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The Islamic Bases for Public Administrative Reform (PAR)

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ملخص

تهدف هذه الدراسة إلى إعطاء مفهوم شامل ومتكامل للإصلاح الإداري العام من منظور إسلامي. ومن أجل بناء نظرية شمولية للإصلاح الإداري بحثت الدراسة أسس الإصلاح الإداري من خلال تحليل مقاصد الشريعة الإسلامية وتقديم منظومة متكاملة من الضوابط العلمية الإدارية من الناحية التشريعية والسياسية.

وقد خلصت الدراسة إلى أن الإصلاح الإداري هو عملية تغيير إيجابي وتدريجي للقوانين والأحكام تنطلق من النظم الأخلاقية المتجذرة في العقيدة الإسلامية والمرتبطة بضوابط سياسة وإدارية وقضائية.

Abstract

This study analyses the concept of Public administrative reform from an Islamic perspective. In addition, it provides an Islamic foundation to the topic though analyzing the objectives of Islamic Law in order to establish a theoretical understanding for public administrative reform.

The study has come to the conclusion that the public administrative reform in Islam is a gradual positive change in laws and regulations stemmed from stable code of ethics rooted in the Islamic creed.

Introduction:

Throughout centuries, the Muslim reformers had different views regarding the process of reform; some of them gave a great importance to the reform of creed, others considered the war against evil and corruption as a main aspect in reform. In this regard, '*Imam Hasan al-Banna*, had a deep vision toward reform in which he focused on understanding the origins of Islam then he set pillars in order to bring people from evil to guidance[1].

As a matter of fact, one cannot depend on one of these views solely. But rather, the necessity to have a comprehensive vision and analysis very important to cover all the aspects of reform.

The concept of PAR is not mentioned in Islam. But rather, there are a lot of texts in the Holy *Qur'an* and *Sunnah* point to the Islamic orientation toward reform and PAR in particular. Islam is a blessed source for PAR, it lays down a macro system deals with general guidelines that open a door for the injunctions and laws that encourage the PAR and eliminate everything leads to corruption.

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The researcher would like to tackle the Islamic bases of I-PAR with deep focus on the perspectives of the objectives of *Shari'ah* then the study will link the vicegerency on earth with I-PAR and at last it will suggest three levels for the leaders of reform.

Section One: The Objectives of Islamic Law (Maqasid al-Shari'ah) and Their Role in Public administrative reform:

This section aims at exploring the relationship between the objectives of the *Shari'ah* and I-PAR. First of all, it is important to explain the

meaning of interest *(Maslahah)*.

The objectives of Shari'ah refer to the purposes of the Islamic law. The main base of these objectives is to serve the public interest of people by securing benefit and preventing harm. In this context, 'Ibn Ashur demonstrated that the main purpose of Islamic legislation is to preserve the nature of man *(Fitrah)* and protect it form any kind of corruption[2]. Thereupon, there is a fundamental rule for interest *(Maslahah)* states that: "A purpose is not valid unless it leads to the fulfillment of some good *(Maslahah)* or the avoidance of some mischief *(Mafsadah)*"[3]. And the same rule can be applied in the administrative field considering that any administrative decision, procedure or strategy should fulfill an interest, remove corruption or avoid mischief.

In order to reform, the public administrators should focus first on the goal they are trying to accomplish, and then they should manage their work with regard to the target of serving the public interest and satisfying the needs of people.

In fact, the concept of PAR responds to the function of interest *(Maslahah)*. In other means, the PAR and the Objectives of *Shari'ah* have similar intent. Indeed, governmental policies and administrative functions must not contradict with the public interest. As a result the researcher considers I-PAR as a practical side for the objectives of *Shari'ah*.

THE LAW IN Islam is Divine; that is why one can notice the spiritual dimension in its objectives; it aims at achieving human welfare in life and in the hereafter. And this is part of Allah's mercy towards mankind. Allah says:

﴿وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ﴾.

❨And We have sent you (O Muhammad SAW) not but as a mercy for the 'Alamin (mankind, jinns and all that exists)❩.{21:107}.

Thus, Islam calls for the acquisition of what is good and the rejection of what is harmful. The general purpose of *Shari'ah* is to achieve righteousness in the world and remove corruption from it. This is called: the rule of attainment of good *(Jalb al-Manfa'ah)* and rejection of evil *(Dar' al-Mafsadah)*. It is the standard of the rules and laws regulating social dealings *(Mu'amalat*

Madaniyyah)[4], which can be done by reforming humankind affairs and removing corruption it produces[5].

The objectives of Shari'ah are divided into three levels according to their necessity to human life: necessities *(Darurat)*, needs *(Hajiyyat)*, and luxuries *(Tahsiniyyat)*[6].

Necessities are essential matters for human life. They are classified into five essentials: the preservation of religion, soul, wealth, mind and offspring. Other jurists added the preservation of honor. Needs are less important than the necessities. The difference between them is that the lack of Needs does not affect human life or cause death to him. Such as: marriage and trade. And finally, Luxuries include things that Islam encourages to show the generosity of Allah. Indeed, these embellishments take a lower priority in human life, such as, owning beautiful homes[7].

From an administrative perspective, the administrative work should have priorities in its intents. Indeed, the priority should be given to the urgent matters that have impact on the continuity of the public corporation. Then the other matters come in sequence.

Stephen covey in his book: (the seven habits of the highly effective people) stated that the third habit is to put first things first. In other words. In order to be effective, man should begin with the end in mind by doing what really matters first[8]. The researcher views that as part of *Maqasid*; For instance, if any public administration face a financial trouble and decided to make cost reduction strategy, then it should reduce the cost on what is considered as Needs *(Hajiyyat)* and Luxuries *(Tahsiniyyat)* but not the necessities *(Darurat)*. It is important to note that the classification of the contents in each level differs from public administration to another according to their end in mind and priorities.

Furthermore, the logic of *Maqasid* influences man to observe phenomena and seek the reasons that caused it, so it gives the attention to reaching the intent and do not focus on the out looking appearance of the phenomena. For instance, if an administrator or any public employee goes to work from 8an to 5pm, this does not assure that the employee will increase the productivity and the performance of his company since it may only be a daily habit (he may not spend all the time working). Suggested solutions for this problem are setting violation records and having more effective employee monitoring systems.

Moreover, the researcher points that the logic of *Maqasid* enhances the habit of proactively. Indeed the word proactive is very common in the field of management. It denotes taking initiative and making the human responsible for their choices in life and let them be value driven[9]. In the same manner, proactive administrators should recognize their responsibility, they have their own choice in adopting any decisions and they do not blame conditions for any administrative problem

they face nor they allow circumstances to have impact on their attitude and performance as their attitudes flow out of their values.

The Islamic Maxims *(al-Qawa'id al-Fiqhiyyah)* organizes and interprets the inner relation of *Maqasid al-Shari'ah*. The researcher clains that it also helps in predicting the future, and setting precautionary solutions to any probable problem. For example, any public administration might face a problem in the organizational environment or defections in human relation within the work place; this implies the significance of having predicting tools that point to the problem and analyzes its reasons. Moreover, applying I-PAR is a guarantee for preserving *Maqasid al-Shari'ah*.

For the significance, the researcher would like to focus on two essentials of the objectives of Shari'ah which are: the preservation of religion and the preservation of wealth. The reader might wonder the reason behind not explaining all of the five essentials with regard to the topic. In fact, as far as the study concerned, the left essentials are out of the target.

Section Two: The Role of Preserving Religion in I-PAR:

The researcher believes that the preservation of religion has two faces:

First: the preservation of religion in self. This refers to the commitment of human to his belief and the practice of religion in his daily life. As in the verse below:

﴿وَقَضَى رَبُّكَ أَلَّا تَعْبُدُواْ إِلاَّ ..﴾

And your Lord has decreed that you worship none but Him…{17:23}

Second: the preservation of religion in others through preaching it and enjoining good and prohibiting evil. Allah says:

﴿ادْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحِكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ وَجَادِلْهُم بِالَّتِي هِيَ أَحْسَنُ إِنَّ رَبَّكَ هُوَ أَعْلَمُ بِمَن ضَلَّ عَن سَبِيلِهِ وَهُوَ أَعْلَمُ بِالْمُهْتَدِينَ﴾

Invite (mankind, O Muhammad SAW) to the Way of your Lord (i.e. Islam) with wisdom (i.e. with the Divine Inspiration and the Quran) and fair preaching, and argue with them in a way that is better. Truly, your Lord knows best who has gone astray from Hits Path, and He is the Best Aware of those who are guided{16: 125}

The question in this context is: what is the connection between preservation of religion in its' two faces and I-PAR?

Indeed, the researcher will answer this question through clarifying the Islamic roots of I-PAR by shedding the light on the foundations of Islam, which are: faith, forms of worship, ethics and morals[10], considering them as ways to preserve religion as well. Besides, the researcher will explain the role of enjoining good and prohibiting evil in I-PAR:

The Role of Faith *('Iman)* and worshiping *('Ibadah)* in I-PAR:

The base of Islamic creed is Faith *('Iman)*. It includes belief in Allah, angels, revealed books, Prophets, life after death and predestination[11]. It encompasses both saying and action. Saying refers

to believing in Allah and of what he revealed which affects the actions of limbs in piety and doing good deeds[12]. In this sense, the Holy *Qur'an* links faith and good deeds. In Islam the believer should perform good deeds because whoever believes in Allah, He will guide his heart. Allah says:

﴿إِنَّ هَذَا الْقُرْآنَ يِهْدِي لِلَّتِي هِيَ أَقْوَمُ وَيُبَشِّرُ الْمُؤْمِنِينَ الَّذِينَ يَعْمَلُونَ الصَّالِحَاتِ أَنَّ لَهُمْ أَجْراً كَبِيراً﴾.

⟪Truly this Qur'an guides to that, to that way, which is straightest, most upright and correct ...⟫ {17: 9}

﴿... وَمَن يُؤْمِن بِاللَّهِ يَهْدِ قَلْبَهُ ...﴾

⟪... whosoever believes in Allah, He guides his heart to the true Faith with certainty...⟫ {64: 11}

The believer has a clear conscience and an incorruptible heart that guides him to the truth and goodness[13], the Prophet P.B.U.H said:

"Truly in the body there is a morsel of flesh which, if it be whole, all the body is whole and which, if it be diseased, all of it is diseased. Truly it is the heart"[14].

The Muslim should not bring harm to others. It is narrated by *Abu Musa* (May Allah be pleased with him) that:

Some people asked the Prophet: "Whose Islam is the best? i.e. (Who is a very good Muslim) He replied "One who avoids harming the Muslims with his tongue and hands"[15].

'Iman is the base of I-PAR because it influences the human behaviors and attitudes toward Allah and his creatures through the moral filter it provides. It is narrated on the authority of *Sufyan bin 'Abdullah al-Thaqafi* that he said: I asked the Messenger of Allah P.B.U.H to tell me about Islam a thing which might dispense with the necessity of my asking anybody after you-In the *Hadith* of *Abu 'Usama* the (words) are: other than you – the Holy Prophet remarked:

"Say I affirm my faith in Allah and then remain steadfast to it"[16].

Indeed, the oneness of Allah (unity of God) liberates man from slavery to anyone and anything but Allah says:

﴿إِنَّ عِبَادِي لَيْسَ لَكَ عَلَيْهِمْ سُلْطَانٌ وَكَفَى بِرَبِّكَ وَكِيلاً﴾

⟪Verily! My slaves (i.e the true believers of Islamic Monotheism), you have no authority over them. And All-Sufficient is your Lord as a Guardian⟫ {17: 65}.

More precisely, man will not be a slave to money, power or authority. So that he administers all of his affairs by divine. *'Iman* frees oneself from subjection to anyone and anything else[17]. This distinguishes the Islamic way of life from others. Thus, the believing community will to the law of the Lord in the political order, social organization and economic policy. Their aspects of life depend on subservient to the will of Allah[18]. Prophet Muhammad P.B.U.H said:

"There is no faith ('iman) for one who is not trustworthy and no religion for one who does not keep his promise"[19].

Based on that, 'Iman creates the feeling of self control which will let the believer posses and spend money in accordance with legislation of Allah[20] and the principle of self control is very significant in I-PAR.

The relationship between 'Iman and 'Ibadah is that 'Iman leads to 'Ibadah and the belief in Allah will weaken without 'Ibadah. In this context, Prophet Muhammad P.B.U.H said:

"One who feels joy and gratification on doing good deeds, and feel fear and diminishing hope on committing an error or a sin is a believer"[21].

In addition, man has not been created in vain. Instead, Islam enhances the purposive life for human in a way that makes all of his life activities acts of worship. Allah says:

﴿أَفَحَسِبْتُمْ أَنَّمَا خَلَقْنَاكُمْ عَبَثاً وَأَنَّكُمْ إِلَيْنَا لَا تُرْجَعُونَ﴾

❨*Do you think we have created you purposeless*❩ {23: 115}

The purpose of creating man is to worship Allah and build land according to his law. The *Qur'an* says:

﴿وَمَا خَلَقْتُ الْجِنَّ وَالْإِنسَ إِلَّا لِيَعْبُدُونِ﴾

❨*And I (Allah) created not the Jinns and humans except they should worship Me (Alone)*❩.

This section will not discuss the way worshiping acts are done, but it only notifies the effect of worship on I-PAR.

Worshipping Allah lets mankind become righteous and pious. It also increases the faith of man and enlightens his heart by divine. It is a way to communicate with Allah.

For example, prayer is the second of the five pillars of Islam. The real spirit of it is to be in constant communion with Allah[22]. The bases of prayer are intention. Devotion and contemplation of heart which compels human to submit to the commands of Allah and avoid any mischief[23]. Allah says:

﴿اتْلُ مَا أُوحِيَ إِلَيْكَ مِنَ الْكِتَابِ وَأَقِمِ الصَّلَاةَ إِنَّ الصَّلَاةَ تَنْهَى عَنِ الْفَحْشَاء وَالْمُنكَرِ وَلَذِكْرُ اللَّهِ أَكْبَرُ وَاللَّهُ يَعْلَمُ مَا تَصْنَعُونَ﴾

❨*Verily, As-Salat (the prayer) prevents from Al-Fahsha' (i.e. great sins of every kind, unlawful sexual intercourse, etc.) and Al-Munkar (i.e. disbelief, polytheism, and every kind of evil wicked deed, etc...*❩{29:45}

In this verse Allah obligated to maintain prayer; since prayer prevents indecency according to the Law.

The wisdom behinds legislating prayer is to provide humanity with the spiritual strength needed to reform the community[24]. It is the weapon of the believer[25]. Besides, the fact that prayer is to be done five times a day: dawn, noon, afternoon, sunset and night. This reflects the importance of time in the administrative work. Provided that wasting the work time is a form of corruption. Moreover, the destination of prayer is toward *Ka'bah*. So, it implies the unity of goal for Muslims.

Indeed, collective prayer, in which all prayers stand in straight lines behind 'Imam (leader of prayer) to perform prayer as group, is a social exercise that reflects the unity and solidarity of the Muslim community. It affirms the importance of obeying the leaders[26]. Prophet Muhammad P.B.U.H said:

"The collective prayer is superior to the individual prayer by twenty – five ranks"[27]

Another religious ordinance is fasting *(Sawm)*[28] which works to suppress the tendency of evil and improve the tendency of good in man[29]. Hence, *Sawm* plays a great role in I-PAR by pushing man to control minor desires such as the desire for money and power. And thus, it curbs the desires and habits that prompt the corruption. It also enhances the importance of time in the life of Muslim because all Muslims fast and breakfast at the same times.

Besides, it is a social exercise for all Muslims, rich, poor, old and young. They all feel their social responsibility toward each other and toward the community. Therefore, *Sawm* is a source of equality[30]. The Holy Qur'an says:

﴿يَا أَيُّهَا الَّذِينَ آمَنُواْ كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ﴾

⟪O you who believe! Observing As-Saum (the fasting) is prescribed for you as it was prescribed for those before you. That you may become Al-Muttaqun (the pious)⟫{2:183}

In this verse Allah shows a reason for prescribing *sawm* as to guard communities against the acts of evil and disobedience. Philips commented on this verse that the purpose of fasting is to develop *Taqwa (consciousness of God)*[31]. Moreover, *'Iman* and acts of worship enhance the *Taqwa* (fear of Allah) of man. Accordingly, the believer fears displeasing Allah so he avoids his prohibitions[32].

Taqwa places a shield between one's self and Allah's wrath. The product of *Taqwa* is safeguarding the Muslim community from any kind of corruption by being conscious to Allah and his commandments and avoiding the prohibited *(Haram)* as well as the undesirable *(Makruh)*[33].

To conclude, *'Ibadah* entrenches the significant principles of Islam and reflects it in the life of Muslims respecting the system, protecting values of cooperation, equality and collective responsibility to clinch all forms of corruption[34]. Accordingly, worshiping builds a good decent Muslim character by elevating moralities and eliminating evil desires and enhancing the inner self restraint, Briefly, it has three types of benefits: moral, spiritual and material[35].

The qualities of *'Iman, Ibadah* and *Taqwa* enable Muslim to fulfill his role as *Khatifah* (vicegerent) and governor on the earth[36].

The Role of the Islamic Moral System in I-PAR:

The concept of Moral Hazard has spread among modern business writings. The reason behind its existence is that the western philosophy had separated between morals and management through giving more attention to private interests instead of the public ones[37].

On the other side, the Islamic code of ethics is combined with all ruling and legislations[38]. In this context, *Al-Qardawi* assured that the state should oblige the commitment to morals in economics by issuing legislations and laws that keeps them[39]. In addition, morals in Islam are controllers of behaviors.

This section aims at shedding the light on the on the Islamic philosophy of ethics and its' relationship with I-PAR.

Morals are not only theoretical principles; it is sense, words and deeds that associate together in formulating a system and a methodology for social conduct. The importance of moral system came from its' role in forming the social conduct of people.

In order to keep the moral system effective, there should be a strong motive and a clear goal. In this context, the philosophy of moral system in Islam is unique as it provides more attention to the spiritual intuition/motive of behaviors. This kind of motive is stable, since it is derived from the Islamic creed. From this point, one can observe the linkages between faith and morals in Islam.

In other means, the revelation is considered as a source of morals; these morals are compatible with the innate human nature, which approves that Islam gives a definite and balanced code of ethics. Moreover, Morals are exemplified in the obligations and prohibitions of *Shari'ah*. So, the standard through which Islam judges all conducts is its' compatibility with Islamic laws. In this context, a thinker commented that the Islamic code of ethics is one of the fruits of faith and a result for the commitment to Islamic laws[40].

Some Islamic thinkers, like *Taha Abdul Rahman*, consider religion and morals as one thing as there is no religion without morals and no morals without a religion[41]. Islam is a complete system, anyone who belongs to Islam should be committed to all parts of that system and the Islamic code of ethics is part of that system[42].

On the other side, the goal of the Islamic code of ethics is seeking the pleasure of humanity by guarding human from failing in corruption and keeping a healthy society full of fairness and equality. As a result, the moral system in Islam is a way of reform in all behavioral means. It is a universal system with stable standards that can be applied wherever and to whomever. Another idea is that the accountability in the Day of Judgment creates a sense of responsibility in Muslims mind which pushes them to commit to Islamic rulings that save moralities.

In fact, the foremost purpose of sending Prophet Muhammad, P.B.U.H, was to strengthen morals of people[43]. In fact, this was the duty of all Prophets as well; this enhances the commitment of people to noblest virtues. It is narrated that he, P.B.U.H, said:

"I have been sent only for the purpose of perfecting good morals"[44].

Prophet Muhammad. (P.B.U.H), was the ideal model reflecting good manners in all of his life activities. Allah has praised his morals in the verse:

﴾وَإِنَّكَ لَعَلى خُلُقٍ عَظِيمٍ﴿

﴾And verily, you (O Muhammad SAW) are on an exalted standard of character﴿{68: 4}.

Accordingly, there is a functional and integrative relationship between PAR and morals. More deeply, Ethics are the standard to adjust the Administrative work by dropping the Islamic values on Public Administration and they will both work on reforming individuals and purifying societies. Concluding that, I-PAR is value-oriented. Hence, the Islamic code of ethics prevents political and administrative misuse any power positions.

The researcher supposes that the real value added by the religious approach to public administrative system is ethical by nature. Similarly, the value that religious approach adds to political system is guiding the ethical, moral and religious aspects of life[45]. According to the believer, the ethical criterion is firmly restricted to the pleasure of Allah, obedience to his commands and avoidance of his prohibitions[46]. It is important to note that the moral system in Islam has a clear outline determines the positively desired virtues and the undesired evils.

Section Three: The Impact of Enjoining good and Prohibiting evil in I-PAR:

The rule of commanding good and forbidding evil in the manner Allah commanded is mandatory for each capable Muslim[47]. Allah the exalted says:

﴾وَلْتَكُن مِّنكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنكَرِ وَأُوْلَئِكَ هُمُ الْمُفْلِحُونَ﴿

﴾Let there arise ou t of you a group of people inviting to all that is good (Islam), enjoining Al-Ma'ruf (i.e. Islamic Monotheism and all that Islam orders one to do) and forbidding Al-Munkar (polytheism and disbelief and all that Islam has forbidden). And it is they who are the successful﴿.{3:104}

The objective of this verse is that there should be a segment of this Muslim community ('Ummah) fulfilling this task, even though it is also an obligation on every member of this 'Ummah, each according to his ability[48]. In addition, this rule makes the Muslim community as the best community ('Ummah) raised for mankind for their guidance and reform. And thus, they will attain felicity in the life and life after.

﴾كُنتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنكَرِ وَتُؤْمِنُونَ بِاللّهِ ...﴿

﴾you [true believers in Islamic Monotheism, and real followers of Prophet Muhammad SAW and his Sunnah (legal ways, etc)] are the best of peoples ever raised up for mankind: you enjoin Al-Ma'ruf (i.e. Islamic Monotheism and all that Islam has ordained) and forbid Al-Munkar (polytheism, disbelief and all that Islam has forbidden), and you believe in Allah ....﴿{3:110}

Ibn Kathir attributed the uniqueness of Muslims in their character and morals to their practical commitment to the rule of enjoining good and prohibiting evil, leading to truly righteous leadership[49].

The *hadith* below assures on the obligation of forbidding evil: On the authority of *Abu hurairah* that the Prophet P.B.U.H said:

"Whoever among you witnesses an evil, let him change it with his hand. If he is unable, then let him change it with his tongue. If he is unable, then let him change it with his heart, and this is the weakest faith"[50].

Within the light of this *Hadith*, people should have role in fighting corruption in three levels; the first is by hand which denotes any kind of action that could be done to suppress any mischief in the administrative field, such as punishment system. The second is by tongue, which points to rejection of corruption by advice or formal complaints. The third level is more like a psychological reaction through which the person refuse corruption by heart.
The Prophet P.B.U.H said:

If the people see an evil and they do not change it, soon Allah will inflict them all with His Punishment[51].

The Prophet said:

"... Enjoining any good is a Sadaqa and forbidding any evil is sadaqa..."[52].

The researcher concludes that, the nature of (I-PAR) reflects the commandment of enjoining good and forbidding evil. In the sense of removing any act of administrative corruption by any public employee in any position in the state hierarchy. And even in its role in adopting reforming strategies and decisions. Besides, this collective responsibility encourages the spirit of team work within the public corporation.

Section Four: The Role of Preserving Wealth in I-PAR:

The process of preserving wealth in Islam is a comprehensive and complete one; it pays attention to wealth from the moment it is gained until it is spent.

In this contest, wealth refers to individual earnings and the national wealth as well; both of them are material means in human life that is why wealth should be safeguarded against any corruption, usurpation or waste. Thus, I-PAR is needed to secure property.

There are two kinds of ownership: first; the public ownership which refers to those with the joint use, such as: public roads and gardens. Second: the private ownership which belongs to individuals[53].

There are many Islamic rulings concerns the property ownership which are not to be explained in details in this chapter. But basically, The Sources of possession of property should be permissible *(Halal)*, and they are classified into categories, such as gift *(Hiba)*, sale, mortgage, rent, bequest of property after the death of its owner one endowment *(Waqf)* and so forth[54].

In his book, Islam and the moral economy, Charles Tripp stated that: "ownership should be informed by a moral sense which would safeguard virtue and ensure proper conduct"[55] Indeed, Islam

orders all who are involved in trade to be virtuous in their business transactions, it even warns them not to use any dirty means. Prophet Muhammad said:

"He who cheats does not belong to us"[56].

The owner should always be aware of public good as part of his social responsibility, thus Islam strongly forbids the exploitation of human needs. Furthermore, Islam institutes some provisions for purifying wealth; the researcher will tackle two of them.

1. Mandatory charity *(Zakah).*

"It is a mandatory institutionalized charity on every Muslim whose wealth or money remains in his property for a whole year after paying his debts"[57].

2. Voluntary charity.

The researcher claims that any problem in gathering charity or distributing it leads to corruption, the role of I-PAR appears in administering collecting *Zakah* and assuring that it is given to the needy. And any attempt not to give it shall be punished by law.

As a result wealth belongs to Allah and man is responsible to use it in a manner that benefits his mission as vicegerent *(Khalifah)* and a trustee of Allah and earth. Islam realizes the importance of wealth as a necessity for livelihood, thus, it allows the private property for human beings provided that they commit to the rules and regulation of *Shari'ah* in acquiring, investing and spending it, because man hold it as a trust.

Section Five: The Role of Vicegerency in I-PAR:

Allah is the creator, owner and provider of all resources and the sustainer of all creations[58]. Allah says:

﴿أَلَمْ تَعْلَمْ أَنَّ اللّهَ لَهُ مُلْكُ السَّمَاوَاتِ وَالأَرْضِ وَمَا لَكُم مِّن دُونِ اللّهِ مِن وَلِيٍّ وَلاَ نَصِيرٍ﴾

❰Know you not that it is Allah to Whom belongs the dominion of the heavens and the earth? And besides Allah you have neither any Wali (protector or guardian) nor any helper❱ {2:107}

﴿وَكَأَيِّن مِن دَابَّةٍ لا تَحْمِلُ رِزْقَهَا اللَّهُ يَرْزُقُهَا وَإِيَّاكُمْ وَهُوَ السَّمِيعُ الْعَلِيمُ﴾

❰And so many a moving (living) creature there is, that carries not its own provision! Allah provides for it and for you. And He is the All-Hearer, the All Knower❱{29:60}

The Cosmo belongs to Allah and people are equal in utilizing the sources in it without preference to anyone over others[59]. Note that the speech in the verse below is to all mankind.

﴿أَلَمْ تَرَ أَنَّ اللَّهَ سَخَّرَ لَكُم مَّا فِي الْأَرْضِ وَالْفُلْكَ تَجْرِي فِي الْبَحْرِ بِأَمْرِهِ وَيُمْسِكُ السَّمَاء أَن تَقَعَ عَلَى الْأَرْضِ إِلَا بِإِذْنِهِ إِنَّ اللَّهَ بِالنَّاسِ لَرَؤُوفٌ رَّحِيمٌ﴾

❰See you not that Allah has subjected to you (mankind) all that is on the earth, and the ships that sail through the sea by His command? He withholds the heaven from falling on the earth except by His Leave. Verily, Allah is, for mankind, full of Kindness, Most Merciful❱{22:65}

In addition, the natural factors are bestowed freely upon individuals and that's what makes nations and mankind unequal and different[60]. In other words, the bounties given by Allah differ in accordance with means, aims and actions of man. For that reason man should always seek the greater grace to win the hereafter[61], and this is of Allah's justice. Allah says:

﴿أَهُمْ يَقْسِمُونَ رَحْمَةَ رَبِّكَ نَحْنُ قَسَمْنَا بَيْنَهُم مَّعِيشَتَهُمْ فِي الْحَيَاةِ الدُّنْيَا وَرَفَعْنَا بَعْضَهُمْ فَوْقَ بَعْضٍ دَرَجَاتٍ لِيَتَّخِذَ بَعْضُهُم بَعْضاً سُخْرِيّاً وَرَحْمَتُ رَبِّكَ خَيْرٌ مِّمَّا يَجْمَعُونَ﴾

⟪Is it they who would portion out the Mercy of your Lord? It is we who portion out between them their livelihood in this world, and we raised some of them above others in ranks. So that some may employ others in their work. But the Mercy (Paradise) of your Lord (O Muhammad SAW) is better than the (wealth of this world) which they amass⟫{43:32}.

﴿انظُرْ كَيْفَ فَضَّلْنَا بَعْضَهُمْ عَلَى بَعْضٍ وَلَلآخِرَةُ أَكْبَرُ دَرَجَاتٍ وَأَكْبَرُ تَفْضِيلاً﴾

⟪See how we prefer one above another (in this world) and verily, the Hereafter will be greater in degrees and greater in preference⟫{17:21}.

Man is Khalifah (vicegerent or trustee of God on earth) his function is to extract, produce, consume, share and distribute resources in a just manner[62]. Allah says:

﴿وَإِذْ قَالَ رَبُّكَ لِلْمَلاَئِكَةِ إِنِّي جَاعِلٌ فِي الأَرْضِ خَلِيفَةً قَالُواْ أَتَجْعَلُ فِيهَا مَن يُفْسِدُ فِيهَا وَيَسْفِكُ الدِّمَاء وَنَحْنُ نُسَبِّحُ بِحَمْدِكَ وَنُقَدِّسُ لَكَ قَالَ إِنِّي أَعْلَمُ مَا لاَ تَعْلَمُونَ﴾.

⟪Behold, thy Lord said to the angels: "I will create a <u>vicegerent</u> on earth…⟫{2: 30}

There are two kind of vicegerency on earth *(Khalifah)*: Public, which is the responsibility of all mankind, and private concerns the state and individual. The vicegerency of statee means to have its own authority and protect its interests, while the vicegerency of individual is related to the leadership of the state[63].

According to the researcher both kinds of vicegerency hve role in I-PAR; if man pursues his activities in consistency with the teachings of Allah, then he will fulfill the function of *Khalifah* and consequently, the function of PAR will be done. Moreover, the private vicegerency involving the state governance *(Hukm)* which is a main aspect in PAR, because, as mentioned previously, PAR is concerned with the executive authority. Concluding that, the role of vicegerent is related to the functions of the reformer. As both of them are responsible in realizing the divine will and applying it. In addition, vicegerency, I-PAR and any kind of good deeds is considered as a way of worshiping provided that the sincere intention is to Allah.

From that, the Islamic creed works to reform Muslim's character and orient it to be positive and work hard to build the earth. Allah says:

﴿وَقُلِ اعْمَلُواْ فَسَيَرَى اللّهُ عَمَلَكُمْ وَرَسُولُهُ وَالْمُؤْمِنُونَ وَسَتُرَدُّونَ إِلَى عَالِمِ الْغَيْبِ وَالشَّهَادَةِ فَيُنَبِّئُكُم بِمَا كُنتُمْ تَعْمَلُونَ﴾

⟪And say (O Muhammad SAW) "Do deeds! Allah will see your deeds, and (so will) Hits Messenger and the believers. And you will be brought back to the All-Knower of the unseen and the seen. Then He will inform you of what you used to do⟫{9:105}

Indeed, the ownership of the estate remains to Allah, and man executes his will and fulfils his mission as administrator of this trust. He exercises his authority within the limits and instructions of *Qur'an* and Sunnah[64].

Section Six: The Leaders of Reform:

This section is important because it discusses a critical topic to the study which discusses some practical positions for reform throughout Islamic history. It is divided into three parts; the first one analyzes the role of Prophet in the process of reform, the second one mentions the impact of scholars in reform and the third one notifies briefly to the role of Rulers in reform:

1- *Prophets*:

Sending Prophets involves benefits; they helped in attaining knowledge of good, evil, beneficial and harmful things. Moreover, Prophets teach moral and political policies that man needs to order his life affairs by clarifying the permissible and the impermissible acts[65]. Prophets were sent to settle the disputes that take place among people and to settle the mental and social difficulties people face[66].

Prophets were the leaders of reform, they were sent by Allah as guides for people to save them from misguidance and lead them to reform and warn them from corruption and evil[67]. Allah says:

﴿وَجَعَلْنَاهُمْ أَئِمَّةً يَهْدُونَ بِأَمْرِنَا وَأَوْحَيْنَا إِلَيْهِمْ فِعْلَ الْخَيْرَاتِ وَإِقَامَ الصَّلَاةِ وَإِيتَاء الزَّكَاةِ وَكَانُوا لَنَا عَابِدِينَ﴾

❨*And we made them leaders, guiding (mankind) by Our Command, and we inspired in them the doing of good deeds, performing Salat (Iqamat – as – Salat), and the giving of Zakat and of Us (Alone) they were worshippers*❩ {21:73}

In this manner, Prophets had role in solving the problem of opposition between the interest of the individual and of community by reforming the social life and organizing behaviors through finding a social system to regulate human life by Divine in a way that safeguards the public interests in the shade of peace, unity and equality[68]. The verse says:

﴿قَالَ يَا قَوْمِ أَرَأَيْتُمْ إِن كُنتُ عَلَىَ بَيِّنَةٍ مِّن رَّبِّي وَرَزَقَنِي مِنْهُ رِزْقاً حَسَناً وَمَا أُرِيدُ أَنْ أُخَالِفَكُمْ إِلَى مَا أَنْهَاكُمْ عَنْهُ إِنْ أُرِيدُ إِلاَّ الإِصْلاَحَ مَا اسْتَطَعْتُ وَمَا تَوْفِيقِي إِلاَّ بِاللّهِ عَلَيْهِ تَوَكَّلْتُ وَإِلَيْهِ أُنِيبُ﴾

❨*He said: "O my people! Tell me, if I have a clear evidence from my Lord, and he has given me a good sustenance from himself (shall I corrupt it by mixing it with the unlawfully earned money). I wish not, in contradiction to you, to do that which I forbid you. I only desire reform so far as I am able, to the best of my power, And my guidance cannot come except from Allah, in Him I trust and unto Him I repent*❩{11:88}.

At another phase, the life of mankind got more complicated and the spread of evil has increased and the incline to domination has appeared. The need for Prophets became necessary

because people could not establish justice by themselves; they could not make laws that are pleasing to Allah and to them. The need for Allah's guidance is delivered by his messengers[69]. The verse says:

﴿لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ لِيَقُومَ النَّاسُ بِالْقِسْطِ ...﴾

﴿*Indeed we have sent our Messengers with clear proofs, and revealed with them the scripture and the Balance (justice) that mankind may keep up justice...*﴾{57:25}

As a result, Prophets had role in bringing laws and justice to humanity. Government and political power were established with the help of prophets.

2- *Scholars and Rulers*:

The process of reforming needs collaborations between all elements of the Muslim society. One of the most important elements of Muslim society is the scholars. A special status is given to scholars in the Holy Qur'an and Sunnah for their knowledge and role in motivating and reforming the society. Allah says:

﴿... إِنَّمَا يَخْشَى اللَّهَ مِنْ عِبَادِهِ الْعُلَمَاءُ إِنَّ اللَّهَ عَزِيزٌ غَفُورٌ﴾

﴿*... It is only those who have knowledge among His slaves that fear Allah. Verily, Allah is All-Mighty, Oft Forgiving*﴾{35:28}

In addition, the main task for the scholars is to continue the duty of Prophets after they have passed away. Indeed, Allah the All-Mighty ordered Muslims to obey the guidance of the scholars after obeying Him and his Prophet (P.B.U.H), the verse says:

﴿يَا أَيُّهَا الَّذِينَ آمَنُواْ أَطِيعُواْ اللَّهَ وَأَطِيعُواْ الرَّسُولَ وَأُوْلِي الأَمْرِ مِنكُمْ ...﴾

﴿*you who believe, obey God and the Messenger, and those in authority among you*﴾{4:59}

In this verse, the sentence: (People of the authority) refer to the Rulers or the scholars that Muslims should obey[70]. This order gives scholars a distinct position in the society because their guidance should be followed by the entire community.

Furthermore, the Prophet P.B.U.H expressed his appreciation to the role that scholars perform in the society. The Prophet stated that: "The 'Ulama' (scholars) are the inheritors of the Prophets"[71]. They inherited their knowledge and that is what distinguishes them.

One can conclude that the Holy *Qur'an* and *Sunnah* emphasize the special status that scholars have in Islam for their extraordinary impact on the society. On the other hand this special position given to scholars laid a huge responsibility on their shoulders. This responsibility is given also by Allah and his Prophet P.B.U.H Allah says:

﴿وَإِذْ أَخَذَ اللّهُ مِيثَاقَ الَّذِينَ أُوتُواْ الْكِتَابَ لَتُبَيِّنُنَّهُ لِلنَّاسِ وَلاَ تَكْتُمُونَهُ فَنَبَذُوهُ وَرَاء ظُهُورِهِمْ وَاشْتَرَوْاْ بِهِ ثَمَناً قَلِيلاً فَبِئْسَ مَا يَشْتَرُونَ﴾

﴿*God took a pledge from those who were given the Scripture – 'Make it known to people; do not conceal it*﴾{3: 187}

﴿إِنَّ الَّذِينَ يَكْتُمُونَ مَا أَنزَلْنَا مِنَ الْبَيِّنَاتِ وَالْهُدَى مِن بَعْدِ مَا بَيَّنَّاهُ لِلنَّاسِ فِي الْكِتَابِ أُولَـئِكَ يَلعَنُهُمُ اللّهُ وَيَلْعَنُهُمُ اللَّاعِنُونَ﴾

❨*As for those who hide the proofs and guidance we send down, after we have made them clear to people in the Scripture, God rejects them, and so do others*❩{2: 159}

The responsibility of the scholar as the Holy *Qur'an* expresses it is to teach people the knowledge they have and not to hide it for any excuse. Evidence that proves the sensitive responsibility held by scholars is the *Hadith* that is narrated by *Abdullah bin Amr Ibn al-'As* (may Allah be pleased with him) he said: I heard the Prophet (P.B.U.H) saying:

"*Allah does not take away knowledge by taking it away from the hearts of the worshippers. But he takes he takes knowledge by taking away the "Ulama' (Scholars) until there are hardly any scholars then people will take ignorant leaders and they will be asked questions and they will give rulings without knowledge so hence they go astray and lead others a stray*"[72].

One of the most needed class in the society to be reminded of God words are those who participate in administrating the public life of Muslim, especially the Rulers. The impact of abandoning this responsibility dose not damages the status of scholars alone but it destroys the entire society[73].

Finally, the success of the Muslim state depends on the administration of their leaders and they cannot accomplish their mission unless they have good scholars to advice and remind them. Therefore, any Ruler must respect scholars and listen to their advice in order to guarantee the success of his state[74]. Furthermore, when Rulers abandon the scholars the corruption will spread in the community which causes their distraction[75]. More clarifications about the role of Rulers in the process of reform are discussed on the second section of the third chapter.

Conclusion:

The study arrives at the following conclusions:

First of all, the concept of public administrative reform.

But rather, there are a lot of texts in the Holy Qur'an and Sunnah point to the Islamic orientation toward reform and public administrative reform.

Public administrative reform in Islam is a gradual positive change in laws, regulations and structures stemmed from stable code of ethics rooted in the Islamic creed. This change aims at achieving the objectives of the state in the most efficient manner to spread happiness among people, support the public interest and satisfy Allah the All mighty.

Faith ('Iman) is the base of public administrative reform in Islam because in influences the human behaviors and attitude toward Allah and His creatures through the moral filter it provides.

Footnotes :

(1) Mahmud, Ali Abdel Halim, (1994), **Fahm 'Usoul al-Islam**, 1st edition, Cairo: Dar al-tawi, wa al-nashr al-'Islamiyyah, pp.10-14.

(2) see: Ibn Ashur, Muhammad al-Tahir, (2006), **Treatise on Maqasid al-Shari'ah**, 1st edition, London: The International Institute of Islamic Thought, p.85.

(3) See: Auda, Jasser, (2008) **Maqasid al-Shari'ah: A Beginners Guide**, 1st edition, London: The International Institute of Islamic Thought, p.4.

(4) to know more about it, **see: Ibn 'Ashur, Muhammad al – Tahir**, (2006), Treatise on Maqasid al-Shari'ah, pp.95, 98-108.

(5) Ibid, p.94.

(6) See: Al-Raysuni, Ahmad, (2005), **Imam Al-Shatibi's Theory of the Higher Objective and Intents of Islamic Law**, 1st edition, translated by: Nancy Roberts, London: The International Institute of Islamic Thought, Biddles limited, pp.108, 109, 141, 142.

(7) Refer to: Auda, Jasser, (2008), **Maqasid al-Shari'ah: A Beginners Guide**, 1st edition, London: The International Institute of Islamic Thought, pp.4-5.

(8) See: Covey, Stephen, (1988), **The Seven Habits of Highly Effective People**, 1st edition, USA: Free Press, pp.33-34.

(9) See: Covey, Stephen, (1988), **The Seven Habits of Highly Effective People**, 1st edition, USA: Free Press. Pp.33-34;
Also See: Covey, Stephen R; Merrill, A. Roger; Merrill, Rebecca R., (1999), First Things First, 1st edition, KSA: Jarir Bookstore.

(10) See: Al-Qardawi, Yusuf, ND, Introduction to Islam, **Islamic Inc. publishing and distribution**, p.33.

(11) See: Al-Khuli, Muhammad Ali, (1998), **The Light of Islam, Swaileh**, Jordan: Al-Falah House for Publication, p28.

(12) See: Razi, Muhammad, (2008), **The realty of 'Iman, E-paper**, Toronto, Canada, p.9.

(13) See: Al-Qaradawi, Yusuf, (2001), **The Impact of 'Iman in the Life of the Individual**, 1st ed., Cairo, Egypt: al – Falah Foundation, p.73.

(14) Al-Naisaburi, Muslim, N.D, **Sahih Muslim**, part: 5, book: 23 (al-Musaqah), chapter: 20, Hadith: 4178, Beirut: dar al-Jil, p.50.

(15) Al-Naisaburi, Muslim, N.D, **Sahih Muslim**, part: 1, book: 2 (al-'iman), chapter: 16, Hadith: 172, Beirut: dar al-jil, p.48.

(16) Al-Naisaburi, Muslim, N.D, **Sahih Muslim**, part: 1, book: 2 (al-'iman), chapter: 16, Hadith: 168, Beirut: dar al-jil, p.48.

(17) See: Al-Qaradawi, Yusuf, (2001), **The Impact of 'Iman in the Life of the Individual**, 1st ed., Cairo, Egypt: al – Falah Foundation, p.75.

(18) See: Abul A'la Maududi, (1977), **Islamic way of life**, translated by: Khurshid, Ahmad, Damascus, Syria: **The Holy Qur'an Publishing House**, pp.10-13.

(19) Al-Shaibani, Ahmand bin Hanbal, **Musnad al-'Imam Ahmad bin Hanbal**, part: 3; hadith: 12406, Cairo: Mu'asast Qurtuba, p.135.
The hadith is graded as sound by:
Al-Albani in sahih al-targhib, hadith: 3004.

Al-Suyuti in al-Jami' al-Saghir, hadith: 9704.

(20) Refer to: Al-Qaradawi, Yusuf, (1996), **Dawr al-Qiyam w al-Akhlaq fi al-'Iqtisad al-'Islami**, 1st edition, Beirut: al-Risalah, p44.

(21) Al-Tirmidhi Al-Salami, Sunan al-Tirmidhi, part: 4, Book: al-Fitan, chapter: luzum al-Jama'ah, hadith: 2165, Beirut: Dar 'hya' al-turath, p.465.

Al-Nisa 'I, Sunan al-Nisa 'I al-Kubra, part: 5, hadith: 9225, p.388.

Al-Albani graded as authentic.

Al-Shaibani, Ahmad bin Hanbal, **Musnad al- 'Imam Ahmad bin Hanbal**, part: 2, hadith: 6756, p.187.

Al-Arna'ut graded as good.

(22) See: Galwash, Ahmad A., (1963), **The Religion of Islam**, 1st edition, Vol.2, Qatar: Doha Modern Printing Press, p4.

(23) Refer to: Al-Qalamuni, Abu-Dharr, (1998), Flee to allah, 1st edition, Egypt: Dar- al-Manarah, p.70.

(24) See: Tabbarah, Afif Abdel Fattah, (1981), **Ruh al-din al-'islami**, 21st Edition, Beirut: Dar al-'ilm le Al-Malayin, p.242.

(25) See: Al-Qaradawi, Yusuf, (2001), **The Impact of 'Iman in the Life of the Individual**, 1st ed., Cairo, Egypt: al – Falah Foundation, p.86.

(26) Refer to: Al-Khuli, Muhammad Ali, (1998), **The Light of Islam**, Jordan: Al-Falah House for Publication, pp45-46.

(27) Al-Naisaburi, Muslim, (N.D), **Sahih Muslim**, part: 2, book: 6 (al-Masajid), chapter: 43, Hadith: 1504, Beirut: dar al-Jil, p.121.

(28) *Sawm* in islam means to abstain from drinking, eating and sexual intercourse from dawn until sunset for the moth of Ramadan in the Islamic calendar. See: Galwash, Ahmad A., (N.D), **Religion of Islam**, Vol. 2, Doha: Doha Modern Printing Press, p.35.

(29) See: Galwash, Ahmad A., (N.D), **Religion of Islam**, p.35.

(30) See: Al-Khuli, Muhammad Ali, (1998), **The Light of Islam**, Jordan: Al-Falah House for Publication, p55.

(31) See: Philips, Bilal, (2005), Islamic Studies, Book 3, 2nd edition, Riyadh: International Islamic Publishing House, P.188.

(32) See: Philips, Bilal, (2005), Islamic Studies, Book 2, 2nd edition, Riyadh: International Islamic Publishing House, P.174.

(33) See: Philips, Bilal, (2005), Islamic Studies, Book 3, p188.

(34) See: 'Uqlah, Muhammad, (1998), **Nizam al-Islam: Al-Ibadah wa al-'Uqubah**, 2nd Amman: maktabat al-risalah al-hadithah, p.90.

(35) See: Galwash, Ahmad A., (N.D), **Religion of Islam**, Vol. 2, pp.8-9.

(36) Refer to: Philips, Bilal, (2005), **Islamic Studies**, Book 2, 2nd edition Riyadh: International Islamic Publishing House, p175.

(37) Refer to: Al-Masri, Younis, (2007), **Al-'Iqtisas wa al-Akhlaq**, 1st edition, Damascus: Dar al-Qalam, p.101.

(38) See: Hamza, Umar Yousef, (2000), **'Usul al-Akhlaq fi al-Qur'an al-Karim**, 1st edition, Amman: Dar al-Khalij, p.12.

(39) See: Al-Qardawi, Yousef, (1996), **Dawr al-Qiyam wa al-Aklaq fi al-'Iqtisad al-Islami**, 1st edition, Beirut: Al-risalah, p.442.

(40) See: Melhem, Ahamd Salem, (2004), **Sulukiyyat Islamiyyah fi daw' al-Qur'an wa al-Sunnah**, 1st edition, Amman: Dar al-Nafa'is, p.11.

(41) See: Abdul-Rahman, Taha, (2000), **Su'al al-Akhlaq**, 1st edition, Morocco: al-Markiz al-Thaqafi al-'Arabi, p.52.

(42) See: Al-Asmar, Ahmad (2008), **Makarim al-Akhlaq fi al-Islam**, 1st edition, Amman: Dar al-Furqan, p.32.

(43) See: Al-Ghazali, M, Muslim's character, (N.D), WAMY, p.1.

(44) Reported by:
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