

Guidance for Good Governance

Explorations in Qur'anic, Scientific and
Cross-cultural Approaches

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Foreword

Issues of good governance are being widely discussed and debated the world over. There is today a flurry of activity to better understand not only the social, economic and political imperatives that underpin the nature and purpose of good governance, but also to appreciate the cultural sources and traditions which have contributed to, and influenced, the way we govern societies and manage our business enterprises.

Guidance for Good Governance – Explorations in Qur’anic, Scientific, and Cross-Cultural Approaches (edited by Abdullah al-Ahsan and Stephen B Young, both passionate proponents of service in the public interest) makes a timely appearance and represents a particularly important contribution to our deeper and wider understanding of a governance culture that is no longer the luxury of the virtuous, but one that has quickly become an indispensable “business” necessity.

Good governance has long been considered an exclusively Western concept rooted in largely Christian social value systems. This publication sets out to disabuse that notion in the nicest possible way and, in the process, shed light on the Islamic governance traditions that point to a sharing of many of the Western ethics-based governance practices. The arguments are authoritatively persuasive, and will no doubt bring about a convergence of interest among practitioners as well as academics and other scholars.

I congratulate the contributors, editors, the International Islamic University Malaysia, and the Caux Round Table Global on this excellent publication which should be required reading for all who are interested in looking at good governance in its proper historical context.

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Introduction

The question of how to provide good governance is vital for all human civilizations. Good governance must ensure human cooperation, which is necessary for the positive growth and continuity of human civilization. Although in our modern age we tend to believe that our ideas of good governance must be based on rationalism and science, we should not ignore the fact that modern life stands on the achievements of earlier civilizations, not all of which should be forgotten or ignored. George Sarton demonstrates this point very well in his monumental work *Introduction to the History of Science*.¹ Understanding our contemporary dependence on past insights about human nature and truth has led us to address the question of guidance for good governance with explorations of ideas on the subject from Qur'anic, cross-cultural and scientific teachings.

Some may argue that seeking Qur'anic guidance on good governance appears unnecessary because they believe that religion is absolutely a personal affair whereas matters of governance involve communal considerations. Indeed, politics and religion are legally separated in many countries in the world today. Yet no historian disputes that most civilizations were inspired by large and profound religious ideas. Is it conceivable that there was no functioning government in the life of early civilizations that could be disentangled from religious awareness and justification? If religions played any significant role in early civilizations, what was that role?

It is possible that in history religion did play a positive role in organizing a good government, but was from time to time exploited by vested interests, hence causing sectarian conflicts or other abuses of power. For this reason many observers blame religion as the root cause of many of humanity's wars.

It is interesting to note that most foundational religious texts contain teachings on good governance. The Bible, for example, strictly requires its followers to fulfill promises and contracts and to ensure accuracy in weights and measures. It not only strongly endorses truthfulness, sincerity and honesty and condemns lying and cheating, but it also highlights the responsibility of the strong and powerful in society to protect and respect the weak, powerless and poor. Many of these same ideas were also espoused by Enlightenment philosophers, who laid down the fundamental secular principles of good governance so widely used even today. One finds similar wisdom in the teachings of most other religious and civilizational traditions.

Another striking fact of history is that the constitutions of many countries and many non-governmental organizations derive their inspiration from religious principles. The events that have unfolded with the start of the 21st century have emphasized the role of a number of factors in the decades to come, i.e., economic interests, science and

¹ Sarton, G., *Introduction to the History of Science*. Washington: Carnegie Institution, 1927.

technology, the environment, globalization, and religious values. Those committed to a better, peaceful and just world are motivated to understand the role of religion in the greater context of peace and stability within a society, between civilizations and among humanity at large.

Attempts to find Qur'anic guidance on good governance should be viewed in this context. In understanding any Qur'anic concept one should note that Muslims believe the Qur'an to be God's word destined for humankind, and most historians hold the view that the Qur'an was born in the full light of history.

It is in this context and upon the request of Caux Round Table (CRT) that our current task has been undertaken. CRT is an organization of business leaders interested in ethical principles. Its Global Executive Director, Stephen Young, Esq., asked the International Islamic University Malaysia (IIUM) to prepare this working paper to help CRT members comprehend Islamic principles on good governance in view of the current international political scenario. In response, a number of Muslim scholars from IIUM and from various parts of the world met for three days in July 2007 in a workshop at the IIUM campus in Kuala Lumpur. Prof. Mahmood Ahmad Ghazi, the former president of the International Islamic University Islamabad; Professor Irfan Ahmad Khan, president of the Chicago-based Association of Qur'anic Understanding; Dr. Usman Bugaje, an academician and politician from Nigeria; and a number of scholars from IIUM, including Prof. Hashim Kamali of the Law Faculty, took part in the workshop. Dr. Young also actively participated in and contributed to the deliberations of this workshop. Another one-day workshop was held at Harvard Divinity School (HDS) in Cambridge, Massachusetts, to discuss the same subject, and a number of reputed scholars, including Dean William Graham, Prof. Baber Johansen of HDS, Prof. Wadad Kadi of the University of Chicago participated. The first chapter of this work is the outcome of these two workshops.

The current international political turmoil calls for a better mutual understanding of the worldviews articulated by various religions as they influence their respective cultural communities, which are intimately interacting with one another in the global arena. Our attempt here is to briefly explain the Islamic worldview, keeping in mind the demands of contemporary challenges. A special need for this exercise arises because of the lack of a genuine understanding between Islamic and Western worldviews. The current state of affairs has been caused by a number of factors, the first among them being, perhaps, the intellectual contempt held by some Western "Orientalists" with respect to Islamic civilization and the blind, unyielding opposition to certain Western ideas on the part of some Muslim scholars.

The first chapter attempts to understand the Divine message on the subject of governance in the light of the Qur'an. We don't consider this document finalized; rather it is an initiative which, hopefully, will improve with the participation and contribution of other scholars over time. It is our sincere hope that this initiative will contribute to promoting a better understanding between Islamic and Western civilizations, and that the two will work in cooperation towards realizing a common destiny for humanity.

It is not by accident that IIUM has responded positively to CRT's initiative. To some, IIUM may be at the periphery of the Muslim world in the sense that it is younger than many well-established traditional centers of Islamic learning and scholarship. We believe, however, that youth in study and research is not always a disadvantage. With the passage of time leading to new insights into nature and new scientific knowledge, humanity's capacity to understand and comprehend the spirit and principles behind the Divine message has become ever more enhanced.

Despite IIUM being much younger than many well established traditional centers of Islamic learning and scholarship, the Caux Round Table's request that the university prepares this initial document is a timely one as the Muslim world needs to develop a socio-cultural and political framework of principles that relate Islamic principles and its civilizational heritage to the contemporary world.

We believe that the Muslim world needs to work closely and on an equal footing with other communities and civilizations in addressing the challenges faced by it in areas such as illiteracy, modernization, the lack of democratization, and economic development. These are the goals that should have been achieved by the Muslim societies in the first half of the 20th century. Generally, however, little progress has been made towards this end. It is a fact that even those who attempted to reform and restructure Muslim societies were either not able to reconcile Islamic principles and the Islamic paradigm with the challenges of modernization or were intellectually swayed to other ideologies like socialism or so-called secularism.

Malaysia stands out among contemporary Muslim societies that have struggled with the challenges of modernization, economic development, social change, religious values, women's rights and democratization and been able to develop constructive and workable responses. Being a multi-religious, multi-racial, and multi-cultural society which has gone through and weathered strong challenges—such as a communist insurgency, racial riots, widespread poverty and illiteracy, and then the rise of a strong Islamic movement--Malaysia could have been caught in the same development *cul de sac* that has trapped many other Muslim societies.

However, the vast majority of Malaysian Muslim leaders, intellectuals, religious scholars, interest groups, social organizations and academics demonstrated an acute appreciation of the challenges of nation building. Hence they were able to interpret Islamic principles in the contemporary context and articulate approaches to problem-solving that have enabled the country to achieve a leading position in socio-economic development not only in the Muslim world but in the larger community of nations.. Malaysia has achieved a healthy integration with the global economy. In the 1990s it was ranked among the top 20 trading nations in the world. Its ability to work with people of different faiths and its moderate approach to Islam allow it to address contemporary issues in a constructive way, though there is much that can still be done. It indeed

presents a healthy framework that deserves to be further studied and brought to the fore when discussing the role of Islam in the development of the Muslim world and strategies for a healthy relationship between the Muslim world, the West, and others.

It is here that the role and potential of IIUM in contributing to a dialogue with the West and other civilizational traditions becomes central. This institution has unique strengths. One of them is its grounding in the Malaysian tradition and experience of understanding Islamic teachings. The other important asset of this university is its commitment to IIICE,² which aims to integrate Islamic knowledge with Western knowledge and modern science. Still another asset of this university is that it is international both in spirit and structure. Its faculty members and students come from various parts of the world, and this has enabled it to evolve a wide and global perspective in the articulation of the Islamic world view. This is reflected in its curriculum and research activities. We at IIUM feel privileged and honored to cooperate with Caux Round Table to produce this work.

While participating in the workshops mentioned above, Dr. Stephen Young highlighted the similarities between some key Qur'anic concepts on human nature and ideas of good governance in some other world cultures. We asked him to write on the subject and the second chapter of this work is the result of that request. At the Harvard workshop Prof. N. Doran Hunter presented a fascinating paper highlighting the place of ethics in human nature, science and good governance. Hunter's paper constitutes the third chapter of this work. We consider this effort as the beginning of a debate on a very important subject. We shall consider this effort a success if this work generates discussion among scholars. We invite academicians, journalists, government officials, policymakers and scholars from around the world to participate in this endeavor.

² Islamization, Integration, Internationalization, and Comprehensive Excellence.

Qur'anic Guidance on Good Governance

An Overview

Islam is first and foremost an ethical, practical and spiritual understanding of the world and the cosmos mediated by the concept of the absolute unity of God (*tawhīd*). By subscribing to unity of God one undertakes a covenant with oneself, one's Creator and all other creatures. A person's belief in One God calls him to be responsible not only to himself and fellow human beings, but to everything in the plant and the animal world and the overall environment, as everything in the universe is created by the one God, and has a purpose. In order for man to understand this purpose, the Qur'an repeatedly asks mankind to observe, ponder, and use reason. (Consider, for example, 4:82; 23:68; 38: 29; 47: 24.)³ The emphasis on the role of reason in determining man's relationship with everything in the universe is central to man's ability to utilize it for the benefit of humanity. By highlighting the rights and obligations of God over man, and man over man, the Qur'an establishes the point that man serves God mainly by serving humanity.

In this journey of life one is happy and successful when one enjoys one's life in an orderly and civilized manner. It gives spiritual satisfaction when one fulfills one's responsibilities to God and the society. In this process the individual will not only satisfy his material and spiritual needs, but also contribute positively to human civilization. Naturally, for the realization of this vision of human life, good governance is a prerequisite. The importance of good governance is underscored by the fact that no civilization in history was established without a good government. Therefore an individual may seek happiness and success in his personal life by obtaining guidance from the Most Merciful – the Creator of the universe – in fulfilling his obligations toward society. The Islamic worldview integrates the role of the individual in absolute terms with the overarching concern for peace and general human well-being.

Human beings are a special creation of God. God has created man as His representative (*khalīfah*). God has made everything else in the universe subservient to man, and if he utilizes them positively, he participates in God's continuous process of creation. This participation is neither by chance nor optional, but a responsibility – the purpose of one's very life and existence. God has not left man empty-handed to fulfill his responsibilities in this life. He has endowed man with reason, physical and intellectual capabilities, knowledge and other resources. These potentialities and resources –

³ There was lively debate on the conflict between reason and revelation in early Islamic history. The Qur'an places priority on the use of reason in accepting the divine message. With the passage of time it became clear that Islamic rationality would never accept a conflict between reason and revelation. If any such conflict occurred, it must be due to an incorrect interpretation of revelation or because of a misunderstanding of reason or lack of human knowledge which is in constant state of evolution and improvement. Therefore, pure reason would never contradict authentic revelation. The debate reached its climax with the contributions of Ibn Rushd and al-Ghazzali. Then Ibn Taymiyyah gave the most moderate and rational explanation of the issue. For detailed discussions, see Taqī al-Dīn Ibn Taymiyyah, *Dār Ta 'ārud al-'Aql wa al-Naql*. (Riyadh: Imam Muhammad Ibn Sa'ud University Press, 1979); and George F Hourani, *Reason and Tradition in Islamic Ethics*. (London: Cambridge University Press, 1985).

including one's very own life – are given to man as a trust (*amānah*). Hence he is not the absolute owner of any one of them. Even his own body and life has been given to him on trust; hence, he is not allowed to abuse them or harm himself. That is why drug abuse and suicide are forbidden (*hāram*) in Islam. Potentially there is an enormous prospect for innovative creativity and growth in this process of creation. But this cannot occur without a direct involvement of man. Since human beings have been endowed with the ability to think, rationalize and understand, they must strive to cultivate their potentials in order to qualify to be contributors to this process of creation and growth initiated and spearheaded by God. Thus the underlying principle guiding man's life and relationships with all the other creatures is that everything in the universe is a trust (*amānah*) from God to man, and as representative of God on earth, man has been assigned the duty of establishing civilization and a peaceful society.

God has fashioned the nature – *fitrah* – of every human being in such a way that no one can survive alone.⁴ In other words social organization is vital for mankind, and no human organization can be established without some form of universal principles accommodating the interests of all or most members of a given group. Therefore it may be safely suggested that some form of political organization existed from the very beginning of human history. Unfortunately very little information is available about the early formation of ancient civilizations. The Qur'an tells that mankind originally belonged to one community (*ummah*), and God has guided them by sending prophets with glad tidings and warnings, but they disagreed among themselves for selfish motives; this led to division in the society (2: 213). These divisions occurred because some "holders of religion" sold the sacred message "at a cheap price" (2: 102-103) for their personal worldly gains. Every individual is free to choose between an ethical life and a life motivated by selfishness, greed, and evil desires. The challenge for mankind is to overcome this negative power and thereby contribute to the growth of civilization. Good governance is indispensable for the peace and prosperity of human civilization. We believe that with the passage of time human beings have grown more mature and they have acquired greater enlightenment to understand properly the purpose of life. They are also supposed to have acquired better judgment and self-control to understand Divine guidance. This document contains the following fundamental key points.

1. The essence of Qur'anic guidance on good governance is the understanding of the concept of *amānah* (trust) and *'adālah* (justice) within the framework of the Islamic worldview.
2. The Islamic worldview is determined by the Qur'anic story of creation.
3. The concepts of *amānah* and *'adālah* (justice) provide a framework for the main practical concepts (i.e., *sharī'ah* and *shūra*) of good governance in the Qur'an.
4. The principles behind the *sharī'ah* and *shūra* are open to human understanding based on reason.
5. Islamic humanism manifests itself in a significant way in the formulation of principles central to the establishment of Islamic political institutions.

⁴ This is a key concept in both Islamic ethics and theology. For a detailed discussion, see Al-Tahir Ibn Ashur, *Maqāsīd al-Sharī'ah al-Islamiyyah*. (Amman: Dār al-Nufais, 1999), 189-195.

6. An understanding of Islamic humanism necessitates both a deep look into Islamic history and the development of an Islamic theory of knowledge.
7. While *amānah* and *'adālah* provide the ontological basis, the *sharī'ah* and *shūra* furnish the practical mechanism for Islamic polity.
8. The *maqāsid* (objectives) of the *sharī'ah* are meant to preserve religion, life, reason, progeny and wealth. An overarching principle of all policy making (political, legal, economic, social, environmental etc.) that emerges from these objectives is *maslāhah* (public interest). Public interest can be defined in simple words as promoting and preserving the things that are beneficial to society and preventing the things that are harmful to it.

Human Beings are God's Vicegerents on Earth

The Qur'an clearly underlines the role of the individual and of the community in establishing a government. The Qur'an explains its worldview by telling the story of the origin of man. It introduces the story of creation through a conversation between God and the angels (2: 30-39; 15: 28-44; 38: 69-74). One will find similarities between the stories of creation in the Qur'an and in the Old Testament. According to the Qur'an, God expressed His will to the angels about creating on earth a new being who would be the best of all His creations and would be assigned the status of His vicegerent (*khalīfah*). The angels expressed their reservations, fearing that the new being would create chaos and disorder in society and shed blood and would bring suffering to his own species. This cautious response by the angels indicates the potential aptitude of human beings. In response God did not rule out the possibility of corruption and bloodshed by human beings completely; He only said to the angels that they did not know what He (God) knew. God then created Adam from clay and breathed into him His Own Spirit (15: 29; 32: 9; 38: 72). Thus Adam was gifted not only with such faculties of hearing, seeing, and understanding; he also received the potential to develop God-like qualities such as being caring, responsible, kind, just, wise, forgiving and so on. Human beings, therefore, are unique and privileged as opposed to everything else in creation. The Qur'an also speaks of a covenant between man and God (7: 172) in which man recognized God's position as his Creator. In other words, the ability to perceive the existence of the Supreme Being is inborn in human nature.

God also created a spouse for Adam and taught him certain "names" (interpreted as knowledge) and demonstrated in the presence of angels that man knew more than them. As God blew His Own Spirit into Adam and blessed him with faculties to acquire knowledge, it is these two components of His being that were at the foundation of man's unique status as the best of all the creations of God, and hence his role as God's vicegerent. God asked the angels to prostrate before Adam (to acknowledge the higher abilities of man): all prostrated except one named Satan, who was living amongst the angels. The Qur'an also refers to him as Iblīs. The Qur'an introduces Satan as one who was from among the jinn, a species made of fire (18: 50). Satan disobeyed God's command to prostrate, arguing that he (Satan) was superior to man because he originated from fire and Adam from clay. It is noteworthy that Satan based his argument on his pride, rooted in perceived racial superiority, a phenomenon commonly responsible for

causing conflict in society. Satan ignored the fact that God had breathed His Own Spirit into Adam and also that Adam had already demonstrated his superiority in knowledge. God then expressed His displeasure and expelled Satan from the rank of the angels. Satan, however, turned vengeful against Adam and sought God's permission to live until the Last Day, which was granted.

God allowed Adam and his spouse to dwell in the heavens with a specific instruction — not to approach a certain tree. However, because of his forgetful nature or because of his desire for immortality (*al-khuld*), Adam did not remember God's instruction and Satan succeeded in persuading him and his female companion to eat the fruit of the forbidden tree. Adam and his companion immediately realized their fault and begged for God's mercy and prayed for His forgiveness. God granted their prayer and they were forgiven.⁵

God now brought Adam into action by sending him and his companion to earth. Satan, the enemy of Adam, was also sent to earth. All of them would dwell on earth for a certain period (*ilā h□īm*). During this period Adam and his progeny would be tested for whether or not they would honor God's act of forgiveness and live up to His expectation. From the Qur'anic perspective this is the beginning of human history. And this history becomes a challenge for mankind; it presents man with choices and the freedom to choose from various options in life. It would be a test for man to live in history and choose to be either a participant in God's continuous process of creation or be an accomplice of Satan and spread corruption and disorder on earth. While God accepted Satan's desire to spread corruption and disorder on earth, He assured man, saying that Satan shall not be able to tempt those who would sincerely follow divine guidance. The children of Adam were to receive guidance throughout history. Therefore, the Qur'an maintains the position of the possibility of God's intervention in history. The Qur'an mentions the names of many prophets through whom guidance was given to mankind. The Qur'an emphasizes that every community in history was guided by prophets from within the community.

God intervenes in history in a number of ways, miracles being one of them: the birth of Jesus was one such miracle. In the early period miracles were necessary in order to convince mankind of the divine connections between God and the prophets. With the passage of time the human mind matured and reached a stage where it was ready to understand the divine connection to prophethood rationally. The Qur'an generally holds rationalism and history as foundations of its divine connection. In response to the demand made to Prophet Muhammad (peace be upon him) to perform miracles, the Qur'an produced rational arguments from nature and history to establish the existence of God and His role in history. From the Islamic perspective both the Qur'an and the life of the Prophet Muhammad have been preserved by history. This Qur'anic narrative of creation underscores the commonalities in the monotheistic interpretation of human history.

⁵ The story of creation is fully narrated in two places in the Qur'an: in chapter 2 (*al-Baqarah*) and chapter 7 (*al-A'raf*), though the general theme of creation is treated with different emphases in other parts of the Book.

Because of the forgetful nature of man, God's guidance throughout history reminds him to establish peace on earth and to guard himself against Satan's tempting and maintain law and order in society. Thus the earth became for human beings a ground for continuous struggle. According to the Qur'an, the prophets in history reminded mankind of the fundamentals of God's message and stressed the direct spiritual-ethical encounter between the individual and God. When man is reminded about the purpose of his creation and his role as God's vicegerent, it appeals to his nature. God's message is rational and for justice. As a result man is generally inclined to do good to his self and to his society. However, he is in constant struggle between his forgetful character and his desire to be good and happy by establishing peace with justice and order in society. This struggle is against evil forces on the one hand, and human longing for perfection on the other. In this struggle against evil forces, God is in favor of man. Whenever he does anything good and contributes positively for himself and for society, he naturally feels happy and content. If he is swayed by evil forces, initially he feels bad and discontented. But if he continues to be swayed, God lets him exercise his freedom to choose. Since this freedom is the product of the sense of responsibility expected of man in his role as the vicegerent of God, it comes with a corresponding obligation to be accountable. For every decision or choice that the individual makes, he is accountable. It is through this built-in principle and process of accountability that the Qur'an combines worldly human life with the life hereafter. It declares that man will be accountable for his actions, and at the end of human history there will be another life and man will be rewarded or punished on the basis of his performance in this struggle. For the children of Adam this world or human history will be a testing ground, and although God has created man in the best constitution, man also has the potential to go down to the lowest state of the low (95: 4-5).⁶ In other words the Qur'an grants the individual complete moral autonomy: God, the Sovereign, has bestowed man with the freedom and capacity to choose between good and evil. In this sense man is also sovereign in the making of his choices. Therefore, the Qur'an emphasizes both the ethics of intention and the ethics of action for human beings in carrying out their responsibilities.

The story of creation is very important for us to understand the role of individuals in human history, for it reveals a number of salient features about human nature which are relevant in understanding the progression of human history. Even though man is the best of God's creations, being His vicegerent and carrying breathed His Own Spirit in him, God has also made him weak (4: 28) because He wants to test mankind. This means that although man has the potential to develop God-like qualities, he is also subject to temptation. In other words, although man has the intellectual and spiritual potential to internalize God's attributes, practice them in his personal and social life, and create peace and harmony on earth, he also has the potential to go astray. Unlike God, man has desires, passions, and physical needs; if they are guided by evil designs, these will cause him to be subjected to the Evil One. This aspect has been demonstrated in the story of creation in the character of Satan. Satan has been empowered till the end of history to

⁶ It should be noted that the sources of evil are ultimately created by God, and Satan was initially good before he rejected the commandment of God. It should also be noted that the freedom of choice, which enables human beings to fulfill *amānah*, also enables them to misuse *amānah* and thereby commit evil.

tempt man and to lead him astray from achieving God-like qualities. This temptation is the root cause of corruption on earth. But man can save himself if he follows the guidance that God promised to Adam and his progeny through the prophets and the revelations sent at various stages in human history. Therefore, history from the Qur'anic perspective is a record of conflicts between man's potentials of being the true vicegerent of God on earth and his being subject to temptations from Satan. It is a struggle for right and truth, which could be achieved through following God's guidance and by overcoming wrong which befalls on man due to his weakness and unlimited desires and passion for self-centered material gains. Even worse, sometimes man has the capacity to internalize satanic motives and outperform Satan himself. In this struggle Satan is an anti-man force, and no man is immune from Satan's temptation, not even a prophet (22: 52; 17: 53). But at the same time God is with man in this struggle. Whenever man approaches God with a good intention, he receives God's favor manifold (4: 40; 6: 160). History, therefore, is a record of the continuous exercise of using the freedom to choose between right and wrong. The process of good governance begins with individual choice. To make a wise choice is a constant struggle for human beings. The more wisely he exercises this freedom, the freer he becomes from satanic temptations. The more careless one is in exercising this freedom, the more captive one becomes to satanic forces. God promises reward for man not only in the hereafter for following divine guidance, He also assures him of success and happiness in this world.

Man has an *Amānah* or Trust to Fulfill

The Qur'an mentions the trust (*amānah*) given to mankind — a trust which the heavens, the earth, and mountains refused to accept because they were afraid of its heavy burden (33: 72) — which requires the establishment of justice in society (4: 58). *Amānah* basically is a contract between God and man on man's role in history. It defines man's rights and responsibilities in relation to all other humans and his environment and the rest of God's creation.

The word *amānah* originates from three letter root-verb a, m and n (*amn*), which means to be in the state of peace, safety and security. In the noun form, the word becomes *aman*, meaning peace, security, safety, shelter and protection. *Amānah* literally means trust, reliability, trustworthiness, loyalty, faithfulness, integrity, honesty and confidence. From this root-verb also originates *imān* or faith. In other words the Qur'an seems to highlight the point that peace in society is achieved through individual's faith. The concept of *amānah* binds individuals with society.

The term appears six times in the Qur'an, twice in Makkan and four times in Madinan verses. The same verse is repeated twice in Makkah. Referring to the moral fiber of believers, the Qur'an declares that they are "truthful to their trusts (*amānah*) and to their pledges" (23:8; and 70:32). The verse clearly prepares the believers intellectually and morally to be serious and accountable to their own lives, and to their families and societies. The Qur'an seems to be preparing the ground for establishing a peaceful model society in history, for such a society would have been possible only with the participation

of believers with strong character. A strong character for the believers was necessary because they were destined to play a key role in governing society.

The next verse on the subject was revealed in the early days of the Prophet's residence in Madinah. In it, the Qur'an reminds the believers not to be disloyal to God or His prophet and not to be dishonest to the *amānah* delegated unto them (8: 27). In the next verse the Qur'an repeats the idea that worldly goods were only trials and temptation and that man should not be misled by the desire for these trivial gains. Verses 33: 72 and 2: 283 are reported to have been revealed during the mid-Madinan period. While verse 33: 72 highlights the magnitude of the trust given to man and which the heavens, the earth and mountains refused to undertake, verse 2: 283 emphasizes the importance of trust in business transactions.

Although the Qur'an points to man's naiveté in accepting this trust, the Qur'an also clearly states that man has the potential to fulfill it. The Qur'an also points out that "We turn man whichever way he wants to turn" (4: 115), and "God does not change the situation of a people until they change it themselves" (13: 11; 8: 53). *Amānah* makes human life meaningful because it makes him squarely responsible for creating a moral social order. It provides him with the opportunity to demonstrate his ability to be God's vicegerent on earth. In other words, the Qur'an, like the Old Testament, gives the human being dignity and nobility of purpose. This is diagrammatically opposed to the idea of an absolutely natural creation without any direct intervention of the Creator.

The concept of *amānah* determines the individual's relationship with the family, society, state, and government and the humanity at large. Man is attached to these institutions both materially and spiritually. *Amānah* establishes man's responsibility toward his kin, other human beings and socio-political institutions. The concept resolves the issues pertaining to the rights and responsibilities of individuals in every facet of life. Someone's right is someone else's responsibility; the individual has a weighty contract with his society, with the animal world, with the plant and mineral worlds, and with the overall environment.

The Qur'an emphasizes every individual's independent relation with God. In this sense one may interpret religion as an individual matter, but an individual can't fulfill his trust and covenant with God without acting in accordance with God's guidance. The Qur'anic guidance relates both to the individual and to society. The Qur'an emphasizes the idea that God created man in order for him to serve his Creator by fulfilling this trust through establishing peace (*salām*) on earth. From the Qur'anic perspective this is possible only when mankind creates a viable and just social order based on ethical principles. How can such an order be established without a good government? Can any society function without a government? Obviously not. That is why since time immemorial, God has consistently sent guidance to humankind, and the Qur'an is the last of the books of guidance (2:2, 185). It is through this guidance that God has taught man how to differentiate between right and wrong, and how to discipline himself and govern and deliver peace with justice to every member of society. However, Satan being the perpetual enemy of man manipulates and misguides man so as to thwart him from

achieving this goal and to tempt him to create chaos and disorder instead. One may call this duality in human nature a form of dialectics, or challenge and response to nature. Indeed this struggle is a reality of human life. The task of establishing a good government is part and parcel of this struggle. And in this struggle against Satan, God favors man; when man takes a positive initiative, God encourages him through natural means (Consider 92: 7-10; 87: 8; 4: 40; and 6: 160).⁷

Fulfillment of *Amānah* is the Responsibility of the Whole of Mankind

The fulfillment of God's trust or *amānah* is a prerogative and responsibility of the human community; the individual is just an active partner in the process. Since no individual can survive alone, the personal needs of an individual necessitate human cooperation in society. The community as a whole becomes responsible for the accomplishment of the trust. However no meaningful, extensive and long lasting cooperation is possible without an effective government and good governance usually leads to the establishment of civilization. The more people there are who participate in the process of cooperation, the more effective the government becomes. Social scientists generally emphasize the role of coercion in the establishment of early civilizations. Unfortunately history has hardly noted the role of man's desire for peace, justice and voluntary cooperation for these goals. This is because history books have generally failed to record evidences of rises of early civilizations. In fact, many works on the subject have emphasized either coercion or divine sanction as the main mechanism for organizing society. But can one equate the method of governance of the Babylonian Hammurabi or the Egyptian Tutankhamen with that of the Israelite Solomon? Definitely not. It is unfortunate that history has hardly recorded any reliable information about the rise and growth of early civilizations. Our common sense suggests that coercion does not result in effective cooperation. The central question then is: What role did religions really play in the growth of early civilizations?

This question becomes even more complex when one finds evidences in history indicating the role of religion in uniting people for the fundamental tasks of survival such as construction and maintenance of irrigation works, storage of food, collection of taxes, maintenance of business documents, family relations, etc. Is it rational to suggest that mere coercion was able to regulate human sexual behavior? In almost all human traditions religions standardized and maintained records of birth, marriage, and death. Religion is also reported to have promoted art, literature, and science. Could such creative activities have been possible by coercion? Women in the Neolithic Age are believed to have played more active roles in society. Is it totally inconceivable that early civilizations were laid down by genuine divine guidance and then with the passage of time the ruling elite, led by powerful and cunning men, took advantage of the status quo and established domination over the weak? Did man establish domination over woman in the same manner? It is interesting to note that women generally enjoyed more rights in the early days of every early civilization than the later period of those civilizations. It is

⁷ For detailed discussions, see Jamāl al-Dīn Ibn al-Jawzī, *Nizhat al-'Ayun al-Nawadhir fī 'Ilm al-Wjuh wa al-Nudhā'ir*. (Beirut: Muassat al-Risālah, 1987), 104-105; and Al-Tahir al-Ibn al-'Āshur, *Tafsīr al-Tahqīr wa al-Tanwīr*. Vol. 2 (Tunis: Dār Suhūn, 1997), 91-93.

also interesting to note that with the passage of time most civilizations in history became more stratified. For example, there was little class distinction in Hebrew society before the rise of Hebrew kings. That is why later Hebrew prophets attacked cruelty, greed, oppression, and exploitation by the rich and powerful, demanded a return to the covenant and law, and criticized priests who were more committed to rites and rituals than to ethical principles.

The Qur'an is very critical of the scholars of religions in history for their manipulation of divine and noble principles for personal gain. The Qur'an categorically rejects such misinterpretation of religions and asserts that the divine purpose is to establish an ethical and egalitarian social order. It says, "Did you see the one who gives the lie to religion? It is he who maltreats orphans and works little for the feeding of the poor. Woe to the worshippers ... who deny using their utensils [to the poor]". (107: 1-7) Religion, therefore, is not merely an individual affair; instead one should say that the internalization of the true spirit of religion cultivates one's sense of belonging and necessary obligation to society.

In defining the individual's relations with society, the Qur'an declares the concept of *amānah* as the cornerstone to the establishment of institutions to govern society under a just socio-political order. The fourth chapter of the Qur'an, al-Nisā' (the Women), deals with the idea of good governance. The chapter begins with the idea of absolute human equality and deals with family government, inheritance, peace and war, Muslim-Muslim relations, Muslim non-Muslim relations, arbitration in family matters, the mischief of hypocrites, and overall social harmony. The concept of *amānah* also deals with man's behavior toward the animal and plant worlds and the environment. In the family the man and woman are entrusted with the *amānah* of cultivating talents and abilities in a constructive way and providing maintenance, care, and education, and good treatment to family members. The Qur'an reminds mankind that when anyone does anything to please God and fulfills the *amānah*, it would ultimately bring good to himself. It satisfies the human soul.

***Amānah* Must be Fulfilled with 'Adālah (Justice)**

Verse 4: 58 was the last Qur'anic verse to be revealed and the most significant from the perspective of governance of society. Addressing the believers, the verse commands, "Render the trust to whom they are due; and judge between people, do it with justice." The occasion of the revelation of this verse and the Prophet's understanding of it are very significant. This verse was revealed immediately after the liberation of Makkah. Following the liberation 'Abbas, the prophet's uncle, demanded the key to the Ka'ba from the Bani 'Abd ad-Dar, a clan whose members were not yet Muslim. The Prophet granted the request. Then this verse was revealed. Immediately the Prophet returned the key to 'Uthman ibn Abi Talha and his cousin Shaybah ibn 'Uthman, the clan's two representative figures. The rationale behind this act was that the clan was traditionally entrusted with the key and had been providing the necessary services to pilgrims, and therefore there was no need to deprive them of the responsibility. The verse is followed by guidance for the believers on leadership and governance of society: "Follow God,

follow the Prophet, and those from among you who have been entrusted with authority (4: 59).” The Qur’anic concept of *amānah* and its implication on society must be understood in the light of these verses.⁸

Verses 58 and 59 of the discourse outline the fundamental principle of government. Verse 58 says, “Allah commands you to deliver the trusts to those to whom they are due; and whenever you judge between people, judge with justice. . . .” Everything in the universe belongs to God and everything was created for the service of man. Man may use anything in the world for a positive purpose, but he is not supposed to abuse anything. The “trusts” are the rights and responsibilities of one individual over the other. They also refer to the individual’s rights and responsibilities toward the government and the government’s rights and responsibilities toward everybody and everything that comes under the jurisdiction of the government. But in this process of using everything in the service of mankind, there is a possibility that conflicts may arise among the members of the society. How does one resolve conflicts among human beings on, for instance, the question of resources in the world of creation? The verse responds to this question by saying that conducting justice is a part of this trust or *amānah*. How then does one fulfill this trust and ensure good governance? Can one ensure good governance without justice? The Qur’an responds to these questions in the next verse by saying, “O ye who believe! Obey Allah, and obey the Messenger, and those charged with authority among you” (4: 59). The importance of good governance cannot be ignored under any circumstance. What happens when “those who are in authority” differ on issues of common interest? The verse continues by saying, “If ye differ in anything among yourselves, refer it to Allah and His Messenger.” This instruction for the people in authority to follow God and His messenger when settling conflicts on issues of common interest has deep implications in terms of the formulation of the principles and system of governance. As *‘adl* (justice) is one of God’s attributes, man is here instructed to be just when he is in a position of authority.

This understanding of man’s role as God’s vicegerent on earth and the use of its resources by him as God’s *amānah* to man gives a much deeper meaning to the concept of ownership in Islam. It implies that in the Islamic society or economic system private or public ownership is not absolute. Resources are only an *amānah* whose actual owner is God, the Almighty. Whatever one owns is actually held in trust and must be used for achieving just ends. Thus every economic activity, decision and plan—whether it is production or exchange, whether it concerns an employer-employee relationship or a producer-user relationship, or consumer’s preferences and their impact on society—must be rooted in the intention to achieve just ends. From this goal-oriented utilization of resources emerges a whole dynamic of business ethics with social responsibility, respect for private property, dignity of labor and its fair share in production, and one’s duty to earn one’s living with honesty.

⁸ For a detailed discussion, see Ibn ‘Ashur, *Tafsīr*. Vol. 2, 91-102. Perhaps Ibn ‘Ashur’s analysis of verses 4: 58-59 is one of the most comprehensive and insightful. It should be noted that Ibn Taymiyyah’s *al-Siyāsah al-Shar‘iyyah fī Isḫāḫ al-Rā‘i wa al-Ra‘iyyah* and al-Māwardī’s *al-Aḥkām al-Sultāniyyah wa al-Wilāyāt al-Diniyyah* focus only on verse 4: 59.

From establishing the moral foundations of business ethics to governing a society, a country or one's own life to the utilization of resources—this overarching *amāntization* at all levels (micro, macro, international, global and beyond) covers all activities with a sense of social responsibility and commitment to social justice within the confines of public interest. Hence as far as the fundamentals of governance are concerned, whether it is the individual's personal life, his/her business activities or the affairs of the state and politics, all of them revolve around the concept of *amānah*, and call for preserving the public interest, which is a measurable outcome of the moral foundations of governance at all levels.

The Qur'an, recognizing human nature, accepts the potential for disagreement among its followers in matters of government. But the question is: When a matter is referred to God and His prophet, who decides what God and His prophet has ordained? In response to this question, the Qur'an seems to have given absolute freedom to man. Of course common sense demands that the people to be referred to be people who possess fundamental knowledge of the Qur'anic and prophetic teachings. The Qur'an's frequent references to history underscore the importance it places on man to have a comprehensive understanding of history. This would include not only growth and development within Islamic civilization; one should also be familiar with the progress of early and contemporary civilizations. This knowledge should incorporate the philosophical and scientific foundations of those civilizations.

***Shūra*: A Cornerstone of the Islamic System of Good Governance**

The Qur'an emphasizes *shūra*—or consultation among members of the community—in issues of governance (3: 159; and 42: 38). The commandment involves both private and public domains, including business and government affairs. Women are equal partners with men in consultation. Non-Muslims living under Islamic jurisdiction also are partners in the decision-making process as long as they, like everybody else, fulfill the trust as members of the society. The concept of *shūra* underlines the participation of all members of the community in its affairs. Many contemporary Muslim scholars have compared this Qur'anic directive with modern day democracy. But the Qur'an seems to go beyond current democratic practices; it emphasizes fairness and justice, and if democratic institutions fail to provide justice (e.g. recognition of the tyranny of the majority) for not only for human beings, but also for plants, animals and the whole environment, the Qur'an says that God will take mankind to task. Here one is reminded of the Socratic disapproval of Athenian democracy. From the Qur'anic perspective the Socratic concern for moral and universal values would be extremely relevant. A good government must be guided by these values.

***Amānah* and 'Adālah Demand Accountability and Transparency**

The Qur'an recommends the establishment of an effective government for carrying out the *amānah*, which requires commitment to honesty and justice. The sincere administration of *amānah* has honesty and justice as its prerequisites. Commitment to honesty becomes the touchstone of universal justice because an authority conducting

justice without commitment to honesty may conduct justice selectively as and when it serves its interests. The implementation of *amānah* with honesty and justice would deliver a number of crucial ingredients of good governance such as the participation of the people in public affairs, general consensus on major issues, rule of law, transparency, accountability, equity, efficiency, etc. The Prophet founded one such community and government in Madinah in 7th century Arabia. The polity established by the Prophet was multi-tribal, multi-religious and multi-racial. His administration and the administration of his first four successors are generally considered as the model for good governance by Muslim scholars. However even this early community was not perfect. Errors were committed and conflicts did take place among the members of the community. On occasion the Qur'an corrected, even scolded the Prophet (80: 1-10) for his errors. But from Qur'anic teachings, it clearly emerges that human effort to establish good governance may not be perfect. However, a perfect harmony between human nature and attempts to truly follow Qur'anic guidance would allow humanity to attain, if not perfection, at least the next best thing—peace with justice and happiness in life.

The inaugural speech of the first Caliph, Abu Bakar, describes the fundamental characteristics of good governance. Immediately after being elected by the community to succeed the Prophet, he said:

*I have been given authority over you although I am not the best of you. If I do well, help me; and if I do wrong, set me right. Loyalty is to tell the truth to a leader; treason is to hide it. The weak among you will be powerful in my eyes until I secure his rights, if Allah so wills. The strong among you shall be weak in my eyes until I get the right from him. If people do not follow in the way of Allah, He will disgrace them. Obey me as long as I obey Allah and his Prophet, and if I disobey them, you owe me no obedience.*⁹

Inherent in the above statement of the Caliph Abu Bakr al-Siddiq are the cardinal principles of good governance such as honoring the will of the people, freedom of expression, rule of law, and judicial independence. Would the caliph have accepted admonition from a non-Muslim or a woman? Could a non-Muslim quote from the Qur'an to argue that the caliph was not doing justice to him? The caliph's statement does not put any restriction. The statement clearly suggests that in performing its duties and responsibilities Islamic governance will require the government to be accountable to God as well as to the people. Since this accountability is based on *amānah*, in reality the trust is fulfilled through an understanding between those who are in authority of the government and the masses. In fact with the revolutionary advancement of modern communication technologies, even people living outside of the jurisdiction of a specific government could be involved in the counseling process. Therefore a Qur'anic government can't ignore observations and recommendations of such institutions such as Caux Round Table (CRT), particularly its Principles for Business and Principles for Governance, Transparency International (TI), Amnesty International (AI), Reporters without Borders (RSF) and Human Rights Watch (HRW), many of which have much in agreement with Qur'anic values.

⁹ See Abu Jafar al-Tābarī, *Tārīkh al-Tābarī*. Vol. 3 (Cairo: Dār al-Ma'ārif, 1969), 224.

Islamic Humanism in the Understanding of Divine Guidance on Good Governance

From the Qur'anic perspective the government is an essential part of God's trust or *amānah* to mankind. The primary objective of this *amānah* is to ensure the well-being of the people. The government must guarantee the rights of every individual under its authority. But the responsibility of the government does not stop here; it is also duty bound to take care of the environment. Since all public policies are to be geared toward public interest, the government must also be considerate to the general well-being of future generations. The executive branch of government must accept and submit to the independence of the judiciary to ensure that nobody is above the law. Here one must note that the Qur'an is not a book of law, but a guide for the establishment of peace in society. The Qur'an fundamentally is a book of guidance in various areas of individual and collective life including governance with the aim of establishing peace and justice in society. It wants to ensure the well being of future generations. It lays down principles and sometimes injunctions in this regard. This process came to be called *sharī'ah*. The purpose of the *sharī'ah* is to ensure justice and balance between the demands of the individual and that of the society. The purpose of the *sharī'ah* is also to maintain a balance between the needs of the society and the demands of the environment. Man has been given the trust and the freedom to understand, interpret and translate God's guidance into practice. Muslims in history developed law or *fiqh* (human understanding of *sharī'ah* principles) and *qānūn* (codification of the understanding of the *sharī'ah* principles into a form of law) to achieve this goal. In general the *sharī'ah* has been very accommodative and flexible.

It is interesting to note that Muslim scholars' understanding of Qur'anic guidance in good governance has been very accommodative of changes in time and circumstances. Originally, the political aspects of the Qur'an were understood as part of the *'aqīdah*—or faith—in what has been called *usūl al-dīn* or principles of religion. Discussion on the subject mainly revolved around the concept of *imāmah* or leadership during the early days of the development of the discipline of good governance. In the 9th century, al-Shāfi'ī interpreted verse 4: 59 to mean that the commandment to obey those in authority did not apply to the government of his time. Because of the civil conflict and uncertainty in the government in Baghdad during his time, al-Shāfi'ī went into self-exile in Egypt and perceived his role from among the *'ulamā'* or scholars and not from the *umarā'* or politicians. Gradually Muslim jurists developed the methodology of *ijtihād* or independent reasoning in understanding God's guidance. In the 12th century al-Māwardī wrote *al-Ahkām al-Sultāniyyah* (i.e., principles of governance) dealing with various institutions in the government. In the 13th century, al-Juwayni developed a new science called *Maqāsīd al-Sharī'ah* or objectives of the *sharī'ah* when the government of the caliph became very weak under the influence of some autocratic sultans and the government lost the spirit of the Qur'anic guidance and developed mere formalism. The focus of works on *maqāsīd al-sharī'ah* became more inclusive as it expanded good governance to incorporate the welfare of the people. Following the fall of Baghdad at the hands of the Mongols in 1258, Ibn Taymiyah gave a whole new interpretation of the above two verses (4: 58 and 59) and redefined his understanding of good governance

under the principles of *al-Siyāsah al-Shar‘iyyah*. The concept of *maslāhah* or public interest was developed and Qur’anic guidance was freshly understood and implemented to ensure public interest. All these attempts may be considered a form of Islamic humanism that generated new ideas under new circumstances. Therefore, although in Islam God is the Sovereign power; man is absolutely free to choose because he is solely capable of understanding God’s will.

The *sharī‘ah* encourages positive utilization of available resources. As opposed to the current capitalist belief that material goods are scarce and limited, the Qur’an suggests that there are plenty of resources for every being in God’s creation and there is a potential for the discovery of more assets and access to them for the rising population. This process of growth can be realized only by the use of endlessly increasing human knowledge, which is one of the ingredients of man’s composition that contributes to his being the best of all creatures. However, the Qur’an emphasizes the distribution of resources as against the concentration of wealth in a few hands while maintaining the legitimacy of private ownership. Mankind is supposed to utilize resources with a sense of socio-moral responsibility as prescribed by the objectives of *sharī‘ah*. And it is because of this that God strongly warns mankind against the abuse of resources. The Qur’anic idea of good governance also demands assurance of fair access of every individual to resources. The idea of *amānah* demands that if a person is appointed to a certain public position, he should not use it for self-aggrandizement or for the benefit of his associates.

Public welfare is perhaps the most important function of good governance. The Qur’an introduces the *zakāh* (sometimes written as *Zakāt*) system as one of the fundamental pillars for the re-distribution of wealth in society. It is the government’s responsibility to ensure a fair and just administration of the system. In short, it must ensure public welfare as a part of the *amānah* or trust discussed earlier.

Role of Leadership in Good Governance

The Islamic concept of leadership is rooted in the institutionalization of principles rather than personalities. Nevertheless, the Prophet stands as the best example of leadership in Islam. It is worth mentioning that the Prophet was known as *al-amīn* in his society even before he began his mission. The term is derived from *amn*, from which *amānah* is also derived. As noted earlier, the notion of leadership dominated the Islamic theory of good governance during the early days of the institution of the *khilāfah*, or caliphate. The community generally agreed with the idea that the leader had to be qualified to lead the people both in prayers and in worldly affairs because he was answerable individually to God and to the community. The leader had to rule on the basis of the trust delegated to him by God and also by the members of the community, who could publicly monitor his activities. The leader acknowledged that he was not the ruler but the servant of the people and his job was to work for the well being of all in the society, that all his decisions, actions and policies were guided by the criteria of public interest and that he was accountable to the society and to God. The leadership did not have to come from any royal family or aristocracy: Talent, character, sincerity, integrity and commitment to God’s guidance were the main criteria for leadership. Early caliphs

considered themselves commoners. They also separated their personal needs from the needs of the government. They were considered model characters by the rest of the community.

Some Concluding Remarks

This paper is not a final document on the subject of Qur'anic guidance on good governance. But it reflects attempts to comprehend guidance in the light of growing human ability in history. Islamic civilization has generally been open to learning from other civilizations: during the early days caliphs incorporated many ideas and practices that had contributed to the success of the Byzantine and Persian empires. Greek works were translated into Arabic and knowledge from them was used to enhance material growth and the well-being of the community. It is our firm belief that nobody has a monopoly on understanding Islam, and Islamic civilization even today should be open to positive ideas from other civilizations. The above discussion on the Qur'anic guidance for good governance brings to the fore Islam's concerns for humanity, the objective of *sharī'ah* being the preservation of peace and prosperity of the human race. These concerns and ideals have a lot in common with the concerns and ideals of other civilizations. From this convergence may emerge a vision of a common destiny for humanity. In order to realize this vision, however, the need of the hour is to establish forums, networks, and institutions through which all the civilizations and their concerned members can work together for the common good of humanity.

Good Governance in the Cross-cultural Context

The Qur'anic Thesis

The Qur'an reveals a proper destiny for humanity in that it should be wisely responsible in the use of power. It presents six inter-related aspects of that destiny, which are the nature of humanity, the assumption of trust responsibility, the office of *khalīfah*, the necessity of wise discernment, the use of good counsel, and the seeking of justice.

First, the Qur'an teaches that each human is born possessing something of God's life force. According to the Qur'an, God provided humans with remarkable potential by breathing into the first created human some holy spirit. Humans are therefore not just made in the image of God, but with God's life force within them. Humans, according to the Qur'an, are specially created by God to serve a divine purpose and so are possessed with something of the Creator's energy, will, capacity and purpose. We have the possibility of being "godlings". Of course, the Qur'an is most explicit at how easily humanity turns from its higher potential to acts of unrighteousness because of temptation, or excessive pride, narrow fixations, lack of patience or too much sensuality.

Second, the Qur'an relates that humanity accepted God's offer of executing a trust for the betterment of creation. The abilities and potentials that the Creator afforded to humanity and to each human being, the Quran teaches, are given in trust – *amānah* – so that God's purposes can be served on earth. Of course, trust can be abused and many passages of the Qur'an discuss how humans do and most likely will abuse the various *amānah* given to them by God.

Third, the Qur'an reveals that the office holding the *amānah* given to humanity is that of *khalīfah*, or vice-regent for God on earth. The role and responsibilities of serving as *khalīfah* are not to be understood as reserved for only one person seeking to govern the Muslim Ummah, but as expectations for each human to contribute to the achievement of God's right order.

Fourth, the Qur'an requires that as each human executes his or her *amānah* and serves God as *khalīfah*, he or she must use some of what has been given as part of the *amānah* – the capacity to observe, think, reason and judge – in order to take proper and correct action. The capacity of *ijtihād*, or practical application of the human mind to reality, was given, it seems, in order that an individual's *khalifate* can be successfully undertaken in the execution of the *amānah* held by that person.

Fifth, the Qur'an recommends use of institutions of consultation – *shūra* – as a means for the application of individual *ijtihād*. The wisdom and thoughts of others function as a check on the possible corruption and selfish biases our own minds are prey to out of temptation and petty jealousies. The Qur'an realizes only too well the limitations that may infect *ijtihād* with ignoble purpose or misunderstanding.

Sixth, the purpose of the vice-regency, on the individual as well as the collective level, is to achieve justice. Justice requires fairness, honesty, transparency, compassion and mercy. Justice implies that humanity – both on the individual and the collective levels – will be empowered to carry out its office of *khalīfah* and to execute its various *amanah*. Accordingly, tyranny was to be avoided in politics and the institution of *zakāh* was recommended to provide powers of economic activity for all.

In conclusion, the core aspects of the Qur’an with respect to governance point to governance as a high, noble calling seeking the best for humanity and creation. In these principles, God is speaking not only to Muslims, but to all who can hear the revelations and consider them as guidance for living.

The Qur’anic Thesis and the Caux Round Table Principles for Government

The universality of the Qur’anic thesis on governance embraces the Caux Round Table (“CRT”) Principles for Government. These principles were drawn from three core values: *kyosei* from Japan, human dignity from Roman Catholic teachings, and stewardship from both Protestant Christian and older Roman republican traditions. The CRT Principles for Government recognize that power is a human capacity transcending individual needs and desires. Power implicates others; power binds the individual to that which is outside and beyond one person’s destiny; power instantiates the individual’s relationship with reality, going beyond the effects of dreams and thoughts into the life-world.

Accordingly, the CRT Principles for Government state as a fundamental principle that public power is held as a trust for the common good. This fundamental principle expressly accepts and supports the Qur’anic thesis that humans hold their powers and abilities as an *amānah* from God.

The CRT Principles explain this recommendation as follows:

Power brings responsibility; power is a necessary moral circumstance in that it binds the actions of one to the welfare of others.

Therefore, the power given by public office is held in trust for the benefit of the community and its citizens. Officials are custodians only of the powers they hold; they have no personal entitlement to office or the prerogatives thereof.

Holders of public office are accountable for their conduct while in office; they are subject to removal for malfeasance, misfeasance or abuse of office. The burden of proof that no malfeasance, misfeasance or abuse of office has occurred lies with the office holder. The state is the servant and agent of higher ends; it is subordinate to society. Public power is to be exercised within a framework of moral responsibility for the welfare of others. Governments that abuse their trust shall lose their authority and may be removed from office.

The CRT Principles for Government then set forth some subsidiary principles designed to ensure that public power is indeed exercised as a trust for the common good.

First, a process of discourse should guide the application of public power. This first subsidiary principle combines in execution the Qur’anic recommendation of reliance on *ijtihad* in a process of *shura*. The process of discourse to set the ethical bounds on the use of public power can be used from the most subordinate jurisdictions up to the institutions of sovereign state responsibility, and even within multi-national organizations.

The CRT Principles present the process of discourse ethics as follows:

Public power, however allocated by constitutions, referendums or laws, shall rest its legitimacy in communicative action and discourse among autonomous moral agents who constitute the community to be served by the government. Free and open discourse, embracing independent media, shall not be curtailed except to protect legitimate expectations of personal privacy, sustain the confidentiality needed for the proper separation of powers, or for the most dire of reasons relating to national security.

Related principles seeking to minimize abuse of power for personal reasons are the third principle—“Public servants shall refrain from abuse of office and corruption, and shall demonstrate high levels of personal integrity”—and the seventh principle—“Transparency of government ensures accountability.” These two CRT principles directly echo, or more forcefully, restate Qur’anic teachings warning against abuse of one’s *amānah* (which would result in degradation of the position of *khalīfah* into a less divinely inspired status), against corruption, against falsehoods and deceit, and requiring acceptance of personal responsibility for one’s actions.

Other CRT Principles for Government support the Qur’anic call for Justice. Principle Five holds simply that “Justice shall be provided.” But here Justice is defined more procedurally:

The civic order and its instrumentalities shall be impartial among citizens without regard to condition, origin, sex or other fundamental, inherent attributes. Yet the civic order shall distinguish among citizens according to merit and desert where rights, benefits or privileges are best allocated according to effort and achievement, rather than as birth rights.

The civic order shall provide speedy, impartial and fair redress of grievances against the state, its instruments, other citizens and aliens.

The Rule of Law shall be honored and sustained, supported by honest and impartial tribunals and legislative checks and balances.

Principle two speaks to the need of the collective to serve and enhance the capacities of individuals for being able to serve as *khalifah*:

Public power constitutes a civic order for the safety and common good of its members. The civic order, as a moral order, protects and promotes the integrity, dignity, and self-respect of its members in their capacity as citizens and, therefore, avoids all measures, oppressive and other, whose tendency is to transform the citizen into a subject. The state shall protect, give legitimacy to, or restore all those principles and institutions which sustain the moral integrity, self-respect, and civic identity of the individual citizen, and which serve to inhibit the processes of civic estrangement, dissolution of the civic bond, and civic dis-aggregation. This protects the citizen's capacity to contribute to the well-being of the civic order itself.

Principles four and six speak to the standard that individuals deserve personal empowerment under a just government so that each might in his or her own way grow in capacity, understanding and determination to do right and well.

The civic order, through its instrumentalities, shall provide for the security of life, liberty and property for its citizens in order to insure domestic tranquility.

The state shall nurture and support all those social institutions most conducive to the free self-development and self-regard of the individual citizen. Public authority shall seek to avoid, or to ameliorate, conditions of life and work which deprive the individual citizen of dignity and self-regard or which permit to powerful citizens the exercise of dutiless opportunities of exploitation of the weak.

The state has a custodial responsibility to manage and conserve the material and other resources that sustain the present and future well-being of the community.

Muslim governments, therefore, can implement the CRT Principles for Government to better align their actions with Qur'anic guidance. The CRT Principles for Government were based upon some respectful, but not yet extensive, understanding of the Qur'an. But since they prove to be so very much in harmony with Qur'anic guidance for humanity, it would be only prudent to recommend their use for those who seek to serve through public office, both within the Ummah of the Muslim faithful and vis-à-vis the wider ummah of humanity. Such actions by Muslim governments will create better understanding of such governments among non-Muslims.

By the same correlation between the CRT Principles for Government and Qur'anic guidance, a fundamental symmetry between that Qur'anic guidance and universal human aspirations appears. The Muslim Ummah should not be, and need not be, isolated in its practices from the standards of the larger ummah of humanity. Where there are divergent beliefs or practices within the Muslim Ummah, careful investigation would be required to understand the origins of such beliefs or practices in express Qur'anic guidance or from only human constructions of purpose and moral justification.

Where human habituation alone gives rise to claims of holiness, the presence of idolatry is to be suspected where the word of mere man has usurped the rightful place of the word of God.

The Qur’anic Thesis and Constitutional Traditions

China

The political thought of Confucius and Mencius in ancient China provides another supportive parallel to the Qur’anic thesis on good governance. Neither Confucius nor Mencius comment on the origin of human nature. Neither philosopher seems to have believed in a creator god in the Abrahamic tradition. But both do assert that humanity has a nature that we will do best by developing that nature, and that such nature links us to right purposes. In this sense, Confucius and Mencius place the right-minded human in a *khalifah*-like position of bringing out the best in a natural order.

Confucius said that “man was born for uprightness.” (Analects, Bk VI, Ch. XVII). The highest virtue came from following the natural order (the constant mean) (Analects, Bk. VI, Ch. XXVII). He also said that “to go beyond is as wrong as to fall short” in reference to external standards for right human conduct. (Analects, Bk. XI, Ch.XV, 3). The premise of this Confucian thinking is that humanity takes its nature from a higher source of truth than our own convention and contriving.

Mencius noted that natural weight and length could be measured as standards of truth. (Mencius, Bk. I, Pt. I, Ch. VII, 13). He believed that people had an inner nature that was nourished by rectitude and was the mate and assistant of righteousness and reason. (Mencius, Bk. II, Pt. I, Ch. II, 13, 14). This “passion nature” was a natural endowment that enabled people to implement what was right and good. Humanity for Mencius was not left in a moral chaos. “All men have a mind which cannot bear to see the sufferings of others,” he concluded. (Mencius, Bk. II, Pt. I, Ch. VI, 1; see also Bk.III, Pt. I, Ch. IV, 8). The feeling of commiseration was essential to man, as were the feeling of shame and dislike, the feeling of modesty and the feeling of approving and disapproving. These feelings resonated around the principles of benevolence, righteousness, propriety and knowledge. The four basic principles prepared men and women for action in accordance with duty and responsibility; in other words, action in keeping with some form of inherently natural trust.

Mencius affirmed “that whereby man differs from the lower animals is but small. The mass of the people cast it away, while lordly ones preserve it.” (Mencius, Bk. IV, Pt. II, Ch. XIX, 1). He held that “from the feelings proper to it, it is constituted for the practice of what is good. This is what I mean in saying that [man’s] nature is good.” (Mencius, Bk. VI, Pt. I, Ch. VI,5).

Mencius is thus most explicit that humanity has a moral calling, an inner construction of our psychology and our emotions that disposes us to duty and responsibility, not license and temptation.

He quoted the Classic of Poetry to the effect that seeking harmony with the ordinances of Heaven would bring happiness to humans. (Mencius, Bk. II, Pt. I, Ch. IV, 5). Mencius believed that if we could but know what is proper to our nature, we would know Heaven and its patterns. (Mencius, Bk. VII, Pt. I, Ch. I, 1). This understanding would affirm for Mencius that some part of the human being contains the character of the Almighty and the mind behind creation.

More closely to the Qur'an, both Confucius and Mencius perceive that correct human action is to carry out an office, or to execute a trust. The powers authorized for an office are powers held in trust by the person assigned to carry out the office. Such powers are impersonal and not to be used for selfish advantage. They are a trust put in the hands of a person in order that he or she can accomplish some good end.

Confucius opined that right order would prevail when lords acted as they should, ministers ministered as they should, fathers fathered as they should, and sons "sonned" as they should. The use of lordly, ministerial, fatherly and sonly powers would be rightly guided when such use was consistent with the specific role and responsibilities of a lord, a minister, a father and a son. By extension, Confucius would find the right conduct of women, daughters, mayors, doctors, lawyers, boatrights, etc., in the alignment of the person's acts with the person's role responsibilities. (Analects, Bk XII, Ch. XI, 2).

A most important human office for Confucius was that of the "Jun Xi" or "lordly-like one". Such a person acted rightly according to an inner power radiating core values of faithfulness, sincerity, righteousness, subjugating the self and acting according to the rules of propriety, being firm, enduring, simple and modest and successfully rejecting superiority, boasting, resentments, and covetousness. (Analects, Bk XII, Ch. X, 1; Bk. IV, Ch. V, 2,3; Bk. IV, Ch. XVI; Bk. XII, Ch. I; Bk. XIII, Ch. XXVII; Bk. XIV, Ch. II).

Such persons implemented a function like that assigned to the *khalifah* as the Creator's vice-regent – they brought about beneficence under Heaven. Consider: "He who exercises government by means of his virtue may be compared to the north polar star, which keeps its place and all the stars turn towards it." (Analects, Bk. II, Ch. I). And "the relation between the lordly ones and the mean people is like that between the wind and the grass. The grass must bend with the wind that blows across it." (Analects, Bk. XII, Ch. XIX).

Mencius advocated the overthrow of rulers if they were not faithful to the terms of their trust in that they did not live up to the requirements of their office title. (Mencius, Bk. I, Pt. II, Ch. VIII, 3; see also Bk./ V, Pt. II, Ch. IX, 1). Confucius had previously told Duke Ting that opposition to a ruler was necessary to save a country when the ruler's words were not good. (Analects, Bk. XIII, Ch. XV, 5). It was therefore necessary for a minister to withstand a ruler to his face on occasion. (Analects, Bk. XIV, Ch. XXIII). The standard for a ruler's conduct was his duty, the execution of his trust, fidelity to his stewardship as *khalifah*, not his own words or prejudicial dispositions of character and temper.

In this approach to the use, or actually the abuse, of public power, Confucius and Mencius preceded the Qur'an in opposing the tyranny of a "pharaoh" as against the natural order of ordained goodness. Confucius and Mencius held as an axiomatic truth that the human mind in its use of language could find names for human understanding that reflected eternal truths. Confucius argued that the "rectification of names" was the foundation for government. Here we can see the application of a human capacity which in the Qur'an might be associated with the operation of "*ijtihad*". (Analects, Bk.XII, Ch. XVII; Bk. XIII, Ch.III, 2). Confucius said that "If names be not correct, language is not in accordance with the truth of things." (Analects, Bk. XIII, Ch.III, 5).

With respect to justice, Confucius held that enriching the people was a duty of government. (Analects, Bk. XIII, Ch. IX, 3). Mencius advised that government should be benevolent, sparing in the use of punishments and with light taxes and fines. (Mencius, Bk. I, Pt. I, Ch.V, 3). Elsewhere Mencius added that the king must love and protect the people. (Mencius, Bk. I, Pt. I, Ch. VII, 4; see also Mencius, Bk. I, Pt. I, Ch. VII, 18, 21, 22 and Bk. IV, Pt. I, Ch. IX, 1). Here Mencius unites the goal of justice with a prescription for kingship as a trust responsibility.

Western Constitutionalism

Just as the Qur'anic thesis is not inconsistent with the jurisprudence of Confucius and Mencius, Qur'anic guidance is not dissimilar from fundamental assumptions supporting Western constitutionalism. The understanding of government limited in its powers to trust responsibility has ancient roots in Western culture. In the Old Testament of Judeo-Christian tradition, it is recorded in the first book of Samuel that when the elders of Israel asked for the appointment of a king, Samuel was displeased. He asked guidance from the Lord, who said that the establishment of a kingship was a rejection of God, but that nonetheless Samuel should give the people what they short-sightedly asked for. (1 Samuel 8). Samuel admonished the people with a prediction that kings would serve themselves and not the community. The people persisted in seeking a king. Samuel agreed to anoint Saul as king, but as a precaution he "explained to the people the regulations of the kingship and wrote them down on a scroll and deposited it before the Lord." (1 Samuel 10:25).

In taking leave of his office as judge over Israel, Samuel admonished the people yet again that in putting up a king they had done evil in the eyes of the Lord and would be well advised to fear the Lord and serve Him faithfully with all their hearts. (1 Samuel 12:20). It would appear that, in those days, to Samuel and to the Lord, kingship was subordinated to a higher standard of right. In more modern terms, it would be said that kingship was an office bounded by duties and instituted for the common good. In this light, it is very relevant that an Old Testament metaphor for rulers is that of shepherd. In the book of the prophet Ezekiel it is written that the Lord came to Ezekiel saying, "Prophecy against the shepherds of Israel; ... Woe to the shepherds of Israel who only take care of themselves! Should not the shepherds take care of the flock? ... I am against the shepherds and will hold them accountable for my flock. I will remove them from

tending the flock so that the shepherds can no longer feed themselves.” (Ezekiel 34). The Lord said that he himself would be shepherd to the flock.

Quite differently in rhetoric but similar in intent were constitutional provisions made in the Roman Republic. First, power – *imperium* – was allocated to offices in limited amounts for limited durations. Certain powers were given to two consuls for annual allotments. Consuls were to use their powers with the consent of a Senate. Tribunes were given powers of veto to check the use of *imperium* by the consuls, but a number of tribunes were elected so that no single one could impose arbitrary use of the veto. The use of powers was for the benefit of the *res publicam* – the “public thing” or the republic itself. *Imperium* was held in stewardship for the benefit of the community.

Roman private law knew of the *mandatum* where one party was given powers to act on behalf of another. The *mandatum* was a form of service, of stewardship, where duties were voluntarily assumed to seek benefit for another. The one holding the *mandatum* was to act in good faith and with all diligence. In the transaction of *fiducia*, a transferee has temporary ownership with a duty to re-transfer the rights of ownership upon completion of some set of conditions. Ownership was held subject to a trust. In the office of *fideicommissum*, an owner could make over to another (the *fiduciarius*) an economic benefit to be transferred to a third party after the death of the grantor. The *fiduciarius* could be compelled by law to perform the trust in favor of the intended beneficiary.

The two strains later flowerings into Western Constitutionalism were distinctively merged in the thought of Protestant reformer John Calvin. In his *Institutes of the Christian Religion* of 1559, Calvin wrote that magistrates must guard particularly against giving vent to their passions even in the slightest degree; they must further remember that their revenues are not so much the private chests as the treasuries of the entire people so that to impose imposts and levies on the common folk without cause is tyrannical extortion. (Ch XX). Calvin wrote that a magistrate who truly is what he is called is a “father of his country” and a “shepherd of his people” (citing Cicero) and a guardian of peace, protector of righteousness and avenger of innocence. Calvin thus uses a theory of office, of stewardship for public trust, to define the legitimacy of magistrates. He distinguishes between tyrants and lawful kings; one should not be mistaken for the other.

Public power was defined by Calvin as “that noble and divine power ... which the Lord has by his word given to the ministers of his justice and judgment. Necessarily, one who does not provide the justice of the Lord cannot be a minister of that higher principal authority. In the case of tyrants, wicked government can be opposed and punished in the name of the Lord, subduing the lesser human power with means provided by the greater, Heavenly one. For when a king exceeds his limits, wrote Calvin, he was a wrongdoer not only against men but, “in lifting up his horns against God, has ... abrogated his [kingly] power.”

This teaching of Calvin is a direct echo of the Qur’an’s concern for the evils done to humanity by rulers who imitate “pharaoh”. Calvin, I am sure, would readily agree with

the Muslim saying that “there is no more fearsome beast on earth than a *khalīfah* who forgets he is also an *abdullāh* [servant of God].”

Calvin’s thoughts were put to action in the English Revolution by those who subscribed to his version of Christianity. Upon their victory on behalf of the House of Commons over King Charles 1, the Puritans brought legal charges against the King and executed him for breach of his royal trust. The Charge Against the King, brought on January 20, 1649, said in part: “That the said Charles Stuart, being admitted King of England, and therein trusted with a limited power to govern by and according to the laws of the land and not otherwise; and by his trust, oath, and office, being obliged to use the power committed to him for the good and benefit of the people and for the preservation of their rights and liberties; yet, out of a wicked design to erect and uphold in himself an unlimited and tyrannical power to rule according to his will. ...”

In March 1649 the Puritans abolished the office of king in England for the following reasons:

“And whereas it is and hath been found by experience, that the office of a king in this nation and Ireland, and to have the power thereof in any single person, is unnecessary, burdensome and dangerous to the liberty, safety, and public interest of the people, and that for the most part, use hath been made of the regal power and prerogative to oppress and impoverish and enslave the subject; and that usually and naturally any one person in such power makes it his interest to incroach upon the just freedom and liberty of the people, and to promote the setting up of their own will and power above the laws, ...”

Here is perhaps the first clear, politically dispositive, exposition of what becomes Western Constitutionalism with its overriding concern for making government a trustee of the people’s welfare and not a personal dominion of the ruler.

We see here a direct parallel with the Qur’anic concept of an *amānah*, or trust, that must encompass the power and prerogatives held by humans. After the collapse of the Puritan Commonwealth and the return of royal government in the person of Charles II, a compromise was reached between the king and parliament known as constitutional monarchy. That compromise was put in splendid theoretical form by John Locke in his *Second Treatise on Government* of 1689. Locke’s theory of just government relies on the concept of office with powers delegated from the people and such powers held in trust. Locke argued that governments could be dissolved and replaced with new ones. One such road to dissolution occurred when “the legislative or the prince, either of them, act contrary to their trust.”

“The legislature would act contrary to its trust reposed in them when they endeavor to invade the property of the subject and to make themselves, or any part of the community, masters or arbitrary disposers of the lives, liberties, or fortunes of the people. When those in power so act, they put themselves in a state of war with the people, who are thereupon absolved from any further obedience to

the administration, and are left to the common refuges which God hath provided for all men against war and violence – self-defense.”

“Whenever the legislature (or the prince), either by ambition, fear, folly or corruption, endeavors to grasp themselves or put in the hands of any other an absolute power over the lives, liberties and estates of the people, by this breach of trust, they forfeit the power the people had put into their hands for quite contrary ends, and it devolves to the people, who now have a right to establish a new legislature as it so pleases them.”

Locke also said:

“The end of government is the good of mankind, and which is best for mankind, that the people should be always exposed to the boundless will of tyranny, or that the rulers should be sometimes liable to be opposed when they grow exorbitant in the use of their power, and employ it for the destruction and not the preservation of the properties of their people?” (Section 229).

He concluded:

“Who shall be judge whether the prince or legislative act contrary to their trust? ... The people shall be judge; for who shall be judge whether the trustee or deputy acts well and according to the trust reposed in him, but he who deposes him, and must, by having deputed him, have still the power to discard him when he fails in his trust?” (Section 240).

Again, as with the instance of the Calvinist Puritans who abolished the office of King in England, we need not linger over the explicit similarity between Locke’s concept of rule as a trust and Qur’anic teachings on God’s bestowal on humanity of powers and advantages as an *amānah*, or in trust for wise use and not for personal indulgence and tyranny over those who are weak and dependent.

It is trite now to recall that Locke’s formula for just government was adopted in Britain’s North American colonies as the grounds for seeing their independence and was enshrined in the words of the American Declaration of Independence and as the formula for its federal constitution of 1789.

American constitutional jurisprudence expressly rests on doctrines of public powers being held in trust to accomplish justice, which is defined as solicitude for the lives, liberties and happiness of the people. The Federalist Papers puts it this way: “The aim of every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of the society; and in the next place to take the most effectual precautions for keeping them virtuous whilst they continue to hold their public trust.” (Federalist No. 57).

The American Constitution refers to offices held under its authority as “offices of trust and profit.” In the Federalist Papers, written to explain and defend the proposed federal constitution, it is said, for example, that “the federal and state governments are in fact but different agents and trustees of the people, constituted with different powers and designed for different purposes.” (Federalist No. 46). Ultimate power resides in the people alone; they are sovereign. Subordinate power is delegated to government offices. The Tenth Amendment to the Constitution provides that “the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.” The Federalist Papers make it clear that “every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution can be valid. To deny this would be to affirm that the deputy is greater than his principal; that the servant is above his master....” (Federalist No.78).

Madison wrote that “It will not be denied that power is of an encroaching nature, and that it ought to be effectually restrained from passing the limits assigned to it.” (Federalist No. 48). Thus constitutionalism requires more than written formulas; it requires constant vigilance against the wiles of ambition and corruption. “A mere demarcation on parchments of the constitutional limits of the several departments is not a sufficient guard against those encroachments which lead to a tyrannical concentration of all the powers of government in the same hands.”

The remedy for having real safeguards against tyranny and not just paper ones was put in the hands of different offices of government, each able to check another but each also needing support from the other. “Ambition must be made to counteract ambition.” The private interest of individuals – a great and ceaseless natural power - is to be enlisted as a sentinel watching out for public right.

“If men were angels, no government would be necessary.” The Federalist Papers in their presentation of American constitutionalism recognized that prevention of tyranny applied to social conditions as well. Just as power of government should not be overly concentrated, so too should the power of any one part of society be prevented from exercising a tyrannical might over others in society. That balance of powers for the benefit of all without invidious discrimination was defined as justice, the fitting end of government. (Federalist, No. 51).

“The passions therefore not the judgment of the public would sit in judgment. But it is the reason, alone, of the public, which ought to control and regulate the government.” For legislators, they need upright intentions, sound judgment, and a certain degree of knowledge. (Federalist No. 49 and 53). Here is put recognition that the use of wise judgment is necessary for good government. And the Constitution provides for the consent of the legislature to the proposals of the executive to mandate a form of *shūra* or consultation in the use of power for public purposes. Reliance on a process of deliberation was justified in the Federalist Papers by the observation that “as there is a certain degree of depravity in mankind which requires a certain degree of circumspection

and distrust, so there are other qualities in human nature which justify a certain portion of esteem and confidence.” (Federalist No. 55).

Thus in a number of important features the political theory supporting American constitutionalism echoes principles also found in Qur’anic guidance for how we as *khalīfah* of God should behave wisely and with responsibility towards others.

Vattel and International Law

International law as a set of rules and restraints guiding the use of power by sovereign national states among themselves arose in Europe after the Treaty of Westphalia in 1648 legitimated sovereignty at the national state level as a source of authoritative power and legislation. In 1758 Emmerich de Vattel published his treatise on *The Law of Nations or, Principles of the Law of Nature applied to the conduct and affairs of nations and sovereigns*. This was an elegant, precise and thoughtful presentation of the rules of international law as they had emerged through scholarship and state practice since the mid 1600’s.

Importantly for standards of good governance, Vattel incorporated into his presentation of universal natural law Locke’s understanding of sovereign government as a public trust and not as a personal dominion for a tyrant or any other form of tyrannical practice in the use of state authority.

Vattel wrote that a nation may entrust the exercise of its legislative power to a prince or an assembly or both. But, he argued, the authority of such legislators would not extend to alteration of the fundamental laws and constitution of the state. It is from the constitution that the legislators derive their powers; so how could they be allowed to destroy the foundation of their own authority? Those who legislate, in other words, are only agents subordinate to higher principles; they are not masters of the nation’s destiny. (p. 10).

Vattel noted that “the constitution and the fundamental laws are the plan on which the nation has resolved to labor for the attainment of happiness; the execution is intrusted to the prince.” (p. 14). The moment the prince deviates from the constitution, “his commands become unjust, and are but a criminal abuse of the power with which he is intrusted. He is, by virtue of that power, the guardian and defender of the laws; and while it is his duty to restrain each daring violator of them, ought he himself to trample them under foot?” (p. 14,15).

Vattel posited: “But this constitution is a vain phantom, and the best laws are useless if they be not religiously observed; the nation ought then to watch very attentively, in order to render them equally respected by those who govern, and by the people destined to obey” (p.9). Trust responsibility, therefore, leads to respect for the rules establishing the terms of the trust.

Vattel asserted that “the sovereign authority is then established only for the common good of all the citizens. ... The sovereign is only established for the safety and advantage of society. A good prince, a wise conductor of society, ought to have his mind impressed with the great truth, that the sovereign power is solely intrusted to him for the safety of the state and the happiness of all the people; that he is not permitted to consider himself as the principal object in the administration of affairs, to seek his own satisfaction or his private advantage; but that he ought to direct all his views, all his steps, to the greatest advantage of the state and people who have submitted to him” (p. 13).

In other words, government is fiduciary stewardship, not ownership for personal puissance. “The prince derives his authority from the nation; he possesses just so much of it as they have thought proper to intrust him with,” Vattel concluded. From such norms of natural law applied to sovereign authorities did the construct of government as stewardship, as a public trust, become the basis for constitutional rule in Western European culture, and then more internationally as international law was more and more accepted around the world.

The International Law tradition of government as a trust for the benefit of the people has more recently informed the Universal Declaration of Human Rights. In general, this declaration serves as the deed of trust authorizing and empowering the trustee (a sovereign government) to conduct government as agent and fiduciary. The people, in this legal contemplation, is the “cestui qui trust” or intended beneficiaries of powers given in trust. The declaration, however, is less explicit as a deed of trust than is the Constitution of the United States. In the US Constitution, the Preamble sets forth the goals to be achieved by the agent of the people and then enumerates the powers provided to the agent for the accomplishment of trust purposes.

So, in the Universal Declaration of Human Rights, a number of enumerated rights set forth benefits to be enjoyed by people as a result of administration of the public trust in their favor. Some of those substantive benefits are: right to life, liberty and security of person; equal protection of the law; no subjection to slavery, torture or cruel, inhuman or degrading punishment; freedom of movement; right to marry and found a family, ownership of property; right to freedom of speech, thought, conscience and religion; peaceful assembly and association; economic security and realization of cultural rights indispensable for a person’s dignity and the free development of his personality; work and free choice of employment; rest and leisure; education; a standard of living adequate for the health and well-being of himself and his family; cultural expression and profits from intellectual property.

A second class of individual rights set forth in the declaration constrains and limits government powers to define for the holder of the public trust what legitimate use of such powers is. These limitations on government, expressed as entitlements of individuals, include such restrictions as: no discrimination based on race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; no ability to make arbitrary arrests; no ability to rig trials; overcoming a presumption of innocence in criminal proceedings; no arbitrary interference with personal

privacy, family, home or correspondence; no arbitrary deprivation of property; no ability to deny the people access to free elections; limitation of the police powers to the just requirements of morality, public order and the general welfare in a democratic society.

While employing a different formula for implementation than the classical framework of stewardship and fiduciary theory, the Universal Declaration of Human Rights, nevertheless, seeks to keep government within the moral compass of a public trust in the tradition of Western European Constitutionalism.

Human Nature, Science, and Moral Government An Exploratory Essay

Most political philosophers have considered the relationship between government and the individual to be grounded upon concepts of human nature. The Sophists thought of human beings as individualists acting in their own self-interest. Plato and Aristotle wrote that human beings were political and social animals naturally driven into communities, where intellect and talents determined who would rule and what forms of government would dominate. Cicero and other Roman republicans taught that the commonwealth was an affair of the people and that human beings carried within their minds a “divine constitution” that told them what to do and what not to do. Society and government were under similar “natural laws.” Medieval theologians preached about Original Sin corrupting human nature and the necessity of strong government and the Church controlling and correcting human incorrigibility.

With the dawn of the Western Enlightenment came new concepts of human nature and its relationship to government. Hobbes argued that human beings, without organized society and strong government, would achieve individual security by accumulating power in a war of all against all, and so willingly gave up natural rights and individual power to a sovereign who would maintain peace and security under all circumstances. Locke made the point that human beings were in possession of a natural law written into the human mind by God and that imbedded in the rational natural law were natural rights, which government was to preserve and protect. Montesquieu adopted the view that human beings naturally quested for peace, the necessities of life, living within compatible communities, and, through the use of intelligence, created governments that would increase individual liberty while controlling the population. Rousseau believed human beings to be naturally timid and fearful. But the establishment of modern societies led to comparison, competition, and inequality. The institution of private property and the invention of technology and scientific agriculture corrupted natural human association. Only through a social contract, where a democratic government followed a general will, could human beings impose discipline upon themselves and still remain free.

During the 19th and 20th centuries philosophers and social and behavioral scientists began rejecting the methods of theology and metaphysics and started using the methods of the natural sciences to investigate the question of human nature, the individual, and government. Marx scorned the idea that human beings are in possession of an innate nature, and instead argued that it was not the “(innate) consciousness of men that determines their being, but, on the contrary, their social being that determines their consciousness.” Human beings are imminently malleable, molded by the silently operating forces of the economic and governmental system. Psychologists John D. Watson and B.F. Skinner, using stimulus-response methods, demonstrated that animal activity (presumably that of human beings also) could be conditioned to respond to any stimulus, positive or negative, and directed to take action in a predetermined manner. Through taxation and other policies, government can condition public responses to public policy initiatives. Today economists and political scientists, using the techniques of the

behavioral sciences, are measuring either investor responses to the forces of the marketplace or the political sentiments of the voting public and are creating econometric or polymetric computer models that predict either investor or political behavior.

For 26 centuries the Western mind has used extant investigative tools to give insights into the relationship between human nature and government. Metaphysicians sought knowledge of first things that centered on the nature of being, knowing, and substance itself. Plato held that the real world was beyond the five senses and that only through reason could this world, and the unseen world, be understood. During the Middle Ages all matters relating to God, man, and the universe were influenced by theological considerations. Through the prism of faith, God's positive law (the Bible), extensive exegetical studies, and ex cathedra pronouncements of Church leaders, all physical and non-physical reality was explained. David Hume and his logical positivist descendents believed that the objects of experience constituted the only reality. Through reason, observation, and speculation the great metaphysicians of the Western experience created models of human nature that, for over two millennia, served as the foundations for political philosophy.

During the last few decades four newly conceived scientific disciplines have reexamined the relationship between government and human nature. Going beyond theology and metaphysics, these new disciplines are not only scientifically explaining human nature but are also relating human nature to the art and science of ethics and morality and, perforce, are beginning to answer the question: Is moral government possible? Cognitive neuroscience studies the biology of cognition with a focus on mental processes and their implications for human behavior. The scientific tools are functional neuroimaging, electrophysiological studies of neural systems, and cognitive genomics and behavioral genetics. Behavioral genetics investigates the role of genes in animal (human) behavior with an emphasis on the heritability of behavioral traits. Initially, the scientific tool was observation of the behavioral similarities and differences between twins and adoptees, but today the emphasis is on applying the techniques of molecular genetics to isolate individual genes that influence behavior. Evolutionary psychology attempts to explain memory, perception, and language as functional products of natural selection or, in short, how the mind and behavior have been impacted by evolution. The scientific tools, as Steven Pinker has written, "apply evolutionary theory to the mind, with an emphasis on adaptation, gene-level selection, and modularity." Evolutionary biology is the study of the origin and descent of species, as well as change, multiplication and diversity over time. The scientific tools, as with paleontologists and geologists, are fossil analysis, population genetics, and some of the tools used by the evolutionary psychologist. Through these disciplines it is becoming possible to scientifically learn about human nature and whether moral government is possible or whether mankind is doomed to a Hobbesian world of *bellum omnium contra omnes and homo homini lupus*.

The purpose of this essay is to suggest that contemporary behavioral and biological sciences, using new technology and methods, are coming to conclusions concerning human nature and the possibility of establishing realistic and scientifically grounded principles of moral government. This not to say that systems of religious and

metaphysical thought about human nature and moral government are not valuable, correct or insightful; but it is to say that through the contemporary behavioral and biological sciences it is plausible to argue that moral government is achievable because it is grounded on scientific fact and reasoning.

In the next section of the essay I will summarize some of the research being conducted by cognitive neuroscientists, behavioral geneticists, evolutionary psychologists, and evolutionary biologists. The thought here is to draw some conclusions about human nature that relate to functioning human societies. In the third section of the essay I hope to lay out some basic principles that most thoughtful persons would agree are necessary to begin a discussion about what constitutes moral government. Finally, in the fourth section of the essay I will endeavor to relate the new science of human nature to the basic principles that might describe a moral government. This is a large task and, as is true with any journey into the world of government and human nature, should be undertaken with great care and humility.

Contemporary Behavioral and Biological Science and Human Nature

For sometime, but especially during the twentieth century, social and behavioral scientists accepted the point of view that the human brain was a blank sheet, devoid of any innate internal structure, and subject to the whims of social, economic, and political winds. The human brain was made of plastic, imminently malleable, and subject to change at the direction of pre-determined stimuli. During the last 20 years, the disciplines of cognitive neuroscience, behavioral genetics, evolutionary psychology and biology have challenged that settled theoretical position and are proving that the human brain contains an internal architecture that positions human beings to live productively in social settings.

The research papers and books coming from these contemporary behavioral and biological sciences are suggesting that the human brain is “hard wired” to trust (to have faith and confidence in the reliability and actions of someone else); to have a natural sense of justice and fairness (to treat others as you want to be treated); to know the importance of cooperation (working with other people for a common end); to be conscious of the sense of benevolence (to be kindly and charitable toward others); to feel empathy (to share and understand the feelings of others); and finally, and most importantly, the human brain seems to be structured to know what is right and wrong.

One of the questions facing cognitive neuroscientists is whether the human brain is hard wired to be a social and political facilitator for human beings. Dr. Steven Pinker, a professor of cognitive neuroscience at MIT, in an important book *The Blank Slate: The Modern Denial of Human Nature*, has demonstrated that the human brain is more than a blank slate, or a conditioned robot, or a repository for the soul.¹⁰ The human brain is a microcircuitry system that processes information coming from the five senses. The cerebral cortex handles decision-making and ethical dilemmas; the limbic system

¹⁰ Stephen Pinker, *The Blank Slate: The Modern Denial of Human Nature* (New York: Viking Press, 2002).

contains the hippocampus (dealing with memory and mental maps), the amygdala (processing emotion – fear, aggression), and the hypothalamus (generating sexual desire and other emotions); and, the basal ganglia and cerebellum, which modify and coordinate movement of the body through a synchronizing brain part called the thalamus. These brain modules, along with many other parts of the brain, operate in a coordinated fashion to affect all thought and movement of human beings.

To cognitive neuroscientists the brain and the mind are one entity. The five senses, all of which are linked closely to the brain (mind), provide raw data (neuronal impulses) to the different parts of the brain. Two kinds of cells are found in the brain: one hundred billion neuron cells (transmitting electronic and chemical impulses) and one trillion glial cells (creating an optimal chemical environment for neuron cells). Contained in the neuron cell body is a nucleus incorporating the encoded deoxyribonucleic acid (DNA), and also axons that send electronic signals to the receiving dendrites of another neuron. The process of going from one neuron to another is called a synapse and involves the axon terminal of one cell secreting neurotransmitter molecules that migrate through the synaptic cleft to the waiting dendrite of another neuron cell. The chain reaction of thought, emotion, and physical impact of external stimuli moves neurons throughout the body to interact with brain neurons and produce an action-reaction phenomenon familiar to all human beings.

In looking at the basic morphology and physiology of the brain one admires its complexity and symmetry, but does the brain have an inherent, innate structure of the kind that would naturally lead human beings into certain kinds of activities and away from other kinds of activities? In other words, are we malleable clay molded by outside stimuli or are we molded by an innate nature to be social and political beings? J.A. Fodor, a neuroscientist, has found that the mind naturally understands logical deductions that seem to follow the principles of logic, and cause and effect, and through the logical process the mind naturally understands how the world works.¹¹ This Computational Theory of Mind suggests that the mind is made up of three parts: knowing, thinking, and applying what one knows. The knowing part comes from the five senses but the mind processes the information through natural categories into data sets that are capable of being manipulated by reason. The mind is organized to process data and to rearrange the data to achieve pre-determined goals.

Some of the categories of mind are color, length, depth, width, quantity, quality, dimension, and within the categories of mind, informed by the five senses, the data sets are placed. The categories of mind and the formation of data sets seem to be universal to all human beings regardless of time, place, race or sex. Noam Chomsky, a noted linguist, in a series of books culminating with *New Horizons in the Study of Language and Mind*, has demonstrated that all languages follow the same pattern, suggesting there is a universal grammar built into the human brain – a universal language design or makeup common to all human brains. This built-in “universal grammar” contains rules

¹¹ Jerry A. Fodor, *The Elm and the Expert: Mentalese and Its Semantics* (Cambridge, Mass.: MIT Press, 1994).

concerning nouns, verbs, adjectives, syntax, and other aspects of grammar. Chomsky argues that the mind seems to have an internal “software program,” an “innate circuitry,” that allows language to develop by following certain universal rules.¹² Along with the innateness of grammar, other characteristics seem to be universally shared by all human beings. An attack on one’s dignity will always lead to an unpleasant burning feeling in the stomach that will prompt one to punish or exact some form of compensation from the offender, and all people flaunt status through dress and actions no matter what the culture or time period.¹³ The scores of other examples of universal behavior patterns suggest that the human brain is “hard wired” and possesses an internal architecture.

Behavioral geneticists have also argued the brain possesses an internal architecture and that it is not a blank sheet. Geneticists have demonstrated that “genes can affect the size and shape of the different parts of the brain, their wiring, and the nanotechnology that releases, binds, and recycles hormones and neurotransmitters.”¹⁴ This genetic reality can explain many behavioral differences among people. Some people have a longer variant of the D4DR dopamine receptor gene, leading them to take great physical risks, and others have a shorter variant of DNA that blocks the serotonin transporter gene on Chromosome 17, causing the possessor to be anxious and to fear social gatherings. Behavioral geneticists know that Einstein’s brain had abnormally shaped inferior parietal lobules, the part of the brain important for “spatial reasoning and intuition about numbers. Gay men have a third interstitial nucleus in the anterior hypothalamus, a nucleus known to have a role in sex differences. Convicted murderers, and other violent and antisocial people, are likely to have a smaller and less active prefrontal cortex, a part of the brain that governs decision making and inhibits impulses.” Even though the cultural environment will have an effect upon all of these phenomena, genes will have the biggest impact on how human beings behave. “The slate cannot be blank if different genes can make it more or less smart, articulate, adventurous, shy, happy, conscientious, neurotic, open, etc.”¹⁵

In looking at the above analysis suggesting that the brain is not a blank slate but has evolved to the point where it appears to possess an internal structure or architecture, the obvious question becomes: a structure or architecture to do what? The literature of these relatively new biological and behavioral sciences is demonstrating that, through natural selection, human beings have evolved a set of intuitions, senses, feelings, emotions, and instincts that lead them to live cooperatively and successfully with one another in highly organized communities. Of course, success is not always assured and

¹² Noam Chomsky, *New Horizons in the Study of Mind and Language* (New York: Cambridge University Press, 2000).

¹³ Pinker, 39.

¹⁴ Pinker, 45; Matt Ridley, *The Origins of Virtue: Human Instincts and the Evolution of Cooperation* (New York: Viking, 1998).

¹⁵ Pinker, 44-45 (this paragraph is taken largely from Pinker); Thomas Harvey, Debra L. Kigar, and Sandra F. Witelson, “The Exceptional Brain of Albert Einstein”, *The Lancet* 353 (1999): 2149-53; Simon LeVay, *The Sexual Brain* (Cambridge, Mass.: MIT Press, 1993); Richard Davidson, Katherine Putnam, and Christine Larson, “Dysfunction in the Neural Circuitry of Emotion Regulation: A Possible Prelude to Violence,” *Science* 289 (2000): 591-4.

wars along with dysfunctional communities have always accompanied the human enterprise. On the other hand, even during times of major wars and pestilence the majority of organized human communities will be relatively peaceful, and during times of relative peace the great majority of human communities will live cooperatively and in tranquility with each other. The exception to the norm should not define the norm and become the hypostasis for describing the human condition and the status of communal relationships.

So, what are some of the conclusions reached by this new breed of biological and behavioral scientists that suggest human beings are naturally social and political, and possess instincts and emotions that lead to cooperative and successful communities?

Trust

Trust, to have faith and confidence in the reliability and actions of someone else, is an absolute requisite for any successful and enduring community, whether the community be a nation-state, a religious organization, a neighborhood, or a family. Francis Fukuyama, a political philosopher, has written that trust is the hidden principle that makes for a good and prosperous society: “This is the unspoken, unwritten bond between fellow citizens that facilitates transactions, empowers individual creativity, and justifies collective action.”¹⁶ Cognitive neuroscientists, using Functional Magnetic Resonance Imaging (fMRI) techniques that measure blood flow and oxygen levels in different parts of the brain, and Electroencephalogram (EEG) tests that, through sensors placed on the scalp, record electric signals transiting through the brain, have demonstrated through numerous experiments that the human brain is “hard wired” to trust, at least initially, the actions of other people.

Richard Dawkins, a behavioral geneticist, has written that the brain is predisposed to believe. Natural selection led early human beings to form loyalty groups for purposes of survival. For children to survive in a hostile world it was necessary for them to believe whatever their parents or tribal leaders would tell them. Such trusting credulity and obedience were critical for survival and necessary for the creation of group institutions that would survive generationally.¹⁷ Credulity is the road to trust but trust requires human beings to understand the intentions of others. Dr. Daniel Dennett, a philosopher who has studied neuroscience, has written that natural selection has configured the brain to rapidly determine the intentions of others. It is through understanding the intention of others that human beings can figure on trusting some and not others. Our minds have been naturally ordered to understand the physical world around us and to know that nature has designed animate objects for purposes. For example, if I am disposed to believe that the hungry tiger standing in my path was designed to attack and to consume other animals, I am forewarned to take appropriate action. Our ability to determine intention is well

¹⁶ Francis Fukuyama, *Trust: The Social Virtues and the Creation of Prosperity* (New York: Viking Press, 1995).

¹⁷ Richard Dawkins, *The Selfish Gene* (Oxford: Oxford University Press, 1976) and *The God Delusion* (New York: Houghton Mifflin Company, 2006).

developed. As Dennett has written, “the man believed that the woman knew he wanted her; the woman realized that the man believed that the woman knew he wanted her; the shaman guessed that the woman realized that the man believed that the woman knew he wanted her.”¹⁸ As Dawkins has mused, “natural selection shaped brains to deploy the intentional stance as a short cut. We are biologically programmed to impute intentions to entities whose behavior matters to us.”¹⁹ Our credulity leads us to trust but our natural ability to determine the intention of others verifies or negates the trust we naturally feel. Communities that confirm the natural trust of participants survive and flourish; communities that break the natural bonds of trust atrophy and pass away.

Justice (Fairness)

The sense of justice (to treat others as you want to be treated) seems to be a natural attribute of the human condition. Researchers have often raised the question about the origins of our natural sense of justice or fairness. Is the answer to be found in culture, religion and experience, or is there a genetic or evolutionary answer to the question? Sarah Brosnan, evolutionary biologist and anthropologist, has suggested that the human preoccupation with being treated fairly by others has an evolutionary foundation. In studying brown capuchin monkeys, genetically close to human beings, she and her associate researchers found an advanced sense of fairness that led to strong social bonds and some cooperative behavior regarding food gathering and sharing. When, through a series of experiments, the monkeys were treated fairly future cooperation was assured, socially discordant behavior decreased, and group activity increased. On the other hand, when the monkeys were treated unfairly (giving food to some and not others) no cooperation occurred, the monkey community was discordant, and group life diminished.²⁰ These activities sound very much like human reactions to being treated unfairly.

Dr. Marc Hauser, a widely published neuroscientist, has suggested that justice (fairness) assumes the practice of reciprocity. Eons ago “reciprocal behavior was practiced (only) with genetically related individuals.” The question is, how did the brain evolve the mechanisms that led to a natural sense of reciprocity with ungenetically related individuals? When I give you a \$5.00 loan the expectation is that you will repay the loan.²¹ When I give you a piece of my orange why do you feel a need to give me a piece of your apple? Why does everyone get angry when someone crashes the long line at the movie theater? When your neighbor borrows your lawn mower why do you expect him to return it and to lend you his lawn mower when you need one? There appears to be no specific gene or part of the brain that would explain where justice (fairness) or

¹⁸ Daniel C. Dennett, *The Intentional Stance* (Cambridge, Mass.: MIT Press, 1987).

¹⁹ Dawkins, *The God Delusion*, 183.

²⁰ Sarah Brosnan, et al., “Monkeys Reject Unequal Pay” *Nature* 425 (2003): 297299.

²¹ An interview with Marc Hauser by Jim Spadaccine at The Future of Science Conference in Venice, Italy, September 22, 2006.

reciprocity resides, but the fact remains that the brain seems to be “hard wired” to react to actions that are fair (just) or to respond to actions that require reciprocity.

Benevolence, Generosity, Altruism, and Cooperation

Why do we do something for someone else when asked? When someone is apparently in trouble, why is there a natural desire to help? Why are there so many good Samaritans around at the site of an automobile accident? Why do human beings often give their own lives to save the lives of total strangers? One way to explain the human predisposition to help others and to cooperate is to look at the research produced by evolutionary biologists and neuroscientists.

William D. Hamilton, late Royal Society Research Professor at Oxford University, in a series of important papers on the evolution of social behavior, has demonstrated that the attributes of generosity and altruism, which lead to cooperation, have developed in hominids over the eons of time. His research argues that, through natural selection, some individual hominids leave more descendents than others. He postulated that there is a gene that promotes generosity and altruism, but initially it operated successfully only in kinship groups. Hamilton created a rule, called the Hamilton rule, “for predicting whether the predisposition toward a given altruistic act is likely to evolve: $rB > C$.”²² Olivia Judson, an evolutionary biologist who teaches at the Imperial College of London, has best explained this rule: “Genes that promote the altruistic act will spread if the benefit (B) that the act bestows is high enough, and the genetic relationship (r) between the altruist and the beneficiary is close enough to outweigh the act’s cost (C) to the altruist. Cost and benefit are both measured in nature’s currency: children.”²³ This obviously means that altruism and generosity evolved initially with kinship groups. How did these human attributes evolve to include all of the human family? Hamilton argues that the natural attributes of benevolence, generosity, altruism, and cooperation evolved so that benefits to the altruist and the recipient would be equal or beneficial to both. These naturally selected human attributes were by-products of the need for security, food output, institutional development, and the allowance for the expression of individual talents, propensities, and capabilities of community members. Those human groups that became more “cohesive, unified, caring groups (were) better able to triumph over their more disunited rivals,” and thus able to “leave more descendents.”²⁴

Benevolence, generosity, altruism, and cooperation also seem to have a brain chemistry component to their functioning. Louann Brizendine, in her book entitled *The Female Brain*, has summarized hundreds of studies and demonstrated that females, especially, experience an intense desire for social bonding. Bonding and social

²² William D. Hamilton, “The Genetical Evolution of Social Behavior,” *Journal of Theoretical Biology* 7 (1964): 1-16, 17-52 and “Innate Social Aptitudes of Man: An Approach from Evolutionary Genetics,” in R. Fox (ed.), *Biosocial Anthropology* (London: Malaby Press, 1975), 133-53.

²³ Olivia Judson, “The Selfless Gene,” *The Atlantic*: 300 (2007), 92.

²⁴ Judson, 94.

connection release rushes of oxytocin, a mammalian hormone and neurotransmitter that is produced in the supraoptic nucleus and the paraventricular nucleus of the hypothalamus, and is delivered into the blood from the posterior lobe of the pituitary gland. There is a natural desire for females to make eye contact with other people, look to their mothers, to say let's, and more likely to take turns, than boys. Oxytocin and vasopressin, neuropeptides, are associated with specific behaviors, including maternal behavior and pair bonding.²⁵ Dopamine, released by the substantia nigra of the midbrain, is a neurotransmitter that gives a sense of movement control, emotional response, and the ability to experience pain and pleasure. Serotonin, a monoamine neurotransmitter synthesized in the serotonergic neurons in the central nervous system, plays an important role in regulating anger, aggression, mood, sexuality, and appetite. Low levels of serotonin are associated with depression and bipolar disorder. Most, if not all, of the human attributes that are important for the functioning of a successful community can be traced, one way or another, to the chemistry of the brain. It is healthy and normal brain chemistry that gives human beings the feelings, senses, intuitions, and desires to live together in communities where people cooperate and act altruistically toward one another.

Empathy

Human empathy, to share and understand the feelings of others, has been widely studied by neuroscientists, behavioral geneticists, and evolutionary psychologists and biologists. Through natural selection the brain has been “hard wired” to feel a sense of empathy. Dr. David Linden, professor of neuroscience at Johns Hopkins University, has written that both humans and our hominid and pre-hominid ancestors lived in social groups so it is not surprising that our sensory systems appear to have some particular specialization for social interaction.²⁶ The sense of empathy seems to be beyond our control and has been programmed into our brains. We naturally empathize with the child who has just lost his or her mother, or feel a sense of sadness and empathy with the accident victim who is in great pain and suffering the anguish of a loved one dead at the accident site. We also naturally empathize with the bride and groom who, at their wedding, weep with great joy, and we feel the adulation of an audience that has just heard a great rendition of a Mozart piano concerto. Where does this sense of empathy come from? During the 1980s and the 1990s, Giacomo Rizzolatti of the University of Parma, using fMRI and EEG technology, discovered and named “mirror neurons” in macaque monkeys. Mirror neurons are neurons that fire both “when an animal acts and when the animal observes the same action performed by another animal. Thus, the neuron ‘mirrors’ the behavior of another animal, as though the observer were itself acting.” Dr. Vilayanur S. Ramachandran of the Center for Brain and Cognition, University of California, San Diego, has studied mirror neurons in human beings and believes these neurons are critical

²⁵ Luann Brizendine, *The Female Brain* (New York: Broadway Books, 2007); David Brooks, “Gender Based Behavior Has Roots in the Brain,” *Minneapolis Star and Tribune*, 20 September 2006.

²⁶ David J. Linden, *The Accidental Mind* (Cambridge, Mass.: The Belknap Press, 2007), 103.

to understanding how we empathize with others.²⁷ Studies show that “These neurons are scattered throughout key parts of our brain – the premotor cortex and centers for language, empathy and pain – and fire not only as we perform a certain action but also when we watch someone else perform that action.” Mirror neurons help children learn “facial expressions and physical maneuvers through imitation.” All actions that we watch we also repeat in our minds. We mentally rehearse or imitate every action we witness, whether it is a somersault or a subtle smile, talk, walk, dance or play tennis.” Mirror neurons fire when we read a story and can feel and empathize with the character in the story. The existence of such neurons suggest “a biological dynamic for our understanding of others, the complex exchange of ideas we call culture, and the psychosocial dysfunctions ranging from lack of empathy to autism.”²⁸

Mirror neurons are found in the premotor cortex, inferior and posterior parietal lobes, the superior temporal sulcus, and the insula areas of the brain – all areas that are associated with perception and the human capacity to sense and understand someone else’s feelings and emotions. It is through mirror neurons that we share and understand the experiences and feeling of other people and also through them that we can sense disgust and revulsion on the part of others. Dr. Ramachandran believes “that mirror neurons were crucial in the development of the elaborate social skills, the social networks and knowledge infrastructure we call culture, from tool use to reveling in Shakespeare, from collaborative hunting to hip hop.” Dr. Ramachandran speculates that a “genetic adaptation” gave “key neurons that capacity they now hold, paving the way for accelerating advances in understanding, communication and learning. For the first time, information could be spread, built on and modified to create the intellectual and social dynamic of culture.”²⁹ Along these lines Dr. Daniel Goldman, in two books entitled *Social Intelligence* and *Emotional Intelligence*, has argued that the brain, through mirror neurons, is regularly reacting to the environment and also changing based on the people around us. “Mirror neurons are a kind of wi-fi that monitors what is happening in the other people. This system tracks their emotions, what movements they make, what they intend and it activates, in our brains, precisely the same brain areas as are active in the other person. This puts us on the same wavelength and it does it automatically, instantly and unconsciously.”³⁰ In other words, we can predict the actions of other people, and

²⁷ http://en.wikipedia.org/wiki/Mirror_neurons

²⁸ David Dobbs, “A Revealing Reflection: Mirror Neurons are Providing Stunning Insights into Everything From How We Learn to Walk to How We Empathize with Others,” *Scientific American Mind*, April/May 2006, 22-7.

²⁹ This paragraph is largely taken from the David Dobbs article cited above. Additional information comes from Lea Winerman, “The Mind’s Mirror: A New Type of Neuron - Called a Mirror Neuron - Could Explain How We Learn through Mimicry and Why We Empathize with Others,” *Monitor on Psychology: The American Psychological Association* 36 (October 2005.): 1-5. 21.

³⁰ Daniel Goleman, *Social Intelligence: The New Science of Human Relationships* (New York: Bantam Books, 2006) and *Emotional Intelligence: Why It Can Matter More Than IQ* (New York: Academic Internet Publishers, 2006).

understand their intentions, beliefs and desires, or empathy. “The evolutionary value of this is that people can anticipate the actions of others in a way that helps them.”³¹

Empathy is the key concept when understanding human nature, the individual and moral government. To have trust in others it is necessary to know the intentions, beliefs and desires of others. In order to have equal regard for others, and to treat others as you want to be treated, it is wise to know that human beings share the emotions of anger, fear, sadness, joy, pain, lust, guilt, embarrassment and love, and it is through empathy that human beings can read which emotions are dominating others. It is only when you are assured that goals are shared by others that cooperation can be forthcoming, and empathy allows human beings to become assured. Moral government can be established only when there is a common culture with a set of values and beliefs that are accepted by most of the population. This concept does not preclude the establishment of a pluralist democracy; or a highly decentralized, confederation system of government; or a Christian nation-state; or an Islamic Caliphate. Common culture simply says that moral government requires some general principles that are either based on the scientific reality of human nature or are grounded on accepted religious or philosophical beliefs. Empathy allows members of the community to understand each other and to ascertain whether common values are accepted, and empathetic understanding then helps individuals build the institutions and practices that will lead to successful community life.³²

The Moral Mind

Through natural selection, has evolution designed human beings to be moral, to know naturally the difference between right and wrong, and to have a predisposition to choose the right? The answer to this question is a preoccupation of evolutionary psychologists and neuroscientists with many distinguished researchers in these disciplines devoting their professional careers to its answer. One of the most prolific and interesting of the researchers in these fields is Dr. Marc M. Hauser, an evolutionary psychologist, who is a member of the Harvard University Mind, Brain and Behavior Program. In his important book, entitled *Moral Minds: How Nature Designed our Universal Sense of Right and Wrong*, Hauser reports on research that demonstrates the existence of some universal moral principles that cross cultural and geographic borders. Using statistical surveys and psychological experiments, he finds that most people will adopt common decisions when faced with the same moral dilemmas. Even as human beings are “hard wired” for language and sex, so we seem to be “hard wired” for making common moral judgments. These common moral judgments seem to be independent of religious belief, philosophical differences, or cultural diversity. As Hauser writes: “Driving our moral judgments is a universal moral grammar, a faculty of the mind that evolved over millions of years to include a set of principles for building a range of

³¹ “Who Do You Think You Are?” *The Economist*, December 23, 2006.

³² Lawrence E. Harrison, *The Central Liberal Truth: How Politics Can Change a Culture and Save It from Itself* (New York: Oxford University Press, 2006). 24.

possible moral systems. As with language, the principles that make up our moral grammar fly beneath the radar of our awareness.”³³

Some of the moral dilemmas Hauser discusses are as follows: think of a person at a trolley switch who is in a position to save five people stranded on the trolley’s main line because a runaway trolley is headed in their direction. If the person throws the switch and diverts the trolley to a sideline, the five people will be saved but the one person stranded on the sideline will be killed. What should the switch operator do? The moral dilemma is whether one person or five people should be killed. By overwhelming majorities respondents to this moral dilemma, no matter what geographical location or cultural background, answered by morally requiring the trolley switch operator to save the five at the expense of the one person. Another moral dilemma centers on the same set of facts but the difference is the five stranded people on the main line of the trolley can be saved if a very fat man is pushed off the bridge above the trolley, the assumption being that his weight could stop the trolley, and so save the five stranded people of the main line. Again, by overwhelming majorities respondents to this moral dilemma decided that it would be immoral to push the one fat man off of the bridge in order to save the five stranded persons. Hauser’s point throughout his research on moral dilemmas faced by people of all geographic and cultural backgrounds is that, through natural selection, evolution has built into the human brain a moral intuitive sense that leads us to value the many over the one, but at the same time to intuitively sense that unconsenting rational human beings should not be used as means to serve interests that benefit others (sounds very much like Kant).

Studies coming from Harvard University, the California Institute of Technology, and the University of Southern California have all indicated that in morally stressed situations most human beings possess an intuitive sense of right and wrong. These intuitive principles of right and wrong are not learned but are part of the architecture of the brain. Robert Lee Holtz, writing in the *Wall Street Journal* and summarizing some of this important research, suggests that there is a “direct link between the neuroanatomy of emotion and moral judgment. Knock out certain brain cells with an aneurysm or a tumor, and while everything else may appear normal, the ability to think straight about some issues of right and wrong has been permanently skewed.” When the ventromedial prefrontal cortex (the part of the brain that links reason to emotion) is damaged, then pure reason operates and the emotional aspects of empathy and feeling are removed from the decision-making process. “Intuition tempers rational deliberation, especially when our action to help some people will harm others.” Reason and emotion work together to highlight the moral decision.³⁴

³³ Marc Hauser, *Moral Minds: How Nature Designed Our Universal Sense of Right and Wrong* (New York: Ecco Press, 2006). This particular quote comes from Dawkins, *The God Delusion*, 223. See endnote 8.

³⁴ Robert Lee Holtz, “Scientists Draw Link between Morality and Brain’s Wiring,” *Wall Street Journal*, 11 May 2007.

Other leading neuroscientists have written about the innate moral instinct human beings seem to possess. Neuroscientist Dr. Paul Bloom of Yale University has written that biological evolution is a notoriously amoral force. Innate moral universals would have been shaped by the selective advantages that arise from caring for our kin and cooperating with our neighbors, but nothing in our genes tells us that slavery is wrong, or that men and women deserve equal rights. Such insights emerge through individual and group processes that engage all of our faculties, including our innate moral sense. In other words, there is no moral code written into the minds of human beings, but there is an innate moral sense that is added upon by reason and group experience.³⁵ Dr. Michael S. Gazzaniga, a neuroscientist at the University of California, Santa Barbara, has written that there is a “deep moral structure (Ronald M. Green’s phrase) driving not only certain common values but also the need to create the cultural edifices of religion.” Human beings come with “fixed properties of mind, with innate skills,” and an intuitive moral sense. These scholars and scientists are not saying that there is a detailed moral constitution that nature has placed into the human brain by the process of natural selection, but they are saying that evolution has given to the human brain a moral sense that leads to a human predisposition to trust, seek justice, to be altruistic, benevolent, cooperative, empathetic, and moral, and it is these attributes that have allowed human communities to develop and to flourish.³⁶

Some General Principles of Moral Government

Identifying principles of moral government has been a quest for philosophers, theologians, and politicians over the millennia. The great political thinkers in world history have created numerous models of government, always grounded on concepts of human nature, all of which have been informed by metaphysics, theology or by observation of the human condition. Plato argued that there is in every human community a small group of persons who, through the natural gift of reason and the process of education, could apprehend the ideals necessary to achieve the good life, and they should become the governors of the state. St. Thomas Aquinas believed God gave human beings natural inclinations and those led to the existence of a natural law, which should be implemented by governors who, along with Church leaders, would take care of the community. James Madison wrote in Federalist Papers 10&51 that factions in a community were created by ambition (love of power) and avarice (love of money), and that factions were of such a powerful force in human nature that government could not be left to the one or the many, but that government itself would need to be divided horizontally (separation of powers) and vertically (federalism). It seems that all systems of government are ultimately grounded on concepts of human nature and the search for moral government must begin with an analysis of human nature. Again, as Madison wrote: “But what is government itself but the greatest of all reflections on human nature?”

³⁵ Paul Bloom, A book review of Gazzanniga, *The Ethical Brain in Nature*: 436 (2005): 178. (See note 27.)

³⁶ Michael. S. Gazzaniga, *The Ethical Brain: The Science of Our Moral Dilemmas* (New York: Harper Collins Publishers, 2005).

In the above section of this essay we saw how contemporary behavioral and biological scientists are renewing the search for human nature and coming to some interesting conclusions concerning basic human attributes and characteristics. In this section of the essay I will endeavor to state some general principles that most thoughtful persons would agree are necessary to begin thinking about the idea of a moral government. These principles are extracted from the important literature in the history of Western political philosophy as informed by metaphysics, theology, and human observation, but they have not come out of or have been attached to the new behavioral and biological sciences of today. When professionals, or even normal citizens, think about the concept of morality and relate it to government, most would subscribe to the following principles.

Justice (Fairness)

Today, the world is organized into nation-states. A nation-state is a grouping of people living on a defined territory, governed by a political system, and held together by civic and personal values that act as social glue. In most nation-states, justice is considered by the people to be the highest civic value. Of course, the concept of justice has many definitions but all of the definitions share common elements. One such element is that all people living within a community constitutes a network of dependencies and respect and that all thrive as those relationships increasingly support each in return for support of others. Another common element centers on how government and other citizens respect the dignity and inherent worthiness of each individual in the community. A third element is a naturalistic sense that asserts human beings can rise above self-absorption, a capacity to go beyond our personal interests and passions and to take into account the needs and feeling of others, and to be guided in the present by viewing the long-term consequences of our actions. These elements are very general and relate to the better angels of our nature.

A more practical set of elements that would define the concept of justice that most political philosophers and citizens of a nation-state could accept relate to the functioning of the state. Beyond personal safety and state security, most would agree that the purposes of a just government would be to do for the people what they could not do for themselves (social justice), to operate within a framework of a constitution and rule of law, to operate institutions and processes so the people could make collective decisions on matters of general interest, to establish a system of courts where the government and individual citizens can plead cases before independent judges who have the authority to make binding decisions (procedural justice), and to require that governors exercise authority under law and not act arbitrarily.³⁷

Most people in the 21st Century would also agree that another element of justice requires the government to provide the institutions, processes, and policies whereby the

³⁷ This section is a paraphrase from the work of Scott Gordon, *Controlling the State: Constitutionalism from Ancient Athens to Today* (Cambridge, Mass.: Harvard University Press, 1999), 61-2.

citizens of the nation-state can experience material wealth (economic justice), general enrichment, and achievement of their talents and abilities (personal justice). Researchers from various academic disciplines agree that to achieve material progress in this new century a variety of policies should be followed by nation-states. Some policies are strictly economic: a strong private sector; low rates of inflation; balanced budgets and price stability; low tariffs; allowing foreign investment; getting rid of monopolies; deregulating capital markets; making currency convertible; hiring, promoting and firing workers based on competence and merit; and increasing domestic economic competition. Some policies are more societal in nature: eliminating government corruption, subsidies and kickbacks; creating a strong educational system based on competence and merit open to all who can meet rigorous entrance requirements; political and social policies that promote gender equality and eliminate discrimination based on irrelevant criteria (race, sex, religion, etc.); and finally policies that assure the rights of property and the guarantee of personal liberty against tyranny, crime, and disorder.³⁸ In this sense, justice does take on an economic and a social meaning.

Thinking about the concept of justice has preoccupied the minds of the world's great thinkers and all have come up with different ways of addressing it. But most have accepted the formulation I have set out above. To summarize: The just society is one where the people value mutual dependence and respect, recognize the uniqueness of each individual, and are willing to serve the public interest. The just society is one where the government values institutions, processes, and policies that provide for public safety, the making of collective choices, the rational arbitration of conflicts of interest, and the opportunity for citizens to materially progress and to enrich themselves. These elements provide a social environment in which citizens can survive and flourish. If justice is the central concept in looking for moral government, what are some of the supporting concepts?

Public Office as a Public Trust

Most would accept the proposition that to govern is to have authority and power over others. To govern justly is to use authority and power to enhance life, security, and opportunity for the governed. With authority and power, then, comes responsibility that would bind the governor to the welfare of the governed. Where decisions are made on behalf of others for their benefit, one thinks immediately of stewardship. The holder of authority and power serves as a steward of the well-being and best interests of others. Stewardship is more than personal power focused on the desires and ambitions of the self; it is an inclusive undertaking with social and communal aspects. It is power coupled with responsibility. The concept of the public trust also contemplates the notion that public officials are only custodians of the powers they hold; they have no personal entitlement to office or the prerogatives they exercise. John Locke makes this point best

³⁸ Many of these ideas are taken from David Landis, *The Wealth and Poverty of Nations: Why Some Are So Rich and Some So Poor* (New York: W.W. Norton, 1998), 213-223; and from Thomas Friedman, *The Lexus and the Olive Tree: Understanding Globalization* (New York: Farrar, Straus and Giroux, 1999), 86-7.

in his great work on government entitled *The Second Treatise of Civil Government*. Locke's prescription for government as a moral undertaking is as follows:

Who shall be judge whether the prince or legislative act be contrary to their trust? To this I reply: The people shall be judge; for who shall be judge whether his trustee or deputy acts well, and according to the trust reposed in him, but he who disputes him, and must, by having disputed him still a power to discard him, when he fails in his trust. If this be reasonable in cases of private men, why should it be otherwise in that of the greatest moment, where the welfare of millions is concerned, and also where the evil, if not prevented, is greater, and the redress very difficult... and dangerous?³⁹

To put the point clearly, the actions of the trustee, public or private, are bound to the welfare of others.

Two other points should be made regarding public office as a public trust. Public officers are accountable for their conduct while in office; they are subject to removal for malfeasance, misfeasance and abuse of office. When public office is used for personal gain the actions by the public official are not legitimate, but when public power is confined to the legal requirements for the office the government has authority to give legitimacy to its use of power and the name of justice to its undertakings. Finally, this point of view holds that the government is the servant and agent of the people; it is subordinate to society. The possessors of public power are agents serving the interests and welfare of citizens of the society and this duty requires that public servants be loyal to their fiduciary trust and take due care to carry out their responsibilities. Public office as a public trust is a driving force towards moral government and the concept rejects public power being used for personal exploitation or other purposes.⁴⁰

Public Discourse Should Guide the Application of Public Power

Most who think about the concept of moral government would agree that public power, however allocated by constitutions, referendums or laws, should partially rest its legitimacy in processes of communication and discourse among citizens who constitute the community to be served by the government. Most would also agree that free and open discourse, embracing an independent media, should not be curtailed except to protect legitimate expectations of personal privacy, or the direst reasons relating to national security, or executive privilege in a separation-of-powers system of government. The idea of citizens discussing public policy in public forums requires each to consider the claims and attitudes of others. In the process something close to a common good can be identified, which leads to each citizen giving up some private want or need in order to

³⁹ John Locke, *Concerning Civil Government* in *The English Philosophers*, ed. E.A. Burt (New York: Modern Library, 1939), 502.

⁴⁰ Some of this material comes from an unpublished paper by Stephen B. Young, "Moral Government", *The Caux Round Table*, 2004.

meet the common wants and needs of the community. This “bottom up” approach to policy making means that citizens are determining their own destiny and imposing discipline upon themselves while remaining free, autonomous human beings. This idea may be at the apex of moral government.

Public discourse, as a basic principle of moral government, minimizes violence in politics by giving the public a stake in the outcome of the policy decision. The principle assumes that in areas of public policy there are no absolutely right or wrong answers and that compromise is necessary. The principle also assumes that the tyranny of the many is as bad as the tyranny of the one, and that checks and balances are necessary against all factions. Again, in Federalist Paper 10, James Madison affirmed that “men of factious tempers, or local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests of the people.” This outcome could be minimized, Madison thought, by requiring a great number of parties and interests to contend for political office so that it would be less probable that a majority of the whole or a factious minority would invade the rights of others. The process of public discourse opens politics to a multiplicity of inputs, minimizing thereby the dominance of any single point of view.

The Civic Order Should Serve Those Who Accept the Responsibilities of Citizenship

Most would agree that a moral government would protect its citizens and promote their integrity, dignity, and self-respect, and would avoid oppressive measures that would transform citizens into subjects. Also, most would agree that moral government has a responsibility to promote the principles, institutions and processes that sustain the civic identity of individual citizens and to inhibit any action or process that would lead to civil estrangement, dissolution of the civic bond or civic disaggregation.

One of the great questions of political philosophy is: Are individuals who live under government supervision and regulation citizens or subjects? This question was addressed by both Greek and Roman political thinkers. In the Roman Republic the answer was: “Civis Romanus Sum” (I am a citizen of Rome) and “Senatus Populusque Romanus” (The Senate and People of Rome). The idea was that the people and government were one and only conquered people were subjects. In Europe, after the collapse of the Roman Empire, the arrangements of feudalism replaced citizenship with personal ties of fealty arrival of the nation-state after the Treaty of Westphalia in 1648, rules of international law were fashioned to bring some harmony to the relations among such powers. Under these rules, inhabitants of nation-states were gradually given the status of citizen as governments were brought under constitutional discipline and made better custodians of those they ruled.

In states governed by the principles of moral government, the distinction between citizen and subject is blurred. Citizenship is a political status conferring rights of membership in the collective, with one of the most important rights being in the form of the franchise. Through the vote and periodic elections, the citizen imposes discipline on himself or herself in the form of law and sanction and therefore remains free while still

under collective control. The person is both citizen and subject. The responsibility of the citizen is to participate in the political affairs of the community, and thus to be free; and then to obey the laws of the collective, and thus to be a subject. The duty of moral government is to create the environment conducive to the salubrious expression of the citizen as a free person and the citizen as subject.

As a component of citizenship, a moral government is actively engaged in creating vibrant social capital. An aggregate set of practices, individual habits, and institutions promoting citizenship constitutes the social capital of the polity. Social capital provides the setting for mutual and interpersonal exchanges of ideas, voluntary and cooperative activities, the formation of judgment about others, and the accumulation of common sense. From these experiences, individuals build capacities for trust, which promote economic activity, political participation and social engagement. Social capital provides a very important school for building leadership capacity. Where social capital is plentiful, individuals habituate themselves to successful interpersonal reciprocity, working collaboratively and persevering in their endeavors with satisfaction and pleasure. Social capital, good citizenship and moral government are coterminous.

Public Servants Are Honest and Refrain from Abuse of Office and Corruption

The concept of moral government requires holders of public office to refrain from taking actions that would abuse the powers of the office or to engage in corrupt practices. Abuse of power breaks the bonds of loyalty and obedience by the public official to the public trust. Some of the attributes of those who engage in abuse of power are: materialistic and psychological satisfaction, willfulness, intellectual arrogance, conceit, self-seeking cronyism, demagoguery, ambition in service of self, etc. Abuse of office can also embrace malfeasance, using the authority of the office to do something that is unwarranted or that is legally unjustified; or misfeasance, performing a lawful action in an unlawful manner; or nonfeasance, not doing what legally should be done. Corruption, the cousin of abuse of office and the inner cancer of moral government, comes in many forms: cash bribes, awarding government contracts to friends, person favors, financial corruption, personal bias, etc. Those who exhibit these personal characteristics and engage in these kinds of activities break the position of trust that public office requires and a moral government would demand.

Security, Liberty, and Ownership of Property

Except for pure religious or secular communist economic and social systems, or a few socialist systems of community organization, or military or religious dictatorships, the rest of the world celebrates the concepts of security of persons, individual liberty, and private property ownership as a foundation for social justice. Of course, the balance between the rights and liberties of the individual and the authority and power of the collective is one of the great conundrums of human thought. Individuals live and find their character within collectives and through social engagement. But each individual is also a situs of rights that are guaranteed by God, nature and/or the state. The key is for the community to never eliminate or even reduce the rights of the individual and at the same

time to assure the active participation of the individual in the public affairs of the polity. These basic ideas are laid out in some of the world's great political documents: the US Declaration of Independence ("All men are created equal, that they are endowed by their Creator with certain inalienable Rights"), the French Declaration of the Rights of Man and Citizens ("The aim of every political association is the preservation of natural and inalienable rights of man; these rights are liberty, property, security, and resistance to oppression"), the United Nations Universal Declaration of Human Rights ("All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood"). Natural human endowment is expressed in these words, which also make up the language of moral government.

Moral government also provides the conditions for individual development and accomplishment, and one reflection of this concept is the institution of private property. The German philosopher G.W.F. Hegel concluded that private property was necessary for individual morality. Without seizing hold of some touchable part of the cosmos, no person could fully bring his or her values into being. People have a need, Hegel assumed, to leave their mark on the world. That happens only when some part of the world is appropriated as being especially ours, to the exclusion of control by others. Ownership of things, a right to private property, therefore, has an important place in the theory of morals in that ownership of property enhances the living presence of our dignity.⁴¹ If private property is a natural right, then what control can the community have over the exercise of that right? This question has engendered the intellectual interest of the great political philosophers and economists. The answer to this question is beyond the scope of this essay, but part of the answer lies in the simple idea that private property is a reflection of individual talents, abilities, and accomplishment; and, private property is also a natural reflection of the human desire to be a social and political being. The key is to make private ownership of property a value that adds to the dignity and worth of all individuals in the community.

The General Welfare Improves the Well-being of Individual Citizens

Most would agree to the proposition that a moral government would seek to nurture and support those institutions and develop public policies that are most conducive to the free self-development and self-regard of the individual citizen. While thoughts of personal safety, state security, and social capital (religious organizations, schools, peer groups, clubs, places of work and relaxation) come immediately to mind, in order to live well, individuals also need wealth and economic opportunity. Well-being in life is very much a matter of material satisfaction in addition to moral maturity and spiritual wholeness. Poverty deprives citizens of dignity and sound self-regard. While material possessions alone do not and cannot make for a life well lived, lack of material resources undermines human dignity. Powerlessness in any form invites exploitation and contempt, giving rise to insecurities and anxieties destructive of happiness.

⁴¹ G.W.F. Hegel, *Hegel's Philosophy of Right and Law*, ed. T.M. Knox (New York: Oxford University Press, 1952), 126, 128-9.

Some would agree that moral government is responsible for creating the conditions for private enterprise and economic growth. Concentration of economic opportunity among the few does not sufficiently promote human dignity, and does not empower all citizens to share in the benefits and burdens of the community. As mentioned above, and supported by many continuing studies, private property, free markets, financial intermediaries, and entrepreneurial investment create wealth for a society. The road out of poverty follows the course of rationally regulated capitalism, for individuals as well as for nations. For a capitalist system of economics to work to the advantage of all citizens, businesses should assure the community that the lives of customers, employees and shareholders are being improved; that they are contributing to the education, welfare, and vitalization of the communities in which they operate; that they operate honestly and with a respect for the rules for doing business in the community; and that they avoid engaging in illicit operations (bribery, money laundering, and other corrupt practices). A moral government will make sure that the well-being of all citizens is the standard for public policy and enforcement actions.

In this section of the essay, I have presented some basic principles describing moral government. Of course, there will be many different perspectives on this important matter, but I believe that most thinkers about politics and thoughtful citizens will agree to this short list. These principles are the products of experience, historical practice, revolutionary activity, and human thinking about government and its relationship to the individual. Concepts like justice, public office as a public trust, public discourse guiding the application of public power, the responsibilities of citizenship, public servants being honest and refraining from abuse of office and corruption, the state assuring the security, liberty, and property of citizens, and public welfare improving the well-being of individual citizens, are just a few of the concepts concerning what would constitute the standards guiding a moral government. The question is not whether these are descriptive principles of moral government; the question is whether they are conterminous with the findings of the contemporary behavioral and biological sciences described in section two of this essay. Experience has told the human family that these principles of moral government work to the advantage of most people in the polity. Are experience, historical practice, revolutionary activity, and human thinking about moral government simply playing out what human nature has decreed through the evolutionary processes of natural selection? In other words, is there an amalgamation of findings by the contemporary behavioral and biological sciences and the experience, history and thinking of human beings about what is a moral government? To this question I hope to provide an answer in the next section.

Contemporary Behavioral and Biological Science and Moral Government

In this final section of the essay, I will attempt to relate the findings of the contemporary behavioral and biological sciences to the accepted principles or standards that should drive the operations of a moral government. My method will be to summarize the findings of these new sciences describing basic human nature, as stated in section two of this essay, and then relate some of the findings to the principles of moral government,

as laid out in section three of the essay. The fit between the two sets of postulations will not be exact, but the idea is to suggest that there is enough convergence to at least begin a discussion or debate about this whole subject.

Science and Trust

Science is demonstrating that individual human beings are “hard wired” to have faith and confidence in the reliability of someone else. Beginning with kinship groups and later spreading to others in larger communities, human beings have come to recognize that individual and group transactions are necessary for the growth of the economic resources of the community and taking collective action for defense and domestic tranquility. Through the process of natural selection, evolution has given humans a predisposition to believe, with such credulity as is necessary for institutional development and survival. The evolutionary process has also configured human beings with an ability to determine the intentions of others. This ability allows human beings to read the minds of others. This programmed capacity allows us to confirm whom we can trust and whom we should not trust. Communities with strong bonds of trust among individuals and groups survive and are successful, and those with weak elements of trust tend to flag and die away.

Trust and Moral Government

One of the basic principles of a moral government is that the governors subscribe to the notion that a public office is a public trust. Whereas the concept of public trust has elements of legality (trustee, agent, beneficiary, fiduciary responsibility, due care, etc.), it is really the relationship between the governor and the governed that either leads to a successful or a failed group experience. The governed must believe (trust) that public power is being used to advance the life, security, liberty, economic vitality, and the general welfare of individuals in the community. It is through communal transparency (free speech, press, assembly, petition, etc.), and the institutions and processes that allow the public to easily discern the actions and intentions of the governors that the public can take the appropriate steps to remove those governors who have violated the public trust. Science has determined that human beings are programmed to believe, trust, and to know the intentions of community leaders. The concept of moral government argues that public officers should vindicate such trust by acting in the public interest and not their own private interest.

Science and Justice (Fairness)

Science is proving, rather convincingly, that justice (fairness) is not a political or judicial fiction of the imaginations of idealistic philosophers, theologians or jurisprudential thinkers. Instead, it seems that through the processes of natural selection, evolution has written into human nature a predisposition to treat others as one would want to be treated. It is this advanced sense of fairness that helps create the social bonds necessary for sustained collective action. Neuroscientists are particularly interested in how justice is related to reciprocity, this inherent need to give back if one is a recipient of

a gift. There appears to be no particular module of the brain that operationalizes reciprocity or causes one to act justly or with fairness to someone else. More importantly neuroscientists have not been able to identify a particular gene that could be responsible for these kinds of actions. It just seems that if one will think a bit about one's own situation the concept of justice or fairness makes common sense, and that is the point.

Justice (Fairness) and Moral Government

There are many kinds of justice (fairness): political (one person one vote), juridical (notice and hearing), economic (distribution based on contribution but with an even playing field), social (providing for those who cannot provide for themselves), etc. Most observers would agree that the common element describing these different definitions of justice is the notion of equal regard for all citizens of the state. This equality is best represented by the natural sense that all should be treated as the one would want to be treated. This may be the *sine qua non* of moral government. This universal principle of natural justice has a historical ring to it. For example, during World War One when the Turkish Civil Code had been abolished, the Bedouins on the Arabian Peninsula restored the old tribal order. That order consisted of the ancient tribal law of custom remembered and applied as oral tradition by elders of a respected family in the tribe. "In cases of men of different tribes, the lawman was selected by mutual consent, or recourse was had to the lawman of a third tribe. If the case were contentious or difficult, the judge was supported by a jury of four – two nominated by plaintiff from ranks of defendant's family, and two by defendant from plaintiff's family. Decisions were always unanimous"⁴² Other examples could be repeated from all cultures in all time periods from oral traditions to recorded history. Science has explained that justice (fairness) is wired into the human brain, and the concept of moral government states that it is a key standard by which one can judge the efficacy of the government.

Science and Benevolence, Generosity, Altruism, and Cooperation

Evolutionary biologists and neuroscientists have demonstrated that genes promoting altruistic acts that sustain both the actor and the acted upon assure the survival and dominance of each. The added attributes of benevolence, generosity and cooperation create conditions that lead to greater security, food production, institutional development and the expression of individual talents and abilities that benefit the community. These scientists have also, with convincing regularity, proven that the intense desire for social bonding and connection with other people are products of brain chemistry. The release into the bloodstream of hormones and neurotransmitters that activate the sense of maternal behavior, pair bonding, pain, pleasure, anger, aggression, mood, sexuality, appetite, benevolence, generosity, altruism, and cooperation, are all consequences of the operations of genes that have survived and flourished during the processes of natural selection and evolutionary development. It is healthy brain chemistry that allows for successful community maturation.

⁴² T.E. Lawrence, *The Seven Pillars of Wisdom* (New York: Doubleday Press, 68).

Benevolence, Generosity, Altruism, Cooperation and Moral Government

In looking at different concepts of moral government, most philosophers would begin by attempting to describe human nature. If one begins with the assumption that human beings are selfish brutes, scratching at the throats of others, then authoritarian and dictatorial systems of government are appropriate vehicles to control populations. Most observers would argue that these systems of government would not meet the standards defining a moral government. If, on the other hand, human nature can be defined in a more salutary sense, then more democratic systems of government become real possibilities. If human beings are by nature benevolent, generous, altruistic, and cooperative, then the characteristics of moral government can become standards that the governed can use to judge the operations and actions of government. In this sense public office can become a realistic public trust; public discourse can guide the application of public power; citizens can take their responsibilities seriously; public servants can refrain from abuse of office and corruption; and the security, liberty, and general interest of the public can be assured. Science is demonstrating that human nature is more benevolent and altruistic than many philosophers and intellectuals have suggested, and this growing body of science is auguring for the eventual success of moral government.

Science and Empathy

Science is showing that, through natural selection, evolution has “hard wired” human beings to feel a sense of empathy toward others. With the discovery of mirror neurons, scientists know that the actions of others we watch, or otherwise observe, are also mentally rehearsed or imitated in our own brains (minds). It is with the firing of mirror neurons that human beings share and understand the feelings and intentions of others. Empathy allows each of us to know how someone else would feel and possibly act under a given set of circumstances because we would feel and might act the same way given the same set of circumstances. Of course, in an emergency situation some might cower in the corner and others might exhibit courage and strike out, but the feelings would be the same given the emergency. This biological understanding of others creates the human conditions for the complex exchange of ideas, the establishment of culture, and the building of institutions and processes that can advance in the interests of the larger community. Empathy is a key finding of contemporary behavioral and biological scientists.

Empathy and Moral Government

In order to have equal regard for others, and to treat others as you want to be treated, it is wise to know human beings share the emotions of anger, fear, sadness, joy, pain, lust, guilt, embarrassment, and love; and, it is through empathy that human beings can read which emotions are dominating others. Public discourse would be impossible unless the speaker could identify with the audience; the responsibility of citizenship would fail if there were no shared sense of integrity, dignity, or self-respect between the citizenry and the government; justice (fairness) would not be a hallmark of the social and political system unless the political leaders of the community lived under the same laws

that applied to all citizens; and security, liberty, property ownership, and the public interest could not be protected and served if there were not a sense of empathy, or shared feeling and emotions, between the governors of the state and the governed. Science has shown that empathy is a key to successful group life, and the standards of moral government require that the political leaders of the community understand the feelings and emotions of the people they serve.

Science and the Moral Mind

Some evolutionary psychologists are finding that there seems to be a predisposition for human beings to make common decisions concerning defined moral conundrums. Over the millennia natural selection has “hard wired” the brain (mind) with a universal moral grammar that is not part of our conscious awareness. The substance of our moral grammar seems to be a natural sense of fairness, treating others as you would want to be treated, and that the non-consenting self should not be sacrificed to the interests of someone else. The moral mind is also grounded in the natural senses of benevolence, generosity, altruism, and cooperation. The moral sense, as a part of the internal architecture of the brain, links the senses and emotions of the brain to its rational module, and together reason and emotion can work to produce moral decisions. It is this component of the brain, along with experience, practice, and a kind of common sense, that can produce decisions that some would characterize as moral.

The Moral Mind and Moral Government

It is difficult to see how a moral government could be constructed by amoral or immoral minds. Most scholars who think about the standards that would drive a moral government use the words justice, equality, liberty, rule of law, fundamental human rights, economic opportunity, and personal safety and security. If one thinks about the concept of the moral mind and investigates the substance of the concept from the feeling and emotion point of view, the words of these scholars begin to have a natural halo around them. For example, justice is a natural concept because people within the community desire to be treated fairly, look for all to be regarded as equally important, with all seeking to be equally free, where rule of law is grounded on consent of the governed, and the natural right to life is protected by the community through strong and effective government. Of course, different forms of government can fulfill these natural demands, but with the convergence of a scientifically defined moral mind and the possibility of moral government based on human nature, the form of government might be less important than the purposes for which it exists.

Conclusions

This extended essay has endeavored to find the connection between the contemporary behavioral and biological sciences, human nature, and the concept of moral government. In the West, the great treatises on civil government have been grounded on assumptions about human nature. These assumptions were supported by elaborate metaphysical systems of thought or religious assumptions buttressed by faith, revelation,

or tradition. During the latter part of the 20th Century, and on into the present day, the new sciences of neuroscience, behavioral genetics, evolutionary psychology and biology have made important contributions to our understanding of human nature, and also to the science of government and economics. These sciences have informed scholars about the scientific basis for such human senses and emotions as trust, fairness, benevolence, generosity, altruism, cooperation, empathy, and the rather amazing concept of the moral mind. Each study performed by these new sciences tends to support the others and the burgeoning literature in these fields of study are probing further into the human brain (mind) and discovering new facts about what the structure of the brain is and how it operates.

On the other hand, the Western mind has known for some time what the elements of a moral government would look like. The great writers of political philosophy in the West have concluded that a moral government would be judged against a set of standards and, with some disagreement, those standards have been generally identified and worked out in some detail. The concept of justice seems to be the central point of departure regarding what would constitute a moral government, supported by the ideas that public office should be a public trust; that public discourse should guide the application of public power; that civic order is the responsibility of both government and the citizenry; that abuse of public office and corruption are the death knells of moral government; that life, liberty, and private property should be protected by government; and that the public interest should be prior to private interests. Of course, the institutions, practices, and processes that accompany these basic concepts are different in different parts of the world but the concepts themselves seem to be acceptable to the great majority of thinkers in the field.

The amalgamation of the findings of contemporary behavioral and biological science and the elements of metaphysically and theologically defined principles of moral government are not exact but are suggestive. Science is finding that the human brain is “wired” and to believe, to trust, and to know the intentions of others; and the idea of moral government suggests that public trust is the glue that holds a community together, and that certain principles and processes vindicate the trust that the citizenry naturally senses. Science is demonstrating that justice (fairness) is not an artificial construct, but rather is a natural predisposition of human nature; while those who contemplate the concept of moral government argue that justice is the key idea to a successful community. Science is establishing that benevolence, generosity, altruism, and cooperation are consequences of brain chemistry, and not necessarily learned behavior patterns; advocates of moral government counsel that tapping into these natural human attributes will constitute the building blocks of successful communities. Science is indicating that empathy allows human beings to understand the feelings of others; and those who support the notion of moral government point out that empathy must be felt by the governed towards the governor, and visa versa. And finally, the human brain seems to be “hard wired” with a “moral grammar” that naturally inclines us to make “right” decisions; whereas, exponents of moral government stress the forms, processes, and principles that would facilitate the operations of a moral government.

Of course, these ideas create additional problems in considering the connection between science, human nature, and moral government. Some of these problems surround concepts such as the nature-nurture debate, and whether the descriptions and analyses of this essay lead to unhealthy determinism, where individual freedom is withdrawn from human decision making; or whether these kinds of thoughts are simply a form of reductionism and could not possibly describe the real world of complex human relations; or whether the “hard wiring” of the human brain reduces individual responsibility to a mere accommodation to the natural workings of the human brain. Finally, when thinking about these concepts, ideas, and notions one must remain intellectually humble and remember that great minds and progressing science can make monumental mistakes and also assume too much credit for discovering what human experience has already declared to be acceptable or unacceptable.

The Qur’anic Principles of Good Governance:

Practice in the 20th Century and Beyond⁴³

The Gap between the Principles and Practice

When one evaluates how guiding principles of good governance are actually applied in real governments, one naturally finds many gaps in implementation of the ideal. Contradictions exist between principles and political reality, in our judgment, mainly because ruling elites often seek to maintain their dominance by denying what many ordinary citizens want and need given their human nature. That is why it is necessary to examine both the ideals of good governance and the realities of actual governments. Where there are gaps, efforts are justified to better align practice with aspiration. In this chapter an attempt will be made to compare principles of good governance with our contemporary realities. It is hoped that the observations made here will help us find ways and means to cooperate with each other cross culturally in overcoming the shortfalls in the practice of governance and to better realize a world community that can enjoy just and lasting peace. The application of the principles of good governance should help remove any tendency to promote a clash of civilizations and promote instead the spirit that some leaders at the UN have claimed to be an “alliance” of civilizations.

The Turbulent First Half of the 20th Century

The system and principles of governance have always been at the center of human society at all levels from family and tribe to cities and countries and even internationally and globally. The twentieth century experienced two world wars. Two of the major factors behind these wars were flawed systems of governance (tyrannies) in a number of states and the lack of a system of global governance capable of resolving conflicts among nations peacefully.

⁴³ The authors acknowledge the research assistance of Mr. Masoud Rashid Mohamed, a postgraduate student in the Department of Economics, International Islamic University Malaysia.

After the Second World War, with the end of European colonialism, the need for better governance became a greater imperative. There was a need for international institutions that could resolve the conflicts among nations peacefully, and which could also help new nation states in need of economic assistance. To establish institutions which had a global reach and authority over and above the nation state was a very delicate and difficult task because nation states are sovereign and do not recognize interference in their internal affairs. Given the reality of nation state sovereignty, a major challenge in the creation of suitable inter-governmental institutions was creating trust. Hence innovative steps were taken in global political and economic governance, resulting in the establishment of such institutions as the UN, the World Bank and the IMF. The importance of good governance increased as well in response to the independence of a large number of countries from colonial rule. These newly independent nation states were now to take charge of their own destiny and govern themselves. In order to realize the destiny of their citizens, achieve sustainable growth, peace and stability, these newly independent states needed quickly to develop systems of good governance that would help them realize their goals amicably and efficiently.

Third, in the continent of Europe, especially in Western Europe, nation states that had just fought a bloody and destructive war needed to establish and evolve a regional system of good governance that would ensure not only that Western European peoples enjoy growth and prosperity but also that no wars or military conflicts would happen again.

Reconstructing the Post WW II World

The world has come a long way since 1945 and its governance systems are still evolving. A vast majority of developing countries placed enormous trust in the hands of the winners of WW II and endorsed very powerful and decisive positions for them in the new international institutions in the hope that these powers would not abuse this trust, and use their authority well and with justice to bring peace and harmony among nations.

It is quite interesting to note that the developing countries which had gone through tremendous struggle and painful sacrifices to regain sovereignty from European colonial powers surrendered part of that hard earned sovereignty to the permanent members of the UN Security Council. Why did they do it? Because they *trusted* that these permanent members would not abuse this power for their own domestic or foreign policy agendas. Hence the acceptance of the new international institutions by the vast majority of the nations of world became possible only because of one fundamental factor which the Qur'an calls "trust" (*amānah*). And why did they put their trust in these nations? It was due to their expectations and confidence that the permanent members will treat this power as *amānah* and would feel the moral sense of accountability in the eyes of the world to fulfill this trust sincerely to the best of their ability with a commitment to the values of universal justice. Hence under this obligation they would deliver universal justice without any fear or favor, which the Qur'an considers fundamental for durable and lasting peace. Here we observe that the attempts to create a peaceful and harmonic world succeeded in the establishment of relevant institutions on the basis of two fundamental Qur'anic concepts, namely *trust* and *justice*.

Many European nations were at one another's throats in the first half of the 20th Century. But these same nations after World War II developed and adopted systems of good governance. These systems have enabled them to earn and maintain the trust not only of their citizens but also of the other European nations. The mutual trust among the Western European nations has reached such a high level that they have established the European Union (EU), under which the members have abolished the national currencies and borders that used to separate them from one another. The institutions in the Union guarantee justice and dignity to citizens. Now they have a common currency and free movement of goods, services, capital, production plants and even citizens all across the union. And this is not the end; there is an ever growing list of countries eyeing to join the EU. Again we see that at the root of this wide acceptance of the EU is the successful realization of the Qur'anic concepts of trust and justice.

The Principles-Practice Gap in the Muslim World

As mentioned earlier, in the post colonial period the newly independent countries in the developing world were to take charge of their own destiny and adopt good governance to achieve the wellbeing of their masses. However, barring a few exceptions, most of them have not succeeded in this effort as so many had hoped. The same disappointing outcome holds true for a vast majority of Muslim countries. One of the reasons for this shortcoming is the inability of these nations to develop a democratic system founded on sound Qur'anic concepts of good governance. First, there has been disappointment in the application of the principle of *amānah* (trust). Second, there has been failure of political leadership in these nations to acknowledge that citizens are *khilāfah*, which is a dignified responsible position of the individual in society as against that of a subject in the feudal system.⁴⁴ Since the individual in a vast majority of Muslim countries was not allowed to realize his full potential as *khalīfah*, the democratic system did not take root.

A sound democratic process takes root when it embraces constitutionalism and succeeds in establishing strong democratic institutions based on the principles of separation of powers, rule of law, independence of the judiciary, freedom of expression and respect for opposition parties by the ruling party.

Where governance practices are distorted away from these sound principles, there is a lack of accountability and minimal transparency, the Qur'anic guidance for (as discussed in this book) good governance is thus negated. This results in injustice and bad governance with unbridled corruption. More often than not, these corrupt regimes are backed by one foreign power or another for their short term gains at the cost of long-term benefits to world peace and better relations with their masses. Hence a vast majority of Muslim countries, despite having hard working, diligent citizens and rich natural resources, remain mired in corruption, poverty and lack of education, and are burdened with huge foreign debts, not to mention ongoing internal conflicts among various groups.

⁴⁴ For further discussion on the status of the individual as 'subject vs. citizen' see: Muhammad Arif Zakaullah, Global Governance, The Nation State and Muslim Unity, *International Journal of Muslim Unity*, Vol. 2, No. 1, August 2004, 47-84.

There have been conflicts even between Muslim countries. Externally, these dysfunctions weaken the Muslim world in international politics. Consequently, the Muslim world fails to achieve its goals despite having considerable claims to justice.

Ineffective Diplomacy in the Global Balance of Power Game

Because of these ailments and the persistent inability of Muslim countries to resolve international issues amicably, the Muslim world remains ineffective, helpless, unstable, and an easy target for manipulation by outside forces as well as by occasional outbursts of anger by extremist elements in its midst. It was due to this paralysis of the Muslim world and its increasing victimization by various outside forces that during the last decade of the 20th century some quarters advocated a clash of civilizations. This idea was debated and negated by many but then the tragedy of 9–11 happened. Some groups are taking this incidence as an affirmation of the clash of civilizations thesis. A lot has happened in the world since then and various schools are interpreting these events and developments in their own ways. The thesis of the clash of civilizations is an extreme position and contributes its fair share to rigidity and harshness in the treatment of Muslims and their causes by some who fear dialogue and mutual engagement. The advocacy of this uncompromising approach to Muslim-non-Muslim relationships should be taken seriously and avoided by every peace loving citizen of the globe it can create fear of and hatred against a certain community. This fear and hatred can be manipulated from outside the community to undermine its legitimate aspirations and within the community to justify a reciprocal extremism and even violence against the outsider.

The Rise of Extremism

All of this unresolved tension in the world frustrates the Muslim masses. With no end to their problems in sight, the frustrated masses lose hope in the status quo at all levels from national to international and global. Because they find that their own ruling elites are often corrupt and beyond accountability, they are subject to the politics of extremism. Nor do they have confidence in governance institutions that lie outside the

Muslim world. The perpetuation of this state of hopelessness cultivates an environment conducive to the articulation, propagation and popularity of extremist ideas in the Muslim world. As this situation arises due to the victimization of Muslim masses, the extremist elements interpret Islamic teachings within the framework of their extremist agenda to appeal to the masses. Thus, without good governance, it becomes easier for extremist elements to attract followers for extremist violent actions.

The Most Effective Strategy Against Extremism

This was also true of the extremist organizations in the United States known for racial terrorism, such as the Ku Klux Klan. The back of the KKK was not broken by force but by recognizing the dignity of the Afro-American community through boldly restoring their civil rights. The civil rights legislation was an act of good governance rooted in the principles of *khilāfah*. What we learn from this episode is that good governance establishes justice by restoring the dignity of the victims. This revitalizes the moral powers of truth, which destroys extremism and hatred. If extremism in the Muslim countries is to be crushed with a death blow, then such a blow would more likely come from recognizing the basic human rights of all Muslims, including Palestinians, Kashmiris, Kurds, Chechens, and many other oppressed communities, than from the use of force alone.

However, intellectuals, religious leaders of various faiths and opinion leaders in civil society are the moral frontline fighters in the war against extremism. They should gather the moral strength of their faiths and insights into truth, advocate that truth, and start speaking out in unison. That was the way they launched successful movements that resulted in the Civil Rights legislation and dismantling of the apartheid. This is how a program for enhancing good governance can start. If we have a sincere commitment to the principles of good governance for the sake of saving humanity from self destruction, then we should know that we should be the first ones to speak the truth, advocate it, give it momentum, and activate and unite global civil society for this cause.

Peaceful Resolution of Conflicts in the Muslim World

However, to put all the blame for the problems of the Muslim world on foreign powers and external elements belies the spirit of objectivity of this discourse. It is true that generally most of the world powers and the UN have, from the perspective of many Muslims of tolerance and goodwill, failed to do justice when dealing with issues and aspirations concerning the Muslim world. But it is equally true that the Muslim world has failed to resolve its own internal issues and conflicts amicably. In this connection, we briefly mention a few such issues and then relate them to the principles of good governance. One of the major issues in this regard from recent history is the Iran-Iraq war. This war set in motion the forces that have shaken the Muslim world. Its aftershocks still continue to destabilize the region.

At the outset of the war the Foreign Ministers' Conference of the OIC met in an extraordinary session in New York during the UN General Assembly Session. A goodwill mission, headed by Pakistani President Ziaul Haq, was formed "in the hope of bringing the warring parties to negotiations."⁴⁵ Ziaul Haq immediately visited Tehran and Baghdad to persuade the leaders of the two countries to settle their dispute peacefully. He was joined by PLO leader Yasser Arafat.. But their attempts did not succeed. Later, this committee was renamed as the Islamic Peace Committee (IPC) and included the heads of government of Bangladesh, the Gambia, Pakistan, the PLO, Senegal and Turkey. The OIC Summit Conference prepared terms and conditions for a ceasefire, but Iran announced its boycott of the conference on the ground that it would never sit with representatives of what it called the "aggressor Iraqi regime". The Iraqi regime, on the other hand, not only tried to convince the conference that Iran was responsible for the conflict. It also succeeded in getting the OIC's approval to host the following Foreign Ministers' Conference in Baghdad. Despite Iran's objections, the 12th Conference of

⁴⁵ See Abdullah Al-Ahsan, *The Organization of the Islamic Conference: An Introduction to an Islamic Political Institution* (Herndon, VA: IIIT, 1988), 79.

Islamic Foreign Ministers was held in Baghdad. In its inaugural session the Iraqi President, Saddam Hussein, declared that:

“Iraq is relieved of any moral or legal responsibility for the continuation of the conflict: the responsibility lies squarely on the officials of Iran, for they have so far not exerted any serious and sincere effort to halt the conflict and reach a peaceful, just and honorable settlement in this dispute.”⁴⁶

At the end of the conference, the OIC decided to make the statement of the Iraqi president a part of its official document because it contained “useful guidance for the organization.”⁴⁷ Thus the OIC lost its credibility as a mediator in the conflict. Yet the OIC continued its moribund efforts to bring an end to the war.

Another tragic chapter of the failure of the Muslim world to resolve its internal conflicts amicably is the dispute between the two wings of Pakistan (i.e. East Pakistan and West Pakistan). The existence of political parties and elections gave Pakistan the appearance of a democracy. This democracy, in reality, was the captive of the feudal-military power structure of the country. Hence no peaceful resolution of issues was reached, leading to the breakup of the country in 1971.

A third instance was that of Afghanistan. “After the withdrawal of the Soviet forces, the Afghans kept fighting among themselves for more than a decade, paving the way for the Taliban. This was also due to inability to resolve their conflicts peacefully.”⁴⁸

Let’s now view the OIC’s mediation efforts in the light of Qur’anic guidance for conflict resolutions. The Qur’an uses the word *sulh* □ for reconciliation. In most other places where the Qur’an uses this word, □, it is followed by the word repentance

⁴⁶ OIC *Final Communiqué of the 12th Islamic Conference of Foreign Ministers, Baghdad, Republic of Iraq*. 28 Rajab – 3Shaban 1401, 1- 15 June 1981, Annex V, ICFN/12-81/FC/1

⁴⁷ *Ibid.*

⁴⁸ Muhammad Arif Zakauallah, *The Cross and the Crescent: The Rise of American Evangelicalism and the Future of Muslims*. Kuala Lumpur: The other Press, 2004, 245.

(*tawba*) after theft (5:39) or after committing a hypocritical act (4:146) or after committing an undesirable deed out of ignorance (6:54). The above quoted verse is followed by the verse that declares:

All believers are but brethren. Hence (whenever they are at odds) make peace between your two brethren, and remain conscious of God, so that you might be graced with His mercy (49:10).

In other words, from the Qur'anic perspective the real reconciliation between the two conflicting parties would emerge only when there is a genuine intention on the part of the conflicting parties and mediators to achieve peace.

To determine who was right or wrong in the above cases should be the subject matter of another discussion. What is relevant here is the glaring reality that the contemporary Muslim world, more often than not, is not able to resolve its internal disputes amicably. This is also true of with issues like the Sub-Saharan Polisario, Ogden and Kurdish identities, to name a few. Though we have mentioned some of the relevant Qur'anic guidance in this regard, yet in real life little is put into practice by the Muslims. Again, in the case of peaceful resolution of conflicts, the issues of trust and justice become central. At the root of it is the ability and willingness to give and take, compromise and reconcile. Democracy is one of the systems of governance which teaches every participant to respect the 'other' even if we do not agree with them. It also teaches the participants to give and take and even form coalitions with their rivals for the sake of society's greater good. Since a vast majority of Muslim countries, despite the ritual elections, lack true democracy, the art of reconciliation and compromise has yet to develop in the Muslim world. And of course one's ability to reconcile and compromise is also influenced by one's respect for the other, which boils down to one's sense of appreciation of the Qur'anic concept of human dignity signified by the term *khilafah*.

We have raised the issue of democracy in this forum for a particular reason. The transformation of the contemporary Muslim world from feudal-military-dynastic

practices to constitutional democratic institutions is necessary to enhance the ability of Muslims everywhere to resolve their problems and conflicts effectively through peaceful means. This transformation will help realize the enormous potential of Muslim societies and also help them play a more constructive role in solving their international issues with greater dignity and effectiveness. Sadly, there have been instances when outside interventions to support undemocratic social and political forces in some Muslim countries have crippled democratic developments there. We should not forget that the suppression of democracy and perpetuation of corrupt feudal-dynastic-military power structures can foster and facilitate extremist movements that preach violence and militancy.

Good Governance and the Clash of Civilizations

As the first decade of the 21st century ends, the world remains too far from the ideals of trust and khalifaship. These circumstances demand that instead of succumbing to extremist ideas, which range from the advocacy of the clash of civilizations to the advocacy of militancy and terrorism, it is appropriate to look at the principles of good governance in the major contemporary civilizations and try to understand if their principles of good governance clash, diverge from one another or share common ground.. If through this kind of study we discover a significant commonality in the principles of good governance of various civilizations then there exists logical justification and a moral obligation to find the ways and means to develop approaches through which the civilizations could come together and cooperate for a just world on the basis of these commonly shared principles. It is through this kind of direct and unbiased understanding of the principles of good governance in each contemporary civilization that humanity would be in a better position to realize the cooperation among scholars, visionaries, thinkers, activists, civil society and concerned citizens of various civilizations to develop a common approach toward the realization of a better, peaceful, prosperous and just world for all. This would also allow us to develop and activate relevant strategies for a just and sustainable world peace.

It was this concern for a just world peace that inspired the studies contained in the first three chapters of this book. Each chapter consists of the study of major principles of governance with a particular focus. The focus of the first study (Zein *et al.*) is the principles of governance in the Islamic civilization. The second study (Young) is an ambitious effort as it attempts to present ancient Chinese and Western perspectives, and then also briefly addresses the Roman and Judaic-Christian perspectives on governance, and goes on to show the development of American constitutionalism through John Calvin, John Locke and beyond. The third study (Hunter) introduces a brief historical perspective of the philosophy of governance with a focus on the Chinese and Greco-Roman civilizations and then moves into the new scientific territory of human bio-psychological make-up and its implications for the principles of good governance. This is quite an innovative approach as it looks at the recent researches in cognitive neuroscience, behavioral genetics, evolutionary biology and evolutionary psychology, and attempts to determine the relevance of their findings to the principles of good governance. The research efforts in these sciences are not final, as they are only at their early stages. With time their ultimate findings and their implications may become clearer. However it is quite interesting to see that the modern researches in these sciences (as shown by Hunter) demonstrate that the human bio-psychological make-up is also geared towards the search for peace, justice, trust, team work and cooperation, etc. Hunter's findings from the modern bio-psychological sciences are in line with the very principles in the teachings of the Judeo-Christian-Islamic traditions, and which secular ancient and modern mainstream Eastern and Western thinkers have advocated for millennia. This three dimensional (i.e. religious and secular inter-civilizational thought and the scientific bio-psychological make-up of humans) convergence on similar fundamental principles of governance is an important find and provides us with enormous moral and intellectual capital to build on in the 21st Century. This finding totally demolishes the myth of a clash of civilizations as well, and replaces it with the reality of natural convergence of contemporary civilizations with great potential for the alliance of civilizations if proper steps and consistent measures are taken.

As mentioned earlier, this important find provides us with enormous moral and intellectual capital to build on. The challenge is now before us to use this opportunity not only for inter-civilizational dialogue but also for bringing this new moral and intellectual capital to the relevant forums, especially the academia, for more discussion and refinement and to use the refined and agreed upon axioms and approaches as part of the curriculum in our education systems and make every effort to share them with civil society, political leadership and the media with the ultimate goal of building an operational model based on these principles.

Agenda for the 21st Century

Human civilization since its very beginning has constantly evolved and in this process, it has progressed from one stage to another. The movement from one stage to another most of the time is visible from the changes of physical components or infrastructure, e.g. the industrial revolution or the emergence of global networks of digital communications.

Seemingly, the industrial revolution was all about steam power based production, use of science and technology and machines, etc. It had both positive and negative consequences for society. However, if we were to reflect deeply, we would realize that the industrial revolution was not just a scientific and technological system of production; rather, it sustained and succeeded due to an ideological shift in society. At the time when the industrial revolution was taking place, human society was evolving a new outlook towards governance and there took place a shift from a political system in which power was based on ownership of land (i.e. feudalism) to democracy. Over time the industrial revolution, capitalism and democracy complemented each other and contributed towards the march of human civilization to a new and higher stage of evolution. Under feudalism and other traditional social systems resting on rural and agricultural enterprises, power and position were hereditary. The ruling elite was born with a seeming entitlement to rule, and was by and large immune from accountability. Serfdom was a norm, slavery was accepted, and racism was the order of the day. When seen in this historical context we can appreciate the current trends in our civilization. Our civilization is again entering

a new stage called Globalization. Under globalization not only goods, services, capital, technology and production plants but also humans are moving across borders with fewer and fewer restrictions. The emerging trends of greater regional cooperation and integration are creating new arrangements and institutions. The new developments in ICT are reducing the constraints of time and space. All kinds of barriers that have divided humanity and have kept peoples apart from one another are falling. In order to gain maximum benefits from this, the world needs a new and healthier philosophical understanding of itself by appreciating and internationalizing the true reality of human dignity.

This ideological understanding comes from the realization that over the millennia the leading religions and secular thinkers and philosophers have developed similar principles of governance for the peace and harmony of the human race. The very foundation of the American Revolution and the establishment of the United States of America are rooted in similar principles, whose origins date back to John Calvin and John Locke. The American nation remains an ongoing project of the realization of the principles of good governance rooted in the concept of human dignity. The empowerment of the individual that comes from this dignity gives every individual a powerful role in society which in Islam is called *khilāfah*. The 2008 presidential primaries campaign featuring Senators Barack Obama and Hillary Clinton on the Democratic Party's forum is another step forward in the evolution of the American state in the context of the realization of the ideals of human dignity.

It is the need of the hour that the idea of the alliance of civilizations on the basis of these principles should be developed and shared with all. In this regard a very high degree of understanding and cooperation between the Muslim world and the West is needed on two strategic points. First is the area of gradual, peaceful transformation of Muslim countries into democracies where the new democratic systems evolve on the basis of the principles of good governance in line with the socio-cultural and historical realities of the respective countries. Second is the area of closer cooperation (not just between governments but between intellectuals and civil society as well) with sincere commitment to contribute to world peace on the basis of human dignity, justice, trust,

accountability and transparency. In this regard it should be noted that whether it is the reform of existing institutions of global governance (e.g. the UN, the IMF and the World Bank) or the creation of new institutions, the principles of good governance (as discussed here) should be sincerely and comprehensively applied to all these challenges. When seen in this context this book is neither complete nor perfect, as it invites every concerned citizen of the globe to make his/her own contribution towards the actualization of ideals rooted in the principles of good governance shared by humanity across the civilizations.

Ensuring a Better Future for Humanity: Where do we go from here?

Qur'anic guidance rests on an understanding of human nature that applies to all peoples and individuals. Human beings have the potential to contribute positively in God's process of creation because they are His vicegerent on earth. But they are also subject to a falling away from constructive goodness because of their human weaknesses. The Qur'an proclaims full freedom for human beings; hence they are at liberty to choose between being good servants of God on earth and so participating in creating a peaceful society or following whimsical passions and desires to create chaos and disorder on earth. The Qur'an provides guidance to mankind for good governance in management of affairs in individual lives and society at large.

The Qur'an takes into serious consideration the general characteristics of human behavior and provides guidance on good governance accordingly. It recognizes human dignity by identifying human beings as God's *khalīfah* or vicegerent on earth – an idea parallel to the Biblical idea of man as created in God's own image. The Qur'an then reinforces this idea by highlighting God's act of blowing His Own Spirit into man in the process of man's creation. Since God is so powerful, knowledgeable, creative, responsible kind and benevolent (God has 99 such characteristics according to the Qur'an,) man also has the potential to develop these qualities and characteristics in himself. All these are necessary for creating a peaceful society on earth. The Qur'an aims at establishing just such a society. However, these godlike qualities have been granted to the whole of humanity as one species. Therefore humanity must mutually cooperate as one coherent entity in order to achieve this desired goal. Such cooperation can be ensured only when human dignity and human values are recognized, respected and promoted.

The Qur'an claims that all people in history have been guided for establishing peaceful society. All people in history were endowed with the ability to discern between right and wrong. Our knowledge of history upholds this view of the Qur'an. It is also rational to perceive that all civilizations in history are products of positive values such as those underscored by the Qur'an. One identifies these ideas not only in the Judeo-Christian and ancient Chinese traditions, one also finds parallel ideas in American constitutional history and in CRT principles. It is interesting that the Qur'an appeals and instructs its readers over and over again to learn from history.

This naturally raises questions about the role of religion in early civilizations. But unfortunately although most historians believe that religious ideas played the most dominant role in all civilizations in history,⁴⁹ they have by and large failed to produce rational explanations on the nature of that role. Books on the subject don't explain how religious ideas might have contributed to material growth and progress in those civilizations. Did religions coerce people to cooperate? What was the nature of the so-

⁴⁹ In discussing the role of religion in defining civilizations, Huntington, for example, claims that "religion is a central defining characteristic of civilizations." See Samuel P Huntington, *The Clash of Civilizations and the Remaking of World Order*. (NY: Simon & Schuster, 1996), 47ff. Huntington also discusses views of other historians on the issue.

called ideas of divine right of kings? Did the Israelite kings David and Solomon exert their “divine rights” on their people as did the Egyptian Pharaoh Tutankhamen? Did religions only cause dispute and war among peoples? Or did religions inspire and motivate people to cooperate in creating better civilizations? Or it is because of religion that bitter hostilities and cruel conflicts have often occurred in history as suggested by many historians? Ancient history has not been able to make a clear distinction between ethical values and cruel revenge against enemies, between values of human dignity and emotional outbursts justified with false accusations. We think it is only proper that academics, researchers and intellectuals seriously consider these questions and undertake the task of straightening our understanding of humanity’s moral and intellectual heritage, including religious affirmations of truth and justice.

However it is fascinating to note that new research in biological and social sciences illuminates a perception that human nature responds intuitively to moral callings for the right use of power. These scientific findings are leading to conclusions which are suggesting that human brains are hard wired to trust others, to have a natural sense of justice and fairness, to know the importance of cooperation, to be conscious to the sense of benevolence, to feel empathy, and most importantly, to understand the rightness and wrongness of any given action. In our opinion all these human qualities indicate the universality of Qur’anic guidance for good governance. Is it now therefore possible to identify and develop some common civilizational values of good governance for use in today’s world?

The subject of good governance is pertinent to all people in all times in history but it is more important at this juncture of history when human relations and international affairs have been mired by divisive ideas such as the clash of civilizations and a sectarian war on terror. Global violence has increased ever since these points of view have become dominant in international relations. Therefore leaders of our common global community at large must develop better mechanisms to bring about a better future for mankind. With unprecedented progress in communication uniting today’s world, the whole of humanity has become closer than at any time in history. That is why we strongly believe that the whole of humanity must stand together in meeting this extraordinary challenge of finding common ethical dimensions to our engagements across cultures and religions.

Throughout history philosophers have debated the question of good governance. Ethical and moral values constituted a significant element in these discussions and most often these values originated in religious teachings. However, until the end of the 18th century philosophers relied heavily on religious values when dealing with ideas of good governance, but since then religion seems to have taken a back seat in the presentation of right-minded political philosophy. In the 19th century religion was passionately and single-mindedly condemned and blamed for almost all major world conflicts in history. Interestingly this was done in the name of rationalism.

However, after witnessing the two most devastating wars in human history, in the first half of the 20th century both historian Arnold Toynbee and sociologist Robert Nisbet took a different view about the role of religion in society. After critically evaluating the

rise and fall of civilizations and evolution of progress in worldly human accomplishment both scholars advocated a return to an appropriate role for religion in saving world civilization from the dangers of violence and abuse of power. Their views have been echoed by many others as the 20th century drew to a close. It is in this context that we have endeavored to explore Qur'anic religious views on the subject of good governance; we think that Qur'anic ideas have something positive to offer in this context.

It is our firm our belief that humanity must take responsibility for its own future. In this context, the Qur'anic concept of *khilāfah* or Lord's vicegerent-ship – that God created mankind as His representative on earth – makes great sense. Everything on earth belongs to the Creator but humanity as his vicegerent has authority to utilize God's creations for further progress and development. Everything on earth is therefore an *amānah* from God given to human beings; but humanity must be accountable to itself and to God for the powers and things held in trust and must be responsible both individually as well as collectively for all the resources on earth. In order to achieve this goal, they must also develop trust among themselves. Human experience suggests that no human being can live well alone. He or she needs the company and support of others of their own kind for survival. Therefore humanity must develop mutual trust for its own sake and, according to the Qur'an; God helps mankind in achieving this goal. But human beings must take the initiative.

Human experience also suggests that mutual trust results in cooperation within the society and successful cooperation leads to growth of civilizations. Such cooperation is successful because participants usually enjoy equality and dignity in society. Ideas of equality and human dignity are commonly found in almost all human civilizations in history. This cooperation is usually very enthusiastic and intense during the formative phase of civilizations: Ethical values define human behavior. But with the passage of time the strong and powerful usually develop vested interests. Progressively they cultivate and promote cultures of dominance acting negatively against the human desire for cooperation. As a result, ideas of equality and human dignity suffer. Most members of society cease to cooperate. The weak and poor become the first victim of these cultures of dominance because the many from among the rich and powerful impose their will where they can, usually in the name of civilization. Slowly such top-heavy civilizations move towards decline and eventually fall. Interestingly the Qur'an warns its readers about this tendency in human communities by drawing lessons from the experience of early civilizations. Decline and fall of civilizations occur when people fail to fulfill their trust (*amānah*) with justice (*'adālah*). And when a universal civilization falls; the whole humanity suffers.

Today's world is not free from these human weaknesses and that is why it is necessary for us to undertake an initiative to save humanity from the nefarious consequences of conflicts. Only a revival of a commitment to wise stewardship and justice can enhance and sustain our contemporary civilization. It is our firm belief that the time has come when all peace-loving, far-sighted people in every civilization (specially the academics, intellectuals, opinion-makers, community leaders etc.) need to come together and articulate those values and principles that are common across civilizations/

religions and promote peace, justice and harmony. This common agenda needs to be developed through joint effort and action. Such a deliberate utilization of common civilizational values will definitely achieve better results in confronting hurtful ideas such as the clash of civilizations and a narrowly conceived war on terror. It is with a hope of developing a rational global plan based on human dignity and responsibility for a peaceful civilizational coexistence that we present this work.