE OF VALUES**

Islam, perceives God through the concept of Tawheed, which literally means belief in the absolute unity and universality of God. Tawheed is different from monotheism, which is the belief in one supreme god, without precluding other deities or objects of love and or fear of secondary importance to him.

Tawheed also implies the universality of God who is the only divine authority in the universe. He is not only for Muslims, but he is God to everyone and everything. The universality side of Tawheed cannot be overemphasized. He cherishes all creation, without exception. His criteria of judgement are also general, as all are equally judged by their deeds and his mercy.

A corollary of the unity of God is the unity of the universe, as one well-sculptured structure created and managed by one God. The unity of God directly leads to

the unity of humanity, which implies the equality of human beings regardless of their sex, color or ethnic origin.

Should one believe that humanity is divided in different classes with some more favored than others, this is tantamount to disbelief in Tawheed.

## II. ISLAM VERSUS NON-MUSLEMS

In Islam, Al-Thimma system has run its course in a world where religion and nationality were not distinguishable. It is a minority citizenship model, based on differential rights and responsibilities and communal autonomy for minorities within a state with Muslim majority. As the world has moved towards *the national state*, a new concept of citizenship has become altogether necessary.

A more inclusive definition of national community based on the concept of *Mowatana*, or equal citizenship opened the door for an emerging theory of Islamic Citizenship (Warren and Gilmore, 2012). Al-Qaradawi (1985, 1997, 2008) and others are leading the development of the Fiqh of citizenship that upholds equal civil and political rights for non-Muslems. Such new Fiqh is a radical switch from the system of al-Thimma to a system in which non Muslems would enjoy equal rights and responsibilities with Muslems, particularly in the political arena. This carries special importance, since Islam prescribes its own political system, whose features resemble in many but not all aspects, modern democracy.

## III. MAN'S MISSION ON EARTH



Man was sent with his spouse to the *Garden* on earth, where material requirements are freely available, but temptation and the possibility as well as the ability to err are present. The two parents of humanity faced such possibilities and made their own decision. Having been trained into decision making, they descend to earth to implement what they have been taught.

Having powers with responsibility implies that God created man and woman as his vicegerent on earth. This concept is called *Istikhlaf. khelafa* or *Vicegerency* implies that people were created with dignity, freedom and power in addition to responsibility and accountability. Vicegerency is a general authorization of all people. It implies freedom with responsibility and accountability. This is the most important Islamic value that is applicable to politics.

#### IV. FREEDOM AS THE ULTIMATE VALUE

Islam teaches that God created man to act as his vicegerent on earth, endowed with abilities, resources and freedom. Such endowment is a source as well as a proof of man's dignity. Man's life and freedom is sanctified. This is summarized by Umar ibn Al-Khattab, the second Khalifa in his saying "How dare you enslave people whose mothers have delivered them free."<sup>1</sup> Such freedom and dignity is

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<sup>1</sup> The statement of Omer was made in connection with a complaint by a Christian Egyptian regarding the mistreatment of his son. This emphasizes that freedom is the right of all mankind regardless of race or religion.

an unalienable right to all people, regardless of ethnicity, gender or creed. An Islamic political system must therefore respect both: life and freedom for all.

## ISLAMIC CONSTITUTIONAL VALUES

### I. SHURA

Shura is simply seeking the experts' judgement and then acting upon it<sup>2</sup>. This implies that ruling authorities should take all decisions and actions, based on the opinions of the people of learning, knowledge and experience, distinguishing actions that emphasize national interest and actions that go against it<sup>3</sup>. They therefore must implement the actions in favor of national interest and abstain from others that run against it (Al-'Awa, 2006).

Qur'an prescribes Shura and makes it obligatory. As a guarantee against the ruler not applying Shura, Qur'an prescribes the establishment of a group inviting to all that is good, enjoining what is right and forbidding what is wrong. In addition, Shura is not to be used when there are explicit rules, nor should lead to advice against such rules.

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<sup>2</sup> مذاكرة أهل الرأي ثم اتباعهم

<sup>3</sup> There a distinction between Shura and consultation. The former is an obligation to seek the experts' judgement and then act upon it. The latter is to voluntarily ask for the opinion of others, while maintaining the freedom to take it or leave it (Al-Shawe, 1992).

An important tool for practicing Shura is the Shura council which should represent the whole nation and be chosen out of free will by the people. They are considered as *agents* of the people. Therefore, the principal (the people) should be entitled to fire them at will. This can be done by presenting a case against members whose membership becomes in doubt to a special court. Similarly, injustice is prohibited and those committing injustice are to be punished.

## II. JUSTICE

Muslems must observe justice among themselves and between Muslems and non-Muslems.

It is important to emphasize that justice is particularly stressed as a value in the political sphere. Generally, when permissible actions lead to injustice, they become impermissible. The obligation to be just is not limited to rulers but covers all citizens in all aspects of life.

## III. LIBERTY

In the political sphere, liberty means absence of despotism and the rights of the ruled to take part in the management of their public affairs in a way that is consistent with national interest. Liberty also includes freedom of opinion, of belief, of education, of ownership and personal freedom. Personal freedom includes freedom of movement, right to security and right to shelter.

Since freedom of opinion is the most directly related to the political system, Islam stresses the right to choose among positions or actions. Liberty is therefore

considered as a God-given of human nature (Al-'Awa, 2006), to the extent that some writhers opine that thinking is a religious obligation in Islam<sup>4</sup>.

The Islamic principle, "There is no compulsion in religion," is a proof of the freedom of speech in Islam. Another proof is that Muslems are obliged to exile themselves to protect their faith, when their rulers subjugate them with oppression. Political freedom is a branch of human liberty. Voicing one's opinion is an obligation rather than a privilege.

#### IV. EQUALITY

In principle, people must have equal rights, liberties, duties and public responsibilities, without discrimination, based on sex, ethnic origin, language or creed. Such equality is of legal and not actual type, meaning that people in the same circumstances must be judged by the same rules. That is why this principle is called equality under the law.

Equality has been instituted by Qur'an and the Prophet's traditions. In particular, the prophet said: "*Your God is one; your father is one; the red are not preferred to the black, nor the Arabs to non-Arabs, except in piety.*" The tie between human equality and Tawheed (the absolute unity of God) must be noted as important. Equality has not exceptions. Piety would be a criterion only on the day of judgement and not in this life.

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<sup>4</sup> Abbas Mahmoud Al-'Aqqad presents this argument in his book, *Thinking As an Islamic Duty*, quoted by Al-'Awa, 2006.

## V. RULERS' ACCOUNTABILITY

The people have the right to make their rulers accountable, based on their obligation to enjoin what is good and to forbid what is bad, as well as their right to Shura. In addition, this is supported by several Qur'anic verses and Prophetic narrations; it is also supported by the prophet's narrations that decree obedience of rulers as long as they obey God and abstention from their obedience when they disobey God.

Both the first and second Khalifa demanded that each would be corrected by the people should he err. Such is not just rhetoric but a solid obligation that should be applied in heart, by tongue and then by action. Scholars of several schools of thought agree to impeach and depose the ruler who violates the rules of Shari'ah. Abdul Hameed Bin Badiss, the Algerian Scholar formulated some rules with regard to Muslem rulers( Al-'Awa, 2006):

1. No one should assume the office of the ruler without the consent of the people.
2. Once appointed by the people, no office bearer should be held above the people.
3. Since people are the source of all authority and are entitled to appoint and impeach their rulers, they have the right to control them.
4. The people have the right to discuss policies with their rulers and to force them to accept people's opinion rather than their own.
5. The State must present to the people its plan and policies to discuss and

approve. Once approved, they become mandatory.

6. People have the right to choose the ruling laws, as this represents their right to sovereignty.
7. People are equal under the law.
8. Both the people and their rulers must get used to the perception that they are partners in ruling the country, and each has its own role to play.

### **MAQASSED AL SHARI'AH & POLITICS**

Maqassed al Shari'ah, or the objectives of Shari'ah are summary headlines that sum up the Islamic values in all aspects of life. Because of their central importance in Fiqh, we will attempt to draw the relevant political values from each.

#### **I. PROTECTION OF FAITH**

As mentioned above, Tawheed is the central creed and the supreme source of all values. Protection of faith implies that all state powers must not act in contrary with Tawheed or the values drawn therefrom. The following values can therefore be highlighted:

1. Rulers are public servants of the people, they should not raise themselves to a higher rank, or seek being adored by the public.
2. Rulers must avoid treatments through any means that would endow them with a divine image.
3. Rulers must practice Islamic teachings individually and socially, in order to

set an example of obedience and piety to God.

## II. PROTECTION OF LIFE

1. Protection of human life as well as human rights must reign supreme.
2. Rulers are directly responsible for protecting human life.
3. Capital punishment must be safeguarded with the strictest safeguards and multilayered reviews.

## III. PROTECTION OF PROGENY

1. Human rights start with humans before their conception. This includes rights to life,
2. The State must take full responsibility for providing health and education.
3. When citizens establish Awqaf to provide education and health services, it must be done under socially accepted standards, approved by society.
4. The government must observe in exploiting natural resources, taxation and finance the interests of future generations.

## IV. PROTECTION OF INTELLECT

1. Leading members of the three branches of government must possess the highest level of intellectual excellence that would enable them to better serve their society.
2. Efforts must be exerted to eradicate illiteracy in all forms, and to encourage citizens to develop their intellectual faculties.

## V. PROTECTION OF PROPERTY

1. Private property must be protected.
2. The rights to own homes, productive assets and develop one's human capital must be fulfilled.
3. Markets must be organized as competitive outlets where well-informed citizens can freely exchange.
4. Production and exchange of lawful commodities must be facilitated by a suitable infrastructure and a legal system that protects people's right to the fruit of their own efforts.
5. Economic and financial transactions must be carried out without Reba (trading present for future money at a premium), Ghabn (cheating) and Gharar (risk trading)

## ECONOMIC THEORY & SOCIAL CHOICE

### I. THE IMPOSSIBILITY THEOREM

Kenneth Arrow's impossibility theorem (1950) show that decisions about "the general welfare" are either impossible or have to be left to a dictator. It is based on five axioms each appears to be reasonable by itself, in addition to being morally desirable and befitting *general welfare*. He also formulated the problem in general terms so that it concerns choices on goods or people. Subsequently, he derived a contradiction. The Theorem forms the core of books in welfare economics.



## II. MODERN CRITIQUE

Colignatus (2011) rejects the theorem on two grounds. First, while its mathematical structure is acceptable, under its axioms, it must be interpreted with reasonableness and moral desirability. Second, the theorem application is rather static, while reality is dynamic; by considering the role of time a greater scope for morality, and more attractive voting procedures can be found.

The Theorem has had a subtle influence on political thought, by justifying skepticism regarding the concept of democracy, morally desirable rules become impossible (Colignatus, 2011). It turns the constitution that people would desire in all countries into an impossible dream. Its claims regarding the *domains of reasonableness and morality* are unwarranted. It has *inconsistent properties* in particular, Arrow's axiom of Pairwise Decision Making (the Independence of Irrelevant Alternatives) is unrealistic.

There is a difference between voting and deciding. the Axiom of Pairwise Decision Making, APDM, excludes vital information about preferences. Consequently, it leads to paradoxes and inconsistencies (Colignatus, 2011). It is incongruent with the notion of group decision making. An individual can exclude information about some issues, but a group cannot.

No society would want to accept Arrow's axioms as constitution. Arrow imposes infeasible conditions, making his axioms unreasonable and inconsistent. This would negate the impact of the Theorem (Colignatus, 2011).

## THE IDEAL VOTING SCHEME

## I. TRADITIONAL METHODS

### A. PLURALITY

the candidate with the highest number is selected. It does not imply that the winner must have more than 50% of the vote, which would require more rounds of voting, and rules for candidates to drop out.

### B. BORDA'S

Each voter ranks candidates by importance. Each rank position has a weight. Weights per candidate are tallied for all voters. The candidate with the highest value is selected. This method appears sensitive to preference reversal, i.e., when the top candidate withdraws, preferences between the remaining candidates change.

### C. CONDORCET'S

To vote on all pairs of candidates, and to select the one who wins from all alternatives. If there is no winner, the margins of winning are used to solve the deadlock, which increases the sensitivity to who participates.

Colignatus, 2011 gives an example to show that the winning candidate depends on the voting method. He discusses the possibilities of strategic voting and provides further schemes (2001).

### D. BORDA FIXED POINT

Let us reconsider the dynamic process that occurs within an economy. We see that under the influence of time, the candidates list changes continuously. A

voting scheme naturally requires that there is a fixed list of candidates. When some candidates withdraw election result face a sudden change. A voting procedure would be better if the choice is less dependent upon changes in the candidate list.

A way to achieve this is to use the notion of a *fixed point*. It requires a stronger condition for winning, which is that the candidate obtains the highest tally against all others and maintains a higher tally against his strongest opponent before and after the change in the candidates list. This gives the fixed point condition. It appears that this fixed point voting procedure reduces the dependence upon changes in the candidates list. There can still be a dependence, but it is not as large as without the condition.

## II. THE CHOICE OF THE VOTING METHOD

An election result depends on procedures as of the preferences. Accounting for the dependence of morality upon time opens the way towards a solution.

Colignatus provides three important conclusions:

1. Candidates and issues presented for voting must represent an improvement over the status quo.

Our interpretation of this conclusion is that candidates must be better alternatives than incumbents. In addition, candidates must be more qualified to judge the issues, as in the case of parliament members, better than the average citizen. Suppose society members have varied degrees of education that ranges

from illiteracy at one extreme to PhD's in certain fields. Setting a minimum level of education to candidates would be a move towards optimality.

2. The Borda Fixed Point can be seen as a compromise between the Borda and Condorcet procedures (on Paretian points), and provides a degree of protection against changes in the candidates list.
3. A proportional parliamentary system would enable its members to use the advanced voting procedures to select the President.

The reason behind the last conclusion is that voting increases in complexity when the numbers of candidates and voters rise. Direct election of a President becomes quickly infeasible for the more advanced voting procedures. proportional representation removes the conflict between the electoral mandate of the President and the Parliament. The Borda Fixed Point method, is recommended only for single seat elections, and not multi-seat elections.

## **POLITICAL EFFICIENCY & FAILURE**

### **I. POLITICAL EFFICIENCY**

Political efficiency means that political decisions conform to the preferences of the population. Since total unanimity may not be possible most of the time, some measure of majority or "*voting rule*" must be adopted. This has been discussed in the previous section. The society has to start with a constitution that defines some of its general preferences and insure that the three branches of government conform in their daily work to social consent.

The distinction between simple and special majorities can simply be assured through the chosen voting rule, used for the choice of government offices.

We can therefore consider that unanimity, when reached, reflects an optimal solution. Alternative voting rules would make a second best, provided that the options voted on are better than the status quo.

## II. POLITICAL FAILURE

A political failure occurs when (Besley and Coate, 1998):

1. Policies chosen by the political process fail to be efficient using second-best efficiency as a benchmark.
2. Resources used to determine policy, fail to produce a selection from the second-best Pareto frontier so that, in principle, all citizens can be made better off.

## III. SOURCES OF POLITICAL FAILURE

4. Rent-seeking, lobbying activities and campaign financing (Besley and Coate, 2001).
5. Coordination difficulties among voters to choose between competent and incompetent candidates (Besley and Coate, 1997).
6. Improper voting methods (Colignatus, 2011).
7. Legislative policymaking: failure in the bargaining procedure used to make decisions (Weingast, Shepsle, and Johnsen, 1981).
8. Strategic use of policy. Examples:

- 8.1. Running deficits to reduce the policy flexibility of future incumbents (Tabellini and Alesina, 1990).
- 8.2. Privatization to create a class of stakeholders committed to voting in favor of particular kind of government (Biais, and Perotti, 2002).
- 8.3. Waging wars by one country to benefit other countries, e.g., the Gulf War launched by US and UK for the benefit of Iran and Israel.

#### IV. REMEDY OF POLITICAL FAILURE

Political failure can be reduced by choosing a *failure resistant* political system through constitutional reform. Constitutional and legal reform can be designed to block the following possibilities:

1. Collusion between government and business to establish monopolies or provide unjustifiable protectionism,
2. Closed tenders for government projects instead of open competitive tenders in order to prevent collusion,
3. Establishment of military or totalitarian rule that manages the country by *command* and not by consensus,
4. Collusion between government and media to control the information related to policy decisions.

Political failure can also be reduced by taking the following actions:

1. Streamlining the political process to reduce the cost of coordination among voters,

2. Increasing competition among information media and regulating advertisements, in order to reduce the cost of information to voters,
3. Insuring transparency in political bargaining in order to make costlier to carry out secret political deals.
4. Excluding the military from political and economic activities,
5. Setting maximum limits on the period of services of key government positions,
6. Setting minimum educational requirements for members of the legislature.
7. Appointment of judges of the court by election.

This implies that political systems are not equally prone to political failure.

### **FACTORS REDUCING POLITICAL FAILURE**

We can list some of the important factors that reduce political failures:

#### **I. REDISTRIBUTION OF POLITICAL POWER**

Ideally, political power should be distributed uniformly among population. At least it should not lead to biased political decisions in favor of a certain minority. It is sometimes expressed as “*one man one vote.*” However, this would necessarily imply uniform distribution of political power only in a world with zero information cost.

Information is costly to obtain, to produce and disseminate. It is paralleled with *misinformation*. The distinction between both is costly and requires expertise,. Misinformation can be based on omission or commission. In addition, political failure would depend upon the voting system used to elect public officers.

We can postulate the following:

1. Information is a superior good, i.e., its demand rises with income.
2. Demand for information depends on both its price and households' income or wealth.
3. Political decisions are based on the information made available to and the preferences of each citizen.
4. Those with certain political preferences will attempt to block the information that exposes their political preferences as untenable or socially unacceptable.
5. Those who seek information related to political decisions will equate the cost and benefit of information at the margin.
6. Information accumulation and dissemination has economies of scale.

The six postulates above can be used to prove the following:

- The rich will tend to be more informed about political decisions than the poor are.
- Each citizen will attempt to modify the information stock that is socially available in a way to justify his/her political preferences.
- For the wealthy, their budget constraint allows them to purchase, modify and disseminate more information than the poor.
- In a free market society, the wealthy tend to dominate the information market.



- People with similar preferences will tend to form groups to jointly collect and disseminate information favorable to their preferences.
- In a world with interdependent utility functions across political borders, people will tend to form groups to jointly collect and disseminate information in other countries, where political decisions affect them.

Now two questions must be addressed. First, how to prevent the distribution of political power from becoming so skewed against the poor. Second, how to correct an already skewed power distribution.

One way to prevent the maldistribution of political power is to enforce a uniform wealth distribution. Such a trivial solution would be inefficient and inadequate, as market forces would change any income distribution initially imposed.

Proper measures can reduce the cost of information to voters, particularly the poor. Other measures can facilitate the establishment of political parties in order to benefit from the economies of scale in information collection and dissemination. Democracy rules are to be enforced within political parties. In particular, all positions would be filled up through elections and time limits imposed on the service of office bearers. In addition, high standards of transparency in financing political activities would be observed.

Correcting the maldistribution of political power is more complicated, as those currently enjoying powerful positions would not cede their privileges easily. The solution lies in the proper application of political reform, which can be applied gradually through an unlikely state of political consensus, or forced through

constitutional reforms, when such process is available in the constitution. When doors are closed for political reform, a revolution would be necessary to impose the necessary corrections.

## II. BALANCE BETWEEN GOVERNMENT BRANCHES

Government branches they should remain separate and independent for good governance. The most difficult aspect of this requirement is that the executive branch usually has more tools to exercise powers than the legislative or the judicial branch.

The powers of the executive branch should be balanced by enforcing the rule of law and insuring independence of the information media, so that citizens would be sufficiently informed regarding the excesses of government.

In order to sufficiently strengthen the powers of the legal branch, certain standards of excellence must be imposed on the scholastic qualifications of judges. In addition, the choice of judges through elections would strengthen their political powers and immune them from the domination of the executive branch.

The legislative political power significantly depends on free elections. A representative assembly would be relatively weak if it came through rigged elections. Therefore, the election processes must be carefully designed and monitored by the legal branch, in order to prevent the executive branch from rigging elections.

## III. NEUTRALIZING THE MILITARY

The military can turn from a defense force to guard the territorial integrity of their country to a political power with political and economic interests that it wants to protect for its own members. In addition, army officers can take advantage of the military industrial complex, MIC.

When armaments are produced in the private sector, the MIC has vested interests in expanding the military sector and increasing military spending, with external threats providing the justification (Dunne and Sköns, 2009). When armaments are produced in the public sector, army officers will find it to their advantage to place production under their control. It may even expand the armament industry to include non-defense products. Such expansion will provide more hidden income to generals and more political power. Arguments related to national security will be used to decrease transparency in what becomes to be the military sector.

At the extreme, the military can have total control of political, social and economic life. We have seen the military occupying streets, managing enterprises and having representatives in every public institution, in order to protect its unduly expanded interests. The army takes power in order to protect vast economic interests associated with rampant corruption and sometimes with army dominance of a large sector of the economy<sup>5</sup>.

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1. <sup>5</sup> Algeria, Iraq and Egypt, are examples where military or semi-military governments ruled for extended periods. When military power when reinforced by economic power tempts the army to rule the country in order to protect the economic privileges of its leadership. Some associate the power of the army, especially when exercised from behind the scenes with the rise of certain political groups favoring fascism and military rule (Marshall, 2007). This of course would ultimately shift the power to the army and pave the way for military coup d'état.

## VI. CHECKS AND BALANCES

Checks and balances must be designed a distribution of political power to prevent any political arrangement that attempts to go against the preferences of the majority.

### A. TRANSPARENCY,

All institutions in the system must follow rules that reduce the cost of obtaining information about their operations to the public, and guarantee a continuous flow of information that allows the public to make judgments and stop or modify any process that contradicts their preferences.

### B. ACCOUNTABILITY,

Political, social and economic processes must include a mechanism that makes the decision maker accountable to stakeholders. In addition, accountability at the level of each process must be subject to review by a higher echelon in the system, in order to ensure that no processes contradict social preferences.

### C. EQUAL OPPORTUNITY,

Political processes must be open to all interested and qualified agents. One way to do so is to allow political parties through which citizens may exploit information economies of scale to further their political goals. Such parties must have proper governance. Incentives to parties that reduce their information cost should be provided. Finance of political campaigns must be closely monitored.

## THE ROLE OF THE MEDIA

A free and independent media in a world of costly information is a tall order. However, we offer the following rules for discussion that would enhance the political role of the media:

## I. MEDIA OWNERSHIP

Public ownership of media should be rejected at the outset. Private ownership of media must be organized in such a way to prevent media dominated by individuals or interest groups. This can be done through the following:

1. Media market should be a free competitive market with no entry barrier.
2. A maximum limit on aggregate ownership of individuals and institutions must be imposed. Five percent could be a reasonable limit.
3. Individuals and institutional shareholders in any media business must not have common business interests (e.g. shareholders of the same firms or their subsidiaries) or sociopolitical interest (e.g., membership of the same political party, club, etc.) that could bias or tilt the information processes towards a certain position.
4. Freedom of the press must be guaranteed.

## II. MEDIA ACCESSIBILITY

Information content presented by the media will obviously contain news items plus opinions. News items must be drawn from credible sources and proven to be correct. People and institutions negatively affected by incorrect news items published without careful scrutiny of their sources must be given equal space to

respond. Expression of opinion must be opened to all citizens so that no one is barred from expressing an opinion or countering another opinion in the media. The government must not censure published opinions, especially under the guise of protecting national security.

Communication media, based on low cost internet services, must be equally accessible to the poor and the rich. This can be done through providing low-cost computers and internet connections, free internet centers to the poor, where they can access news media, and free access to social networks.

Media workers should not be forced to divulge their news sources. A correction for news items found to be false is to be placed with equal space and emphasis as the original false item.

Media workers must have immunity with respect to the news items and opinions they publish. However, they remain responsible for any harm caused to other individuals and institutions. Punishment and/or compensation for such harm should be limited to fines estimated by court decisions.

Advertising in the media must be prevented from influencing the information presented in the media. Media staff (reporters, newscasters, writers, editors, etc.) must be supervised separately from the media commercial department. Media sources of income must be declared and be subject to verification and periodical evaluation.

Activities of potential interest groups must be closely monitored and regulated in a way that prevents biased media information or undue influence of members of some government branches.

## **CHOICES OF GOVERNMENT TYPE**

1. The Western Models of democracy
  - 1.1. Direct (participatory) democracy,
  - 1.2. Indirect (representative) democracy,
2. Socialist totalitarianism
3. Islamic Shura

Obviously, the choice should be between democracy and Shura.

### **I. DIRECT DEMOCRACY**

1. Citizens make proposals and vote on which proposal to implement via the voting system of their choice.
2. Workable only in very small societies, where community members are well informed about issues and they know each other.
3. Partially practiced in Switzerland through recurrent use of plebiscites. In this case, powerful local government units are capable of providing citizens ample opportunities to raise and resolve political issues.
4. In the small-size GCC countries, it is practiced through certain traditions, including

- 4.1. The size of the population allowed to establish States in these countries through an explicit or implicit covenants between citizens and the ruling family.
  - 4.2. In some countries, e.g., Kuwait, the covenant is accompanied by a constitution.
  - 4.3. Rulers holding regular open house (*Majless*) for the public to receive suggestions and complaints.
  - 4.4. Rulers regularly visit tribal communities and provinces to collect information regarding people's opinions and demands.
  - 4.5. Wide accessibility of rulers and high officials to the public and a tradition of courteous response.
5. However, in small GCC countries, native populations are expanding fast. In addition, there is a problem of population balance due to the presence of high percentages of foreign workers. Perhaps a gradual move towards constitutional monarchy is advisable.
  6. Too costly and therefore inefficient for countries with sizes that are too large for the efficient practice of direct democracy.

## VII. REPRESENTATIVE DEMOCRACY

1. Citizens do not exercise their political power directly, but through a legislative council,
2. In the real world, individuals, as such, do not make social choices. They seem



limited to choosing "leaders," who will, in turn, make social decisions.

3. Policymakers are selected from the group of citizens who present themselves as candidates for public choice,
4. Candidates are generally associated with political parties, each with a platform. This raises several questions that are germane to the effectiveness of the political process:
  - 4.1. The utility function of political candidates
  - 4.2. Candidates may maximize wealth through political power. This type of candidates opens the door for tying government to business interests and could increase the prevalence of corruption.
  - 4.3. Another possibility is the candidate maximizing his party's interests. This would be consistent with the candidate's maximizing long-term personal interests in terms of wealth and political power. Political parties in this case will end up as a club of members with joint objectives to be politically powerful. Through such power they maximize their own wealth.
  - 4.4. A political candidate may aim to realize an ideal or a vision, with an altruistic motive. In such case, political parties will bring together members with similar visions in order to work for reaching it. Ultimately, through actual practice, ideals and visions are gradually reduced to realistic expectations. However, as long as they remain the guiding aim for the party, the political processes will gain efficiency.

## VIII. THE DEMOCRATIC METHOD:

1. It is the institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote (Schumpeter, 1954; Buchanan, 1967).
2. The voting process should be based on certain rules that insure the choice of qualified candidates through free competition. Such rules may include:
  - 2.1. The acceptable age and education level for a member of the lower and the higher legislative chamber. There should be a differential between the minimum age and education for both chambers, as the upper chamber would vet decisions by the lower one.
    - 2.1.1. One example, it should be 21 years of age and a first university degree for the lower chamber.
    - 2.1.2. For the higher chamber, it should be 30 years of age with a PhD degree in some specialization.
  - 2.2. Conditions may be set to exclude people with previous relationships with an older presumably totalitarian regime from the political process.
  - 2.3. Rules to exclude candidates who have committed certain crimes from the political process.

## IX. THE ELECTORAL SYSTEM: EQUITY VS EFFICIENCY

The electoral system can influence political parties, government formation as well as voting behavior. Some political scientists propose that the electoral system should be designed with an eye on fairness and equity, Cincea, 2013.

Naturally, economists would stress efficiency. However, electoral systems are usually designed by the parties in power, which lends them to be based on expediency rather than equity or efficiency. Efficiency implies that the political processes result in the realization of political preferences of most if not all of the society. This can be guaranteed only if competition in the political arena is assured, under the assumption of as uniform distribution of information as possible.

## I. PLURALITY VOTING SYSTEM

Only the highest vote getter in an election gains a seat in office (winner takes all). Candidates who have a realistic chance of winning under such a system are almost always associated with a gigantic party, which have a strong following among voters and necessary resources, such as funding and volunteers to work in campaigns countrywide. This system is used

To a much greater extent than many other electoral methods, plurality electoral systems encourage tactical voting techniques, like "compromising". Voters are pressured to vote for one of the two candidates they predict are most likely to win, even if their true preference is neither, because a vote for any other candidate will likely be wasted and have no impact on the final result.

The difficulty is sometimes summed up, in an extreme form, as "All votes for anyone other than the second place are votes for the winner", because by voting for other candidates, they have denied those votes to the second place candidate who could have won had they received them.

Because voters have to predict in advance who the top two candidates will be, this can cause significant perturbation to the system:

Substantial power is given to the media. Some voters will tend to believe the media's assertions as to who the leading contenders are likely to be in the election. Even voters who distrust the media will know that other voters do believe the media, and therefore those candidates who receive the most media attention will nonetheless be the most popular and thus most likely to be in one of the top two.

A newly appointed candidate, who is in fact supported by the majority of voters, may be considered (due to the lack of a track record) as not be likely to become one of the top two candidates; thus, they will receive a reduced number of votes, which will then give them a reputation as a low poller in future elections, compounding the problem.

Proponents of other single-winner voting systems argue that their proposals would reduce the need for tactical voting and reduce the spoiler effect. Examples include the commonly used two-round system of runoffs and instant runoff voting, along with less tested systems such as approval voting and Condorcet methods.

## II. PROPORTIONAL REPRESENTATION (PR)

PR systems are used in most European democracies. They allow multiple parties to flourish. PR systems employ larger, multimember districts where five or more members of a legislature may be selected in a single election district. Seats are

distributed according to the proportion of the vote won by particular political parties, Amy, 1993.

## I. DYNAMICS OF DEVELOPING POLICY PREFERENCES WITHIN EACH PARTY

Is the “winner takes all” a barrier to entry? This question can be answered through examining the issues related to political competition. As in the case of all other commodities, competition in general makes the production and dissemination of information more efficient in terms of maximizing the quantity and quality of information produced and disseminated. The same rule applies within political parties. Competition promotes revealing preferences and reaching a common denominator in each party.

Competition will also promotes reaching efficient policy choices within a party. Parties formed around historical figures or managed in a centralized fashion, as in the one-party political systems will fail to produce efficient political choices. Political competition within each party is therefore a necessary condition. Political competition should give rise to efficient policy choices.

Economics does not have a satisfactory theoretical model of political competition to investigate such arguments (Becker, 1985). The reason is the absence of pecuniary measures of equilibrium, like prices, or the possibility of imputing them. Empirically, in many instances, Western democracy failed to produce efficient choices (Wittman, 1989).

## **POLITICAL AGENCY MODELS**

- Citizens choose between incumbents and challengers (Austen-Smith and Banks, 1989),
- Political agency arrangement is supposed to throw Irresponsible or incompetent incumbents out of office.
- However, the political agency models fail to identify or explain the characteristics of the incumbent or challenger.
- Citizens choose between incumbents and challengers, based on their characteristics. There is a need to identify which characteristics are considered favorable by citizens.
- Models of political agency do not explicitly identify the principal-agency problem and how it is resolved.
- The models are not altogether helpful for making policy predictions.

## **MODELS OF REPRESENTATIVE DEMOCRACY**

### **I. BASIC ASSUMPTIONS**

- Candidates are citizens with policy preferences; they run for office to influence policy outcomes, rather than parties that maximize votes.
- Citizens weigh up costs and benefits of political involvement.
- Interest groups offer transfers to selected policy makers; they try to influence incentives to run for office and voter preferences over candidates.

- Characteristics of incumbents and challengers are derived endogenously, and the disciplinary role of elections is considered.
- Dynamics can be introduced.

## II. IMPLICATIONS OF DEMOCRACY MODELS

- Non-alignment of preferences between legislator and society.
- Alignment requires perfect competition in politics. Barriers to entry are bountiful for it is costly to be a candidate and run a campaign individually.
- Election campaigns are costly and require financing.
- A candidate must withstand pressures from interest groups. Since this is not possible, candidates align themselves with the lobbyist of their choice. This can often be based on highest bidder.

## PROBLEMS WITH REPRESENTATIVE DEMOCRACY

### I. THE INCOMPETENT CANDIDATE

- A good politician (wheeler-dealer) often means an individual with sufficient networking and alliances to negotiate for political power with others. Networking and alliances may reduce the importance of competence. It may also make it unnecessary to reach an alliance of preferences between the candidate and the voters.
- An incompetent politician does not understand the socioeconomic effects of political decisions. His interest in reaching satisfactory arrangements

with his alliances that reduce the importance of the socioeconomic consequences of policy decisions. Examples of such consequences are:

- The effect on the size and influence of the middle class,
- Distribution of the tax burden among income classes,
- The evolution of the political system itself towards more totalitarianism.

## II. INTEREST GROUPS AND LOBBYISTS

### A. AS PART OF THE DECISION PROCESS

Interest groups are associations of individuals or organizations that, based on one or more shared political preferences, work together to influence public policy in their favor usually by lobbying members of the government or carrying out propaganda campaigns to convince voters to be inclined towards their preferences.

Some political scientists regard Interest groups influence on policy making as not a corrupt or illegitimate activity per se, but a key element of the decision-making process, Martini, 2012.

### B. AS A SOURCE OF CORRUPTION

They instead consider disproportionate and opaque interest group influence as a leading factor to administrative corruption, undue influence, and state capture, favoring particular interest groups at the expense of public interest. They, on the one hand, admit the negative effects of interest groups on the



efficiency of democracy as well as the social welfare. However, their concept of disproportionality and opaqueness has no quantifiable limits.

Such school of thought consider transparency as a key to ensure that policy-makers do not give preferential treatment for specific interest groups. They suggest regulations of lobbying, conflict of interest, asset disclosure, competition, as well as, on freedom of information to increase transparency and accountability in decision making.

### C. INTEREST GROUP REGULATIONS

Regulation of interest groups could be problematic, as both the legislator as well as regulators can be subject to the influence of interest groups. Regulation of interest groups can be blocked from the start at the legislator's level. A good example of this is the gun lobby in the United States, which succeeded to fend out the regulation of the use of personal weapons. In additions, it is not uncommon to see that officials of regulatory agencies usually retire into large positions in the industries they regulate.

Paletz et al., 2012, consider interest groups are intermediaries linking people to government, and lobbyists work for them. The concept of intermediation implies an added value to the political process. However, this is an empirical question

which would stand against the hypothesis that democracy could turn into government by interest groups and for them too<sup>6</sup>.

#### D. ARE THEY POLITICAL PARTIES?

Paletz et al., consider that the most important difference between interest groups and political parties is that the former do not seek elective office. However, such distinction does not hold in many cases. In addition, interest groups become involved in elections to influence policymakers. They may contribute funds, make independent expenditures, advocate issues, and mobilize voters. Wealthy groups help pay for the presidential nominating conventions and the presidential inauguration. Political parties reciprocate through adopting laws that comply with the objectives of their donors.

### III. PLURALISM THEORY AND COMPETITION AMONG INTEREST GROUPS

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<sup>6</sup> 212 of the 248 members of Congress on committees that investigated the 2002 accounting scandals and collapse of the Enron, had received campaign contributions from Enron or its accounting firm, Arthur Andersen. Don Van Natta Jr., "Enron's Collapse: Campaign Finance; Enron or Andersen Made Donations to Almost All Their Congressional Investigators," New York Times, January 25, 2002, accessed March 23, 2011, <http://www.nytimes.com/2002/01/25/business/enron-s-collapse-campaign-finance-enron-andersen-made-donations-almost-all-their.html>.

## A. PRO PLURALISM ARGUMENTS

Pluralism theory postulates that competition among interest groups produces compromise and balance among alternative policy preferences. Pluralists consider the abundance of interest groups, their competition and their representation of interests in society can achieve a desirable dispersion of power or at least an acceptable balancing of the various interests in society, Dahl (1956), Bentley (1998) and Browne (1998).

Some groups might dominate areas where their interests are paramount. However, Pluralists claim that two factors rectify this situation.

- People will find it expedient to belong to several interest groups in order to realize a large number of a variety of preferences. Such overlapping membership encourages negotiation and compromise.
- Underrepresented people will find it expedient to form their own groups to assert their interests.

## B. ANTI-PLURALISM ARGUMENTS

One may notice that the pro pluralism arguments implicitly assume either that organization is not costly or the ability to organize (particularly financial) is uniform among all (or at least most) citizens. An argument against pluralism is, therefore, that people are not equally empowered to benefit from the establishment and membership of interest groups. In particular, business has an advantage over other groups, particularly the poor and the working class. Common

citizens lack the financial resources and skills to organize. The issues that concern them are often absent from the policy agenda, Baumgartner et al, 2009.

*“Business sponsors political advertisements, gives campaign contributions, donates to political parties, hires law and public relations firms, and funds research advocacy groups promoting free-market economics.”* “A corporation can deploy multiple lobbyists and obtain access to various policymakers by joining several trade groups belonging to business associations such as the US Chamber of Commerce, and using its CEO and other personnel from headquarters to lobby,” (Berry et al, 2008 and Paletz et al, 2012<sup>7</sup>). Interest groups and lobbyists take advantage of the possibilities of rent sharing with political representatives. A common example in economics is that of monopolies that are created through legal restrictions on market access. Another example when a minority of the population has strong preference related to some political issue, e.g., foreign policy. The lobbyists will intermediate to pass rewards to politicians from the minority. Examples of this case have arisen in cases of anti-Cuban and Pro-Israeli lobbyists in the United States.

We can therefore expect that minorities as well as businesses would be willing to pay for Potential monopolistic arrangements and foreign policy decisions to politicians. Rent is often paid by interest groups through the finance of political campaigns and other means. Generally, interest groups:

- Pressure legislators for or against certain policies.
- They represent (active or rich) minorities
- They try to counteract majority preferences with incentives to legislators.

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2. <sup>7</sup> Business and trade associations make up approximately 70 percent of the organizations with representation in Washington, Schlozman and Tierney, 1986. Add interest groups representing professionals, and they accounted for approximately 85 percent of total spending on lobbying in 1996, Baumgartner, 2009.

- The relationship between interest groups and the media requires special scrutiny.
- Interest groups can easily control the most effective media, TV, Films and newspapers.
- EVIDENCE
  - Modest credentials of American and many European heads of states and/or prime ministers.
  - The role of lobbyists in American politics.
  - The repeated involvement in unpopular wars by some Western countries.

## ISLAMIC POLITICAL SYSTEM

### I. MADINAH CONSTITUTION

The Madinah Constitution is the document that was written as an agreement between the residents of City. It marked the establishment of the first Islamic State, and later on has been considered as a constitution (Al-Awwa, 2006). We summarize its main points in the following.

#### A. BASIS FOR MOWATANA OR CITIZENSHIP

The constitution defines the citizens of the Madina State as all residents: Muslims, Jews and Mushreks (idol worshippers) with equal rights and obligations.

## B. THE HEAD OF STATE AND THE STATE LAW

Prophet Mohamed is the Head of State and the law to be applied is Islam and the Prophets judgement or interpretation.

## C. MAIN PRINCIPLES OF LAW

1. Equality among citizens
2. Justice
3. Disapproval and unrecognition of injustice

## D. THE RIGHT OF OTHERS TO JOIN THE AGREEMENT

Others are allowed to join the agreement after being signed by its original signatories.

## E. PROHIBITION OF UNILATERAL AGREEMENT WITH ENEMIES OF THE STATE

## F. NON-POLITICAL PRINCIPLES

1. Capital punishment for murder,
2. Prohibition of sheltering of criminals
3. Punishment is personal, meaning it is specific and restricted to the criminal

## II. SAQIFAH EXPERIENCE

Ansar, or the supporters of the Prophet, who invited him and his earlier companions to Madinah, gathered in Saqifah(t) Bani Saad, after the passing of the Prophet to consult with each other about choosing a new ruler. Later on,

they were joined by some of the early companions of the Prophet. Several opinions were discussed (Awwa, 2006):

1. the head of state from ansar
2. the head of state from QURAYSH
3. dual head of state, one from ansar and another from early companions

### III. LESSONS FROM SAQIFAH

1. The experience of Saqifah has some implications, but it should not be exaggerated, because, Awwa (2006):

1.1. Muslims had no political theories developed during the time of the prophet, as revelation reigned supreme.

1.2. No political parties existed, and no distinctive political programs were presented. However, Muslims are entitled to form political parties, provided that their programs comply with Islamic principles and party members would not be prejudiced against members of other parties.

1.3. Not all Muslims were represented, i.e., the choice of the Khalifa was not an election but merely a nomination.

2. The Islamic State requires a political system.

3. The continuity of the State requires a ruler that would continue the approach of the Prophet.

4. The choice of the Head of State should be done through Shura<sup>8</sup>.

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<sup>8</sup> Some claim that the choice of Abu Bakr, the second Khalifa was not done by Shura, but it was merely the choice of Omar, later to be the second Khalifa. This is contrary to what Omar

5. Islam does not prescribe a specific mechanism to be used for exercising Shura. This is obviously left to the conditions of time and place.
6. The right of the nation to choose its rulers through Shura does not have to follow the same mechanism applied for the choice of early Khalifas, (Awwa, 2006). The important thing is that Shura must be applied through the mechanism that Muslims would consider suitable at the time.
7. The practical application of Shura in contemporary times is that the people have the right to choose their rules and representatives through election, Awwa (2006).

#### IV. KHELAFAT EXPERIENCE

- Muslims lived under participatory democracy until the Fourth Khalifa.
- Until that time, the shape of a representative government had not been developed by Shari'ah scholars.
- After the Fourth Khalifa, the Muslim government deteriorated from participatory democracy into a monarchy.
- Muslims spent vast resources trying to reform the system through fighting, but the power of the executive was too overwhelming.

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himself said, including: the choice of Head of State is by Shura; execute whoever claims the top position for himself or others without Shura; kill anyone who appoints himself without consenting Muslims.



## A. POLITICAL THOUGHT AT TIMES OF KHELAFAT

Some interesting political thought has appeared during the time of early Khalifas, especially at the time of Uthman the third Khalifa.

### 1. the right of QURAYSH to rule

At the times of Uthman the third Khalifa, the opinion that the Khalifa should be chosen from Quraysh was challenged by several people, Awwa (2006).

### 2. Abu Tharr opinions on public finance

Abu Tharr opined that a Muslim should not accumulate wealth that exceeds his daily sustenance, except what is needed for Jihad or to provide to qualifying guests. Any treasure to be kept over and above these three requirements would be considered as hoarding punishable by God. Such opinion became popular among the poor, who agitated to force the rich to follow Abu Tharr's prescription. Finally, he preferred voluntary solitude in a small village close to Madinah, where he lived until he passed away, Awwa (2006).

### 3. opinions of Abdullah ibn Saba

Abdullah Ibn Saba was a Jewish convert to Islam (accused by some of pretending). He travelled through Muslim countries to spread his opinions against Khalifa Uthman. Some accuse him of forming a secret organization to antagonize people against Uthman. He had two important opinions:

- First, the claim of the Prophet's will, that each Prophet wills the rule after him to an heir, and Ali ibn Abi Taleb (the fourth Khalifa) was the Prophet's

legitimate heir. Those who assumed the Khalifa position before Ali were usurpers. Based on that, he attempted to gather opposition against Uthman.

- Second, he initiated the idea of the “return” which started by claiming that the Prophet would return to life, then ended by claiming that Ali would return to fill the earth justice after it had been filled with injustice. The similarity of his opinions with those of the Shia’ is only accidental and rudimentary as there is no relationship between them to start with.

## B. POST KHELAFAT POLITICAL THOUGHT

1. Tyranny and oppression prevented Shari’ah scholars from saying much about the shape of the Islamic government.
2. The Saqifah experience has been:
  - 2.1. Mostly ignored by most Muslims. Those who stood for democracy did not perceive the democratic implications of that experience. Those opposed to democracy feared that such experience can be used as a proof of the existence of an Islamic political system.
  - 2.2. Attacked by some members of one of the eight schools of thought, who took the hereditary rule of Ali and his descendants as part of their creed. This is particularly interesting, because such criticism implies that the choice of rulers should be limited to a small subgroup, nullifying the principle of Shura and calling for a divine right to rule.
3. Scholars with integrity advised rulers against tyranny and encouraged

reform, which came to be cosmetic and did not touch upon the structure of government.

4. The treatise of Mawardi appeared in the 11th century, rather late for the development of an Islamic political system.
5. Scholars who wrote about government focused on two issues:
6. Imamah, or the choice of the Khalifa
7. Hisbah, how to keep social behavior within Shari'ah boundaries.
8. There are some political activists, mostly fundamentalists, and writers who think that once a Khalifa is elected, everything else should be fine. This appears to be naïve. Some others even call for the imposition of a Khalifa by force, which also negates the principles of Shura.
9. We must therefore try to extract a modern form of the Islamic political system from the spirit of Islam embodied in Qur'an and Sunnah, based on the Saqifah experience as well as the Sahifat al-Madina, or the constitution of Madina.

## **A MODERN STRUCTURE OF AN ISLAMIC POLITICAL SYSTEM**

A modest attempt to define the shape of Islamic government that synthesizes and draws from numerous writings.

### **I. SHURA IN ISLAM**

- Governance Mechanism (مرجعية) to ensure that:
  - All legislation is Shari'ah based.

- All government actions are Shari'ah based.
- Citizens' right as well as duty to choose their rulers.
- Identify the People of Decision (أهل الحل والعقد), who are most qualified to serve in state branches.

## II. QUALIFICATIONS OF REPRESENTATIVES

- Religious commitment (piety & trust). This may appear to be hard to assess. However, in a political system, it is sufficient to find no *known* behavior of the person in question that runs contrary to this criterion.
- Knowledge, e.g., academic degree in fields of knowledge, proper distribution of representatives among different fields
- Experience, like holding certain positions related to specialization for a certain period
- Citizens elect the Head of State from among the people of decision (أهل الحل والعقد). In this case, all citizens have equal rights to choose the ruler, but not everyone has the right to be chosen. Choice would be restricted to a subgroup who are the people of decision.
- Citizens elect legislators from among the people of decision (أهل الحل والعقد)
- Some past practices would indicate that the Head of State appoints members of the legal branch of government from among the People of Decisions, specialized in Shari'ah (with a PhD in Shari'ah/law). However,

such ancient practice runs contrary to strict rules of shura and must be replaced by the following principle:

- All people of decisions specialized in Shari'ah and law and qualified to practice it, elect the members of the legal branch, each with a mandate of limited period and subject to accountability. Perhaps we can add that such choices may be reviewed by the legislature.

### III. FURTHER REQUIREMENTS

- Political parties must have platforms,
- Rules of governance for political parties:
  - Each party must practice Shura within itself,
  - Party platform must be Shari'ah based.
- Media independence from foreign or local influence,
- Economic policies that aims at:
  - Basic needs for the poor,
  - Growth, full employment and social justice,
  - Keep market structure Shari'ah compliant.
- A Reba-free banking and financial system. In particular, trading spot for future cash, trading debt and trading risk are disallowed.
- Encouraging the establishment of Awqaf, or charitable foundations to provide public services, particularly in education and health.

## IV. REFINEMENTS

- Maximum term on head-of-state service.
- Maximum limit on the incumbency of legislators,
- Maximum limit on the service of the head of state and cabinet members belonging to any party<sup>9</sup>.
- Guarantees of civil liberties within the boundaries of Shari'ah,
- Safeguards against corruption and nepotism in the executive branch of government,

We can construct an Islamic political system that would try to avoid some of the pitfalls found in the Western democratic system. Whether proposed safeguards would ultimately succeed in avoiding pitfalls requires continuous adjustments, trials and errors. Implementing such a system would be a challenge. However, it is worth trying.

### **INTERDEPENDENCE BETWEEN POLITICS & ECONOMICS**

The rules governing the economic system are developed through the political process. We can include in such rules:

10. Rules protecting private property,

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<sup>9</sup> This would hedge against the gradual transformation to a one-party system and the possible corruption resulting from one party ruling the country for an extended period.

11. Trading rules in markets that prevent monopolies, cheating, etc.,
12. Regulations of financial markets and institutions to prevent debt, risk trading and the use of the classical loan contract,
13. Financing of public goods,
14. Taxation and redistribution, particularly the collection of Zakah and its disbursement in the form of micro projects to enrichen the poor.
15. Encouragement of Awqaf.

The system is supposed to contain safeguards that prevent collusion between government officials and businesses that are rent seeking. The prohibition of Reba, Ghabn and Gharar must be legislated and implemented.

Therefore, the political system influences the economic system directly. The economic system defines the economic power-base for the state. Both systems would therefore be interdependent.

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