

QUR'ĀNIC TEACHINGS AND JOHN LOCKE: TWO COMPATIBLE APPROACHES TO GOOD GOVERNMENT

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Abstract: In his 1689 "Essay Concerning the True, Original Extent and End of Civil Government", John Locke set forth a number of famous propositions on limited government. His fundamental premise is that the extent of government authority is limited by its end. The purpose of government defines the scope of its responsibilities, which in turn justify its use of power to accomplish those specific ends. Government, under Locke's approach, has no authority where it has no mission to accomplish. For Locke, public power was thus to be held in trust to accomplish enumerated goals and objectives on behalf of certain beneficiaries; for Locke government was stewardship. Government was to be the servant and the people were to remain the master. For different reasons, the Qur'ān, too, teaches us that government is a trust that should not be abused. This article tries to compare both views with each other in order to make out common ground.

John Locke and Good Government

Locke's thesis on the proper legitimacy of government was adopted by Great Britain's colonies in New England when they rose in revolt against royal authority in 1775 and declared their independence from Great Britain in 1776. Locke's thesis on government was summarised in their Declaration of Independence as follows:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. – That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, – That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

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In 1789 when Great Britain's former colonies, now independent states united into a national federation known as the United States of America, adopted a new constitution to strengthen the legitimate authority of their federation, Locke's thesis – as exemplified in his 1689 "Essay Concerning the True, Original Extent and End of Civil Government"¹ – was again put to use. The Constitution of the United States set forth the purposes of the trust which held the powers conferred on the government in a preamble as follows:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Locke arrives at his conclusions that government consists of powers held in trust for the benefit of the people by starting with certain assumptions about the natural conditions into which all people are born. Locke starts not with religious teachings or a moral code of right and wrong but with observations about the natural order.² In this, he was very much a product of the European Renaissance, the emergence of scientific thinking, and the Enlightenment. It is often said that Locke was a natural law thinker for whom reason more than revelation was the supreme guide to conduct.

Locke tells us as he opens his essay on civil government that he seeks to understand the source of political power, the origins of the rights of a magistrate. In this quest, he is setting out to determine the basis for legitimacy of government and, by implication, how to justify revolt against illegitimate use of public power.

His first step is to define the "state all men are naturally in".³ For Locke, this state is one of political independence and ethical autonomy. The state of every individual is self-mastery he argues. Independence of will is a fact for each and every human born alive. Loss of an independent will – the subjection to the will of another – is slavery, which is an un-natural condition for a person, says Locke.⁴

Concomitant with having independence over the self, says Locke, comes a right to punish others for the infringement of selfhood.⁵ Here Locke infers an ethical proposition on the legitimate use of power from a description of natural conditions. To preserve such natural conditions, human beings may be granted licence to defend the status quo in which they have been placed.

Similarly, enjoyment of such independence in moral judgment leads to equality among all people. No person is inherently more suited to rule or control than any other.

Next, Locke asserts that the moral autonomy of the individual reaches out and penetrates into the physical world into which we are born. That extension of one's will gives rise to rights of property.⁶ To respect the will, we must respect the facts which express implementation of that will. Ownership of things, therefore, arises

as a consequence of moral autonomy: what I accomplish with my work, what I control for my own pleasure and purposes, becomes a part of me, subject to my will and not to that of another. Individualism leads inevitably to exclusivity over some things. I have a claim to keep others out of what is “mine” in order to protect the effective presence of my will in history.

Now Locke must confront the factual implications of having many autonomous individuals each with their own properties and independent wills. What results is conflict; conflict over rival purposes and conflict over property.⁷ For Locke, all humans may be born with claims to autonomy, but they are not all born as just and upright paragons of wisdom possessed with humble and becoming virtues. As Madison wrote in justification of the American Constitution, “[i]f men were angels, there would be no need for government”.⁸

Locke’s solution to the problem of conflict inherent in the human condition is to establish government.⁹ Individuals, he says, can agree to surrender certain powers to the community. Executive powers of enforcement are assigned to public authorities. The assignment alone gives them whatever authority they are to have and to hold. Locke uses agency theory here to support legitimate civil government.

Importantly, he argues, people will only give up that increment of power necessary to the end of the agency contract.¹⁰ And, the scope of the powers delegated to the government reflects the will of the majority who agree to subject themselves to the authority so created. The state is an agent for the preservation of property and to provide public good for the people.¹¹ As Cicero wrote in his *De Legibus* (3.8): *salus populi est suprema lex* – “the wellbeing of the people is the highest law”.

Now Locke has a standard by which to judge excessive and oppressive government: abuse of powers given in trust. When power is abused, the contract of agency is broken by a breach of trust and the tie that binds the principal to the agent is instantly dissolved.¹² The government loses its authority and a new one needs to be instituted in its place to carry out the work of providing for the public good.

Public authority, according to Locke, can come in a variety of institutional arrangements: democracy, oligarchy, monarchy, and combinations thereof. Each form of government is subject to abuse of its trust and therefore must be kept in proper check.

Locke then discusses legislative power as common to all forms of sovereign authority. To keep the legislative power from abusing its trust, Locke recommends a number of rules to limit its authority:

- it may not act arbitrarily or capriciously but must use reason to support its decisions;
- it must honour standing laws and judges;

- it can't take private property without consent of the owner; including taxing of private wealth and income;
- it can't transfer its power to another in order to evade these limitations.¹³

Locke recognises that, to accomplish its ends, government needs more than legislative authority; it needs executive actions to focus on specific tasks. The power to execute laws, then consistent with agency theory, is delegated to an agent of the legislature, or the executive who is a fiduciary, Locke says. And, as has any agent or fiduciary, the executive has some degree of discretion over its use of power. This discretion Locke calls "prerogative".¹⁴

Importantly, the prerogative of the executive must always be used in trust for the benefit of the people; the executive may not seek to further any interest separate from the people.¹⁵ The executive is a servant, not a despot or a tyrant able to go beyond the bounds of legitimate government and impose a selfish will.¹⁶

Locke found a new way to express the core principle of constitutional rule: the king is neither a servant, nor a master. As the early English jurist Henri de Bracton wrote after the Magna Carta: *Ipse autem rex non debet esse sub homine sed sub deo et sub lege* – "Kingship should not be under a man but under God and under the Law".¹⁷

Should any executive become despotic, he loses legitimacy and forfeits the trust.¹⁸ His term of office, so to speak, comes to an end and he must return the substance and the trappings of power to the people.

Locke concludes that when powers are used contrary to the trust in which they were given, when power is misused to violate the terms of the trust, the government is automatically dissolved and is no more. Now the people must select a new government – hopefully one more faithful to its trust.

Further, when a government is so dissolved because of its oppression and tyranny but does not surrender its instruments of power (the police, the army, the central bank, etc.), the people enjoy a right of revolution to drive the faithless office-holders from their positions using armed force if necessary.

Qur'ānic Teachings and John Locke

It is sometimes alleged that John Locke's arguments for limited, responsible constitutional government reflect a parochial cultural framework about human possibilities. It is true that Locke was Western European, Protestant, humanist, as well as rational and scientific in the Enlightenment way of thinking. But that does not mean that his conclusions are necessarily irrelevant to other cultures and peoples who do not share that culturally specific European view of how to think about the world. In fact, it is a matter of collective common sense that similar conclusions may be

supported by different arguments and either inferred from a variety of propositions or deduced from a range of premises.

When we seek to establish governments in a global community of many nations and cultures, it is the conclusions as to what form of government is just that should matter most, not the specific premises and arguments that lead us to such conclusions. Cross-cultural agreement on the ends of government permits cross-cultural cooperation and mutual respect.

Qur'ānic revelation, for example, starts from a set of understandings about the circumstances in which we live that were not completely shared by John Locke. Nonetheless, qur'ānic revelation provides us with analogous concepts to those used by Locke that can carry us to very similar conclusions about the proper role and nature of government.

In short, for different reasons, the Qur'ān teaches us that government is a trust that should not be abused.

The Qur'ānic Thesis

The Qur'ān 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 trustee responsibilities, the office of *khalīfah*, the necessity of wise discernment, the use of good counsel, and the seeking of justice.

First, the Qur'ān teaches that each human is born possessing something of God's life force. According to the Qur'ān, God provided humans with remarkable potential by breathing into the first created human some holy spirit.

We created man from dry clay, from black moulded loam, and before him Satan from smokeless fire. Your Lord said to the angels: "I am creating man from dry clay, from black moulded loam. When I have fashioned him and breathed of My spirit into him, kneel down and prostrate yourselves before him." (15:29)

But He fashioned him in due proportion, and breathed into him something of His spirit. And He gave you the faculties of hearing and sight and feelings. Little thanks do you give! (32:9)

We have honoured the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred unto them special favours, above a great part of Our Creation. (17:70)

We created man in a most noble image [...]. (95:4)

He therefore not just made human persons in the image of God but with God's life force within them. Humans, according to the Qur'ān are specially created by

God to serve a divine purpose: “I am placing on the earth one that shall rule as my deputy” (2:30). Thus, all human persons are possessed with something of the Creator’s energy, will, capacity and purpose. We have the possibility of being God’s deputies with a sparkle of the Divine light in each of us. But the gift of God’s powers and spirit comes with a condition: such energies and capacities are to be used on a restricted basis for set, limited purposes. Our special status as possessing something of God’s essence is not to be misconstrued as justification for our seeking to rival God as a master being. By no means (59:12; 96:6).

Of course, the Qur’ān 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.

Indeed, Man transgresses in thinking himself his own master. (96:7)

Man’s soul is always prone to selfishness, but if you do good and are God-fearing, then surely God is aware of the things you do. (4:128)

O David, We did indeed make you vicegerent on earth: so judge you between men in truth and justice and not follow the lusts of your heart, for they will mislead you from the Path of God: for those who wander astray from the Path of God, is a grievous penalty, for that they forget the Day of Judgment. (38:26)

Second, the Qur’ān 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 Qur’an teaches, are given in trust – *amānah* – so that God’s purposes can be served on earth.

We offered this trust to the heavens and the earth and the mountains but they refused to bear it and were afraid of it, the but man undertook to bear it. Indeed, he is unjust and ignorant. (33:72)

Believers! Do not be unfaithful to God and the Messenger, nor be knowingly unfaithful to your trusts. (8:27)

God brought you out of your mothers’ wombs in this state that you knew nothing: He gave you ears and eyes and thinking minds so that you may be grateful. (16:78)

Do not follow that of which you have no knowledge for you shall be questioned for [the use] of your eyes, ears and minds. (17:36)

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. According to the Qur’ān, evil doers are those who “break [God’s] covenant after

accepting it, and put asunder what He has bidden to be united, and perpetrate corruption in the land” (2:27). Moreover, we read:

If, after all the knowledge you have been given, you yield to their desires, then you will surely become an evil-doer. (2:145)

If you obeyed the greater part of those on earth, they would lead you away from God's path. They follow nothing but idle fancies and preach nothing but falsehoods. (6:116)

And there are some among them who twist their tongues when quoting the Scriptures so that you may think it is from the Scriptures, whereas it is not from the Scriptures. (3:78)

Do not devour one another's property by unjust means, nor bribe the judges with it in order that you may wrongfully and knowingly usurp the possessions of other men. (2:188)

Believers, do not live on usury, doubling your wealth many times over. (3:130)

God does not love aggressors. (2:190)

[...] vanity carries them off to sin [...]; do not walk in Satan's footsteps [...]. (2:206; 2:208)

Do not make God, when you swear by Him, a means to prevent you from dealing justly, from guarding yourselves against evil, and from making peace among men. (2:224)

Men are tempted by the lure of women and offspring, of hoarded treasures of gold and silver, of splendid horses, cattle and plantations. These are the enjoyments of this life. (3:14)

God does not love arrogant and boastful men, who are themselves tight-fisted and enjoin others to be tightfisted; who conceal the riches which God of His bounty has bestowed upon them [...] and who spend their wealth for ostentation. (4:36, 37)

Whoever recommends and helps in a good cause becomes a partner therein: and whoever recommends and helps an evil cause, shares in its burden. (4:85)

So do not be led by passion, lest you swerve from the truth. (4:135)

Do not allow your hatred for other men to turn you away from justice. (5:8)

Third, the Qur'ān states that the office holding the *amānah* given to humanity is that of *khalīfah*, or vicegerent of God on the earth.

Just recall the time when your Lord said to the angels, I am going to appoint a vicegerent on the Earth. (2:30)

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.

O David, We did indeed make you vicegerent on earth: so judge you between men in truth and justice and not follow the lusts of your heart, for they will mislead you from the Path of God. (38:26)

An important distinction can be made between the image of human persons as agents of God – as *khalīfah* – and an image of human persons as masters in their own right as a challenge to God’s dominion. The role of *khalīfah*, something more than beasts but yet less than God, is as subordinate as an appointee and delegate who must turn for powers and direction to the principal and master.

Did you not know that God has sovereignty over the heavens and the earth? (5:40)

And, correspondingly, humanity is not to pick from within its own ranks those who will be given any such sovereign status (96:9).

He is God besides whom there is no other deity. (59:21)

Humanity was given its proportion and form by God alone (82:7–8). Mankind was created only to worship God, not itself (51:56).

Fourth, the Qur’ān 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. One of the important capacities given to human persons by God is this faculty of *ijtihād*, or independent reasoning to deduce a particular ruling from the sources of *sharī‘ah*. *Ijtihād* is needed by human persons to distinguish between conjecture and truth (10:36).

The meanest beasts in God’s sight are those that are deaf, dumb, and devoid of reason. (8:22)

Such beings have no capacity to discern truth or use *ijtihād*. How could they possibly serve God as a steward on earth, attending to his bounty and acting with moral purpose?

We sent the former Messengers with clear Signs and Books, and now We have sent the Admonition to you [O Muḥammad!], so that you should make plain and explain to the people the teachings of the Book which has been sent for them; and so that they [themselves] should ponder over it. (16:44)

And We bestowed the same favour upon David and Solomon: Remember the occasion when the two were judging a case regarding a field into which the goats of other people had strayed at night, and We Ourselves were watching their conduct of the case. At that time We guided Solomon to the right decision, though We had bestowed wisdom and knowledge upon both of them. (21:78–9)

The capacity of *ijtihād*, or application of the human mind to new issues in the light of *sharī'ah* guidelines, was given, it seems, in order that an individual's stewardship, his 'khalīfahship', can be successfully undertaken with wise use of all the various *amānah* held by that person.

Fifth, the Qur'ān recommends the use of institutions of consultation – *shūrā* – as a means for the application of individual *ijtihād*.

Those who listens to their Lord, and establish regular prayers; who conduct their affairs through consultation (*shūrā*), who spend out of what We bestow on them for sustenance [...]. (42:38)

It was thanks to God's mercy that you were gentle to them. Had you been rough, hard-hearted, they would surely have scattered away from you. So pardon them, and pray for their forgiveness, and take counsel from them in matters of importance. (3:159)

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. As our own use of *ijtihād* may be imperfect or biased, we can purify and correct our thinking by taking into account, as a responsible trustee does, the standards and conclusions of others. The Qur'ān realises only too well the limitations that may infect *ijtihād* with ignoble purpose or misunderstanding. We do not surrender our power of *ijtihād* to others in a process of *shūrā*; we only feed it with more raw materials of fact and opinion for thoughtful consideration as we assume personal responsibility for acting as God's agent – a dutiful and non-negligent *khalīfah*.

Sixth, the purpose of the vicegerency, on the individual as well as on the collective level, is to achieve justice.

O you who believe! Stand up as a witness for God in all fairness, and do not let the hatred of a people deviate you from justice. Be just. (5:8)

God commands justice, the doing of good, and generosity to relatives and near ones, and He forbids all shameful deeds, and injustice and disorder: He instructs you, that you will be reminded. (16:90)

Indeed God wrongs none, not even as much as an atom's weight. Whenever a man does good, He multiplies it two-fold, and bestows out of His grace a mighty reward. (4:40)

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 *amānah*. 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'ān 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.

These are the messages of God which We recite to you in truth, and God desires no wrong to the people of the world. (3:108)

Highly blessed is He, Who has sent down *al-Furqān* [the criterion for judging right and wrong, i.e. the Qur'ān] to His servant so that it may be a admonition to all mankind. (25:1)

Re-constructing Locke's Thesis on Government

Qur'ānic revelation takes us to a starting point for analysis very close to where Locke begins his essay: the nature of our being as a human person. Where Locke emphasises the autonomy of our will, the Qur'ān teaches that we have within us – every person – something of the spirit of God. Each individual man or woman, therefore, has an inherent value and dignity given by God. The individual, not the collective, is the starting point in the world of meaning and purpose and right and justice. To get to government, we must begin with the individual person.

The Qur'ān teaches that each individual person has the capacity of *ijtihād* – reasoning from premises to conclusion, thinking wisely about consequences, making ethical decisions, solving problems, etc. As noted above, the Qur'ān warns us to beware of vanity, passion and of hatred, precisely because such emotions have power to turn us away from truth and justice. We reach truth through our minds used rightly; we obtain justice when our reason keeps our passions in check. The Qur'ān says: “Some there are who would indulge in frivolous talk, so that they may without knowledge lead men away from the path of God and hold it up to ridicule” (31:6). Knowledge, the capacity of our mind to seek and discern that which is without us, that which is true and false, then is the path to God. Without a capacity for reflection, comprehension, personal judgment, how can we draw closer to God's will and purpose? What would be the point of revealing a Qur'ān if human persons had no capacity to read and understand its words and its meaning? The Qur'ān states that “God forgives those who commit evil in ignorance and then quickly turn to Him in penitence” (4:17). The exercise of *ijtihād* enables us to become as God wants us to be, to rise from ignorance and to learn when repentance is necessary. The capacity of using right reason in restraint of our passions and desires and to guide our wills according to known standards of right and wrong enables us to become our best.

We have revealed it thus so that We may sustain your heart. We have imparted it to you by gradual revelation. No sooner will they come to you with an argument than we shall reveal to you the truth, better expounded. (25:32)

The Qur'ān was thus given to humanity in a process of dialectic and response of one proposition to another, engaging humanity in its capacity for understanding.

He that received wisdom is rich indeed, but none will grasp the message except men of understanding. (2:269)

What would be the point of divine guidance if human persons had no capacity to receive it, understand it, and, most importantly, apply it to the conditions and circumstances of life as they change and unfold from day to day? It is our capacity for possessing and using wisdom and our mental faculties that is the receptacle that corresponds to the outpouring of guidance from God in the Qur'ān and in other signs from which humanity can learn the truth.

Indeed he that chooses Satan rather than God for his protector ruins himself beyond redemption. (4:119)

The choice between God and Satan is ours; what faculty shall we call upon to guide us in that choice if not our powers of *ijtihād*?

God has given us signs for our thoughtful mind to contemplate and to learn from:

In the creation of the heavens and the earth; in the alternation of night and day; in the ships that sail the ocean with cargoes beneficial to man; in the water which God sends down from the sky and with which He revives the earth after its death; dispensing over it all manner of beasts: in the disposal of the winds, and in the clouds that are driven between sky and earth: surely in these there are signs for rational men. (2:164; 6:99)

Those that hide the clear roofs and the guidance we have revealed after We had proclaimed them in the Scriptures shall be cursed by God. (2:159)

The Qur'ān (2:256) also teaches that “there shall be no compulsion in religion. Truth stands out clear from error”, leaving us to use reason and faith as human capacities from which we can reach out to the Divine and learn of God's purpose and of right and wrong. Compulsion would deny a person the free use of his or her reason as the grounds for conviction and moral conduct. God wants us to do the right things for the right reasons as he does on his exalted level of oversight.

Call men to the path of your Lord with wisdom and kindly exhortation. Reason with them in the most courteous manner. (16:125)

The Qur'ān makes a distinction between wrongful acts done without knowing intention but from carelessness and those done with knowledge. The latter acts

only deserve retribution from God, thus placing an emphasis on right thinking as a guide to our conduct.

Your unintentional mistakes shall be forgiven, but not your deliberate errors. (33:5)

But whoever is driven by necessity, intending neither to sin nor to transgress, shall incur no guilt. (2:173)

Except those who are really weak and oppressed – men, women, and children – who have no means in their power, not a guide post to their way forward; for these there is hope that God will forgive. (4:98, 99)

Adam was given “names” or thought constructs by which to serve God as *khalīfah* on earth (2:31). In this way did God empower Adam with the tools that opened up his capacity to use *ijtihād* in his daily life. Similarly, the Qur’ān (2:282) instructs that “you shall not withhold testimony”. Those hearing a case must know all the signs and proofs of truth so that their minds can reach a right and just conclusion.

So, as Locke argued that individual reason would lead people to come together in agreement to set up a common authority, we can argue that people blessed with *ijtihād* could similarly decide and act. And, with reference to the qur’ānic practice of *shūrā* or consultation in decision-making, the process of selecting a government to provide for the public welfare would require participation of the many and their concurrence to the proposal before a government becomes legitimate and can seek to establish its effective control.

The Qur’ān provides us with another framework for understanding the human person, and that is the fact of *fiṭrah*, or our essential orientation towards life. That orientation is to be able to be moral, ethical and responsible; to listen and to cooperate; to be fair and just and control our worst instincts and passions. We were shaped by God, the 2:282 instructs, to receive his teachings and have it in our power to live as we should. The operation of our *fiṭrah* permits us to subordinate our will – appropriately – to a common authority, a public government.

Islam is the submission of the will before God’s righteousness; it is the activation of a faith and a will to follow God’s guidance and revelations. Human persons, therefore, must, in God’s eyes, have a capacity for such submission. That capacity would be part of their nature as he created it. Thus, adherence to standards of right, to just outcomes and decisions is very much a part of every person’s potential. As noted above, many passages of the Qur’ān point out to readers the many ways in which passions and selfishness lead people away from rightful submission to sin and oppression. What is less clear in reading the Qur’ān is to what form of human enterprise should we submit our wills? Presumably, it would be a form of government that itself complies with God’s intentions – it should be a form of government that functions as *khalīfah* for God here on earth. It thus becomes

important in evaluating human institutions of governance to measure them against standards of justice and trusteeship. If government is provided as servanthood, it is aligned with God's purposes. But if government is provided to oppress, to serve the passions, the hatreds, and the ambitions of the rulers and their close associated, then it would not be aligned with God's purposes. Using *ijtihād* associated with *shūrā* becomes essential to the achievement of good *khalīfahship*. One cannot act as God's agent without judging and reasoning for oneself as to God's intentions and how his guidance should be applied in particular cases.

The Qur'ān, however, places some restrictions on our use of *ijtihād*. First, like all our abilities it was given as an *amānah* or trust. It is, therefore, a power to be used to attain higher purposes, not to be selfishly abused. When we hold a power in trust, we become stewards or fiduciaries in order to achieve a future good that will benefit more than ourselves.

On the Day when their tongues, their hands and their feet will bear witness against them as to their actions. On that Day God will pay them back all their just dues and they will realise that God is the (very) truth, that makes all things manifest. (24:24–5)

Like all other powers, potentials, and opportunities that we receive from God, *ijtihād* is subject to abuse in our hands. Abuse of our use of *ijtihād* occurs when we treat it as a personal possession to be used according to our selfish interests and passions.

Indeed, the wrongdoers are led unwittingly by their own appetites. (30:29)

Many are those that are misled through ignorance by their desires. (6:119)

When passions and appetites control our behaviour and not our right minds, then, use of *ijtihād* does not lead us towards Islam, towards God and the right way, but, to the contrary, towards sin and wrong-doing. That is why, perhaps, building up powers of mental acuity so that our minds are trained and strong would be taking a necessary step towards living as God prefers. When our use of *ijtihād* is persuasive to our hearts and the results of our thinking are compelling in our behaviours, we are more likely than not to do right.

When we use *ijtihād* for our personal pleasure or other self-interest, we act like an owner of its powers and not like a trustee. An owner is entitled to selfish exploitation of a power for personal gain. A trustee is limited in the range of uses to which a power can be put. A trustee is bound to use the power, or the property, for the benefit of others. With powers received from God, we are bound to use them for God's purposes, which is to serve as *khalīfah*. Thus, *ijtihād* is subordinate to the moral ends of *khalīfahship*.

Another way of putting this point about the wise use of reason is to consider *ijtihad* as a special right belonging to human persons when every right comes with a corresponding responsibility. Our responsibility with respect to our use of *ijtihad* is to use it thoughtfully, upon due consideration, with an open mind, in the spirit of God's compassion and mercy.

For example, the Qur'ān instructs that

These are they who have bartered guidance for error: but their commerce is profitless, and they have lost true direction. (2:17)

Who is more wicked than the man who invents a falsehood about God or denies His revelations? (10:17; 2:75)

Here the person uses his or her human power to challenge God; a rebellious act inconsistent with holding a trust from God.

The Qur'ān teaches that wisdom is necessary to understand its revelations:

It is He who has revealed to you the Book. Some of its verses are precise in meaning – they are the foundation of the Book – and others ambiguous. Those whose hearts are infected with disbelief observe the ambiguous parts, so as to create dissention by seeking to explain it. [...] Those who are well-grounded in knowledge say: We believe in it: it is all from our Lord. But only the wise take heed. (3:7)

In this passage, disbelief – a failure in the good use of *ijtihad*, compromises a person's salvation hopes. The power of understanding is within us, but we must cultivate it and use it properly so that we may internalise its teachings.

So for example, we are not to use our right of *ijtihad* to twist scripture, to tamper with words out of their context (5:12), to charge an innocent person with one's own wrongdoing (4:112), to cheat in weights and measures, to ignore signs from God, to mediate in bad causes, to extract usury. It is a mistake to use knowledge to maliciously disagree with one another (45:17). Hypocrisy is another form of self-seeking and wrongful use of *ijtihad* (9:73).

Repentance is a Godly use of *ijtihad*.

Those who seek to redress their wrongs will incur no guilt. (42:43; see also 9:104; 8:38)

So is enjoining charity, justice, kindness, conciliation and peace among men (4:114). Thus, the Qur'ān presumes that human persons in their right minds can accurately distinguish right from wrong. Such a faculty of judgment is part of our natures, given by God to be used as he enabled humanity to serve his Creation.

God knows that we will not always reach truth in our use of *ijtihad*; we are too impulsive and mischievous for that to happen all the time. Still, he expects us to

make the attempt to live rightly, find truth, and obtain justice. It is our responsibility as a free moral agent to do so.

Your unintentional mistakes shall be forgiven, but not your deliberate errors. (33:5)

He forgives us when we are under compulsion or are negligent or weak.

Indeed, in no way does God wrong mankind, but men wrong themselves. (10:44)

God does not change a people's lot unless they change within their hearts. (13:11)

If they accept your faith, they shall be rightly guided; if they turn back, it is they who will be in schism. (2:137)

Because we have been given the capacity for *ijtihād* to guide our path through life, God will not use his great powers to do for us what we will not do for ourselves.

Had I possessed knowledge of what is hidden, I would have availed myself of much that is good and no harm would have touched me. (7:188)

He rewards right use and punishes wrong use of all powers given to humanity. We were not created, the Qur'ān says, to serve Satan. If we use our *ijtihād* for Satan's purposes, we turn away from God and will receive due retribution.

Show forgiveness, speak for justice, and avoid the ignorant. (7:199)

When tempted, it is our responsibility to be discerning and alert and to move towards God of our own will. He will not force us to move to him as there is no compulsion in religion.

Had the people of those cities believed and kept from evil, We would have showered upon them blessings from heaven and earth. But they disbelieved and We punished them for their misdeeds. (7:96)

Never have We destroyed a nation whom We did not warn and admonish beforehand. (296:210)

Had the truth followed their appetites, the Heavens, the Earth, and all who dwell in them, would have surely been corrupted. (23:71)

Following God's guidance demands a critical faculty of mind to discern warnings and to find the right understanding. This is use of *ijtihād* as an *amānah* from God, as a blessing, and not as a tool of human arrogance, conceit and self-seeking.

Some wrangle about God, though they have neither knowledge nor guidance nor divine revelation. They turn away in scorn, leading others astray from God's path. (22:8, 9)

Second, the goal of our *amānah* is to serve God as *khalīfah*. We are here for God's purposes not only for our own. In using our *ijtihād*, we should take care that we are acting as a *khalīfah*, for a wider benefit. This precludes our selfish abuse of power or our acting haughtily from a warped sense of personal dominion.

In the context of Locke's reasoning, we should easily come to see that creating a public power to prevent harm from coming to those who have been dignified by God is consistent with our *khalīfahship*. Thus, we would agree to submit ourselves to a government that is a trust, one which holds its powers to do good for us and no more.

God commands you to deliver trusts to those worthy of them; and when you judge between people, to judge with justice. (4:58–9)

And, it would follow as it did for Locke, that any government which abused its trust and violated our dignity would fail of its purpose and lose our loyalty and support.

The conclusion that government too is a trust – an *amānah* – seems a necessary one given qur'ānic teaching that we as humans were created for certain ends and that everything that comes our way – money, education, power – is to be used constructively, thoughtfully, and responsibly. We cannot be in government and escape our responsibilities for acting as if we hold an *amānah* from God, for thinking and conceptualising in fulfilment of that *amānah*, and for seeking to be a good *khalīfah*.

Thus, qur'ānic guidance may provide more compelling reasons to support John Locke's conclusions about democratic constitutionalism than Locke's enlightenment rationalism did.

The Qur'ān provides an additional ground for support of Locke's recommendations; the need for justice. Justice – not abuse or oppression – is to be gained by the establishment of government. Government is an agency dedicated to service of the good, which includes acting as *khalīfah* in its own right, using its *ijtihād* as an *amānah*, and helping people achieve their highest potentials as God made it possible for them to do.

Justice serves as a check on the actions of government. When government abuses its duty to seek justice, or fails to do so, then, through intention or negligence it forfeits its claim to our support and loyalty. The failure of government to act as a proper agent for justice dissolves its authority.

Checks on the Legislature and the Executive

The Qur'ān does not provide specific guidance to the extent found in Locke on the limitations that should be imposed on legislatures and executives. The Qur'ān does, however, hold up the example of Pharaoh as contrary to God's intentions for human civilisation. Tyranny and oppression as epitomised by Pharaoh cannot be justified under the Qur'ān. This is a teaching, reinforcing the obligations of *amānah*

and *khalīfahship*, that human institutions of government must be kept away from tyranny and despotism and subjected to practices of accountability. Discretion in the legislature as well as in the executive must be kept within limits.

The Qur'ān does provide an example of right-minded practice when it teaches about the use of *shūrā* in decision-making. Consultations around decisions serve to draw out a range of opinions, interests, and suggestions. Such consultations act as a check on the will of any single decision-maker, restraining discretion and prerogative and forcing the use of *ijtihād* in defence of any recommendation or decision.

The requirement to use *ijtihād* and to practise *shūrā* would seem to prevent the application of any harsh, literal, fundamentalist approach to government. This is, of course, in keeping with the trust purposes of government. In a position of fiduciary stewardship, flexible judgment – some reasonable degree of discretion – is always required so that actions can respond to actual conditions at the time and take into account the needs and thoughts of others.

The qur'ānic requirements of *amānah* and *khalīfahship* for exercising the powers of government provide quite solid grounds for intellectual acceptance of Locke's provisions for limited government. The first point would be that the specific powers of the legislature and the executive should be limited to those needed to achieve the ends of government. For government to have a wide range of discretion would be to push it closer to despotism with its indulgence in arbitrary command. Second, government must justify its decisions with reason and keep its actions within the scope of its stated reasons. These first two requirements are the requirements in American constitutional law of substantive due process and equal protection.

The third point would be having institutions of judicial review and courts and judges to keep government within set limits and prevent it from abusing its powers.

The fourth point would be respect for individuals and their property. If human persons are, as the Qur'ān teaches, repositories for God's spirit and his agents, then they and all that they incorporate into their various expressions of personhood are quasi-sacred. They should not be taken away from them or harmed by government, which serves as God's *khalīfah* too.

Of course as for Locke, if individuals abuse their trust, become despotic, cruel, unjust or criminal, then they lose their protected status as objects of the right and the good and government may subject them to appropriate penalties and discipline. Locke's doctrine of government as a public trust includes a right of revolution when government abuses its powers.

With respect to the executive, Locke's recommendations would also be sound under qur'ānic guidance. The executive should have a prerogative limited to only what is necessary and proper to implement the standing laws passed by the legislature. The executive is not to develop an interest in benefiting from government separate from the general interest of the people. The executive is not to become

a rival to the people as a beneficiary of the trust held by the government. This prohibition would apply to a person, a family, a clan or tribe, an ethnic group, a faction, a political party, or a religious sect.

Locke's conclusions about the automatic dissolution of moral authority on the part of a government when it abuses its trust and a resulting right of revolt and revolution among the people would seem to follow very smoothly from these qur'ānic teachings.

Conclusion and Recommendations

Faithful believers in qur'ānic teachings may fully and enthusiastically embrace as part of their *khalīfahship* the principles of democratic constitutionalism as advocated by John Locke.

It might even be said more broadly that democratic constitutionalism is the most appropriate form of qur'ānic government. In support of this conclusion, reference to the understanding of government on the part of the first Caliphs is helpful. The first Caliphs seemed to have acted on the very Lockean premise that their authority depended on their faithful execution of a trust, that they were servants of a common weal and did not hold their powers as a form of personal dominion over the people.

Consider in this regard, the pledge of responsibility given by the first Caliph Abū Bakr upon his assumption of office:

I have been given the authority over you, and I am not the best of you. If I do well, help me; and if I do wrong, set me right. Sincere regard for truth is loyalty (*al-ṣidq al-amānah*) and disregard for truth is treachery (*wa-'l-kidhbū khiyānah*). The weak amongst you shall be strong with me until I have secured his rights, if God wills; and the strong amongst you shall be weak with me until I have wrested from him the rights of others, if God wills. Obey me so long as I obey God and His Messenger. But if I disobey God and His Messenger, ye owe me no obedience. Arise for your prayer, God have mercy upon you.¹⁹

Caliph Abū Bakr was explicit in thinking that his authority depended on his faithful execution of an assignment from a superior power. He saw himself as an agent and provided for a right of revolution in the people if he ignored the terms of his agency.²⁰ Unlike Locke's recommendations, however, Caliph Abū Bakr saw his agency as coming from God above and not from the people below. But with due regard for the servanthood aspect of his office, Abū Bakr defined his work as to empower the weak and to prevent the strong from imposing their wills on the weak.

What is of great interest in Abū Bakr's pledge is his use of the phrase (*al-ṣidq al-amānah*). These two words can be translated into the following ways: Truthfully speaking; I have been given a trust; we should be true to our trust:

- my government will require all citizens to be true to their trusts and duties of citizenship;
- being true to our trust will bring security to society;
- sincere regard for truth is loyalty;
- being truthful will bring you security.

The root of the word used here, *amān*, denotes security of life and possessions, the very goal Locke set forth as the end of government. And the root word is used to derive the expression of *amānah*, or trust, where one provides security to the aspirations and possessions of others. Abū Bakr is committing his government to a set of trustee responsibilities that are not grounded on his personal will or interest, but on some objective standard of truth.

Later, the second Caliph ‘Umar wrote the following in a letter to his officers about their responsibility to pursue justice over any personal prejudice:

Glory to Allah! Verily Justice is an important obligation to Allah and to man. You have been charged with this responsibility. Discharge this responsibility so that you may win the approbation of Allah and the good will of the people. Treat the people equally in your presence, and in your decisions, so that the weak despair not of justice, and the high-placed harbour no hope of favouritism. The onus of proof lies on the plaintiff, while the party who denies must do so on oath. Compromise is permissible, provided that it does not turn the unlawful into something lawful, and the lawful into something unlawful. Let nothing prevent you from changing your previous decision if after consideration you feel that the previous decision was incorrect. When you are in doubt about a question and find nothing concerning it in the Qur’ān or the *Sunnah* of the Prophet, ponder the question over and over again. Ponder over the precedents and analogous cases, and then decide by analogy.²¹

Other miscellaneous statements of ‘Umar in this regard:

- Trust is that there should be no difference between what you do and say, and what you think.
- That ruler is most accursed whose misconduct leads to the distress of people.
- Every ruler should keep his door open to people.
- Without consultation, the caliphate is unlawful.
- He who has any public responsibility should perform his duties without caring [about] criticism.
- If a sheep dies on the shore of the Euphrates I fear lest Allah ask me to account for it on the Day of Resurrection.²²

As Professor Kamali has written: “None of the Companions have ever said that I rule in this or that issue according to my personal inclination, or that it is based

on what is dear to me and what I desire.”²³ This stance by the Companions reveals that they understood without confusion that their powers were to be used in trust, not for personal gain or pleasure. They lead the community as trustees for good ends, not for personal power.

This understanding of powers held in trust, including the power of *ijtihād*, became evident when the third Caliph ‘Uthmān ruled in a case of inheritance that considerations of fairness should prevail over the rule that a divorcee is excluded from sharing in the inheritance. In that case, a woman was divorced by a dying husband in order to exclude her from the marriage and so from possession of what was her due as a wife of long standing.²⁴

In searching for and recommending a just form of government consistent with Qur’ānic guidance, it would not be inappropriate

- to adopt John Locke’s understanding that public office is a public trust where the people have a legitimate expectation that government will serve their needs and not do them any injustice;
- and that, when government fails of these purposes, they may replace it with one that is more faithful and just.

Notes

1. John Locke, “An Essay Concerning the True, Original Extent and End of Civil Government”, in: Edwin Burt (ed.), *The English Philosophers from Bacon to Mill* (New York: Modern Library, 1939).
2. *Ibid.*, Chapters 2 and 3.
3. *Ibid.*, Chapter 2.
4. *Ibid.*, Chapter 4, see also Section 63.
5. *Ibid.*, Section 8.
6. *Ibid.*, Chapter 5.
7. *Ibid.*, Section 19.
8. James Madison [or Alexander Hamilton?], *The Federalist Papers/No. 51*, available online at http://en.wikisource.org/wiki/The_Federalist_Papers/No._51 (accessed on 6 January 2010).
9. Locke, “An Essay”, Section 87.
10. *Ibid.*, Section 89.
11. *Ibid.*, Chapter 9.
12. *Ibid.*, Section 111; Chapter 19.
13. *Ibid.*, Chapter 11.
14. *Ibid.*, Chapter 14.
15. *Ibid.*, Section 164.
16. *Ibid.*, Sections 172, 199.
17. Samuel Thorne, trans., ed. George Woodbine, *Bracton De Legibus et Consuetudinibus Angliae* (Cambridge: Belknap Press, 1968), 2:33.
18. Locke, “An Essay”, Sections 220, 221, 222, 229.
19. http://www.answers.com/topic/abu-bakr#Election_of_Abu_Bakr_to_Caliphate (accessed on 5 January 2010).
20. “A political system based on force, oppression, changing people’s votes, killing, closure, arresting and using Stalinist and medieval torture, creating repression, censorship of newspapers, interruption

of the means of mass communications, jailing the enlightened and the elite of society for false reasons, and forcing them to make false confessions in jail, is condemned and illegitimate”, the late Ayatollah Montazeri said in a written comment with reference to the current government of Iran (available online at http://www.nytimes.com/2009/11/22/world/middleeast/22ayatollah.html?_r=1&scp=1&sq=ayatollah%20montazeri&st=cse, accessed on 5 January 2010).

21. <http://prayertiming.com/iq/quote.php?nNewsId=21331&nCatId=426> (accessed on 5 January 2010).
22. <http://prayertiming.com/iq/quote.php?nNewsId=21339&nCatId=426> (accessed on 5 January 2010).
23. Mohammad Hashim Kamali, *Equity and Fairness in Islam* (Kuala Lumpur: Ilmiah Publishers, 2006), 13.
24. *Ibid.*, 61.