

# Democratic Islam? Assessing the Bases of Democracy in Islamic Political Thought

- Omar Ashour

This paper attempts to answer the following research question: What are the bases of, and obstacles to, democracy in Islamic political thought? In order to address this issue, the focus will be on two politically relevant Islamic concepts: *shura* (consultation) and *bay'a* (a conditional oath of loyalty given to a new ruler). It shall be argued that these two concepts can be reinterpreted to constitute a theoretical basis for electoral democracy in Islam. I shall also address the core of anti-democratic arguments in Islamic political thought, that of divine sovereignty. I shall argue in favour of the centrality of human agency as a main factor in establishing or undermining these notions with regard to democracy and Islam.

## Introduction

In this paper, I attempt to assess some of the theoretical bases for and against democracy within Islamic political thought. I shall address two main Islamically-based political concepts that, as I shall argue, could constitute grounds for electoral democracy within Islam. These theoretical concepts are (1) *shura* (consultation), and (2) *bay'a* (a conditional oath of loyalty to a new ruler).<sup>1</sup> Although these concepts are mentioned explicitly in the Quran and in the *sunna*,<sup>2</sup> they are not discussed in detail. Rather, they have been developed by Muslim jurists' *ijihad*,<sup>3</sup> political thoughts, creativity and interpretations.

I shall also address certain possible counter-arguments: undemocratic interpretations of the above-mentioned concepts, as well as the most salient, which is the Islamically-based argument associated with the concept of 'divine sovereignty'. My research question is: What are the bases of, and obstacles to, democracy in Islamic political thought. In this paper, I shall focus my discussion on the aforementioned bases (*shura* and *bay'a*) and a major obstacle (divine sovereignty as opposed to popular sovereignty). I shall conclude with a general assessment of the relationship between Islam and democracy.

## Defining democracy

Though the definition of democracy is not central to the topic of this paper, I shall distinguish between the two main types of democracy: electoral and liberal.<sup>4</sup> Following Joseph Schumpeter's work, electoral democracy can be defined as "an institutional arrangement for reaching political decisions in which individuals acquire the power to decide by means of competitive struggle for people's votes."<sup>5</sup> Electoral democracy can be illiberal, permitting the tyranny of the majority as described by de Tocqueville. Electoral democracy does not have to include extensive provisions for defending the rights of minorities, nor does it require the absence of reserved domains of power, such as those of the military in Turkey or the clergy and their concept of *valyi al-faqih* in Iran.<sup>6</sup> Liberal democracy, on the other hand, includes numerous provisions for protecting minorities against the tyranny of the majority. It also requires the absence of reserved domains of power for certain social groups, such as the military and the clergy.

At a minimum, both electoral and liberal democracy should include the following concepts as a common denominator: popular sovereignty; one vote per person; freedom of speech and assembly; the right to protest against, object to and oppose the government; alternation of the ruler or ruling-coalition through periodic elections; separation of the executive, legislative and judicial branches; and an independent judiciary. Therefore, when I discuss democracy without a qualifier in this article, I mean a system of rule that encompasses at least these minimal concepts.

## Is there an Islamic political system?

Muslim political thinkers and specialists in Islamic studies are divided on this question, with two 'rejectionist' camps at opposite ends of the spectrum and a wide variety of 'accommodationists' in between. Rejectionists of one stripe argue that religion and state should be completely separated, regardless of the faith in question, and thus reject the notion that Islam is relevant to politics. Most of these scholars and thinkers support Islamic reinterpretations that 'depoliticise' Islam.<sup>7</sup> At the other end of the spectrum, thinkers like the brothers Sayyid and Muhammad Qutb argue that there is a specific Islamic political system and reject any other system or combination of systems, including democracy, as "un-Islamic".<sup>8</sup> In between these stances, there are a variety of theoretical and ideological positions. These include

different interpretations combining Islam, democracy, socialism, liberalism and nationalism. The size and the impact of the Islamic element in these combinational products vary.<sup>9</sup>

Within the accommodationist camp, the main division is between those who favour liberal concepts of democracy and those who prefer electoral ones. Electoral accommodationists accept the Schumpeterian definition of democracy and tend to emphasize majoritarianism. Within Islamist movements, including those that are most popular, electoral accommodationists tend to be in the majority.<sup>10</sup> On the other hand, liberal accommodationists accept liberal democracy with its elements of constitutional liberalism and extensive provisions for protecting minority rights. Within Islamist movements, liberal Islamists are almost non-existent.<sup>11</sup> It should be noted however that most of the aforementioned intellectuals advocate a liberal interpretation.

All the arguments of the rejectionists and the accommodationists, including that of depoliticisation, base their legitimacy and justification at least partially (and in most cases totally) on Islamic theological sources and/or Islamic history. It is almost impossible therefore to argue that there is one exclusive Islamic political system. In other words, as two modernist Islamist activists put it, “we [Muslims] have a human understanding of Islam...it is a mistake for us to say that there is a certain system that represents the Islamic system”.<sup>12</sup> Theoretical interpretations of Islam can therefore be used to support various types of political regimes, ranging from repressive authoritarianism and ‘religio-fascism’ to tolerant pluralism and liberal democracy.

## **Does Islam have a “political dimension”?**

This question, I would argue, is less controversial than the previous one. Even thinkers who support the depoliticisation argument recognize that, at least historically, Islam has addressed core political issues and provided some guidelines that should lead to ‘optimal’ solutions to such issues. Therefore, it has had a ‘political dimension’ in addition to those of a ritualistic, metaphysical and social nature. However, the main argument according to the proponents of depoliticisation is that a modern reinterpretation of Islam should be informed by the concept of separating religion and state. This way, it would be less likely for peoples with different beliefs to suffer under a state ruled according to religious principles. In effect, Islam would not be corrupted by modern politics.

Despite the moral validity and the progressiveness of this argument, it can be challenged on both theoretical and empirical grounds. Historically, the birth of Islam can be regarded as the beginning of a social and political project in which the search for a version of social justice, as well as political action, preceded all of the faith's ritualistic pillars by several years. For example, the act of prayer, the second pillar of Islam, was ordered in the tenth year after the start of the revelations to Muhammad in 620 A.D.<sup>13</sup> Several socio-political demands and actions came before this, including entreaties to Muhammad to abandon Islam in exchange for being crowned as the king of Mecca,<sup>14</sup> negotiations with the people of al-Ta'if (a town close to Mecca) to provide a homeland/city-state for Muslims,<sup>15</sup> a demonstration to declare and demand legitimacy for the new religious identity (i.e. Muslim) in Mecca and to demand the right to worship at the Ka'ba (the holiest shrine for both pagan Arabs and Muslims), and negotiations with the king of Ethiopia to provide protection and sanctuary. Political issues are mentioned more than 100 times in the Quran, at least 73 of which concerned either denouncing unjust rulers or praising persons who protested against, opposed or confronted such rulers. In a *hadith*,<sup>16</sup> Muhammad states that the best of all martyrs is a person who stands up to an oppressive ruler, demanding fairness and protesting against the ruler's injustices and who, as a result, may lose his or her life.

It is significant that the first day of the Islamic Calendar is not the birth of Muhammad or the beginning of the revelations, but is instead the day Muhammad reached Medina and was greeted as the new political leader of the city-state. It is also important to note that among the first projects that Muhammad started in Medina was the drafting of a socio-political contract, which can be interpreted as a primitive constitution.<sup>17</sup> Known as the *Sahifat al-Muwada'a* (Peace or Reconciliation Paper), it acknowledged every tribe in Medina, recognized other religions, and described how relations should be conducted among these tribal and religious groups.<sup>18</sup> The *Sahifat* included a common defence agreement, a basic mechanism for inter-group conflict resolution, and autonomy for Jews with respect to their internal affairs.

Given this heritage, as well as several other factors and elements that cannot be mentioned in this article due to space limitations, it is difficult to argue that Islam does not have a political dimension. An attempt to reinterpret Islam as having no such dimension would face several challenges, including linguistic and historical ones.

## Is Islam compatible with democracy?

If Islam addresses core political issues in its doctrine and if, at the same time, it does not prescribe a comprehensive, detailed political system, then the question becomes: Is there any compatibility between Islam's political dimension, or at least some of its elements, and democracy? I argue that the most important factor in determining any such compatibility is the aforementioned *ijtihād* (human agency), the process of interpretation conducted by one or more scholars or jurists. Interpretations of Islam have varied and developed over time, and have been affected by many factors beyond just religious texts (including historical context, location, cultural context, socio-political and socioeconomic conditions and so forth). As a result, Islam can be interpreted as supporting various kinds of political regimes and ideas. My aim here is to show the theoretical basis for supporting compatibility between Islam and democracy. In the following section, I address the general argument that Islamic political thought and democracy are incompatible. After that I elaborate somewhat on the theoretical basis of democracy in Islam. Ibn 'Abd al-Wahhab's thought can be understood as "pivoting"<sup>19</sup> around one central conviction: a belief in the absolute oneness and unity (*tawhīd*) of God. There is no claim to offer a new teaching or philosophy, only a heavy reliance on both the foundational texts of Islam – the Quran and sunna<sup>20</sup> – and on a particular 'minority tradition' stemming from the reformist project of ibn Taymiyya, a 13<sup>th</sup> century Syrian thinker. Following discussion of this earlier project, the Sheikh's understanding of *tawhīd* and its practical implications will be examined more closely.

## Clash of sovereignties?

Democracy has been criticized by numerous Muslim scholars, thinkers and activists who represent several ideological versions of what is known today as Islamism. Broadly defined, Islamism includes different political ideologies that adopt interpretations of Islam as the ultimate reference for formulating and justifying political principles, objectives and actions. Since interpretations of Islamic sources often reach very different conclusions, Islamist political ideologies based on these interpretations can diverge substantially, and in numerous cases may even be contradictory. As mentioned above, concerning the question of democracy, these ideologies range from total acceptance<sup>21</sup> to wholesale rejection,<sup>22</sup> with many other ideological stances in between.<sup>23</sup>

Before addressing the main reason presented by some Islamists to justify their rejection of democracy, that of the supremacy of divine sovereignty, I should

mention several others of a secondary nature, although they are not based on any interpretations of Islam. Ironically, they are almost identical to the critiques of democracy made by Carl Schmitt<sup>24</sup> and Vladimir Lenin.<sup>25</sup> These reasons concern issues such as the insincerity and hypocrisy of party politics, the manipulation of poor masses by rich elites, and the potential unfairness of capitalist and bourgeois democracy.<sup>26</sup> Not being directly related to Islam, these critiques fall outside the scope of this paper.<sup>27</sup>

Historically, some “Muslim jurists argued that a law made by a sovereign monarch is illegitimate because it substitutes human authority for God’s sovereignty” and that “in Islam, God is the only sovereign and ultimate source of legitimate law”.<sup>28</sup> Perhaps the most well known historical case of such a substitution is the Mongol invasion of Muslim territories in the thirteenth and fourteenth centuries and the subsequent implementation of Genghis Khan’s code of law, known as the *Yasa*.<sup>29</sup> This was met with fierce resistance on the part of Muslim jurists, the most famous of whom is Ahmad Ibn Taymiyya (d. 1327). The attempt to implement a foreign code of law that had no basis in Islam also stimulated the production of a body of literature criticizing any form of law not religiously ordained. This historical case is often cited by some contemporary Islamists to justify the rejection of man-made, ‘un-Islamic’ laws.

My counterargument has two parts. First, in the political domain, both the Quran and the *sunna* address certain broad themes regarding political issues. However, as mentioned before, they do not provide many details concerning mechanisms for the succession and alternation of power or systems to check and balance executive power. In a *hadith*, Muhammad states that “God allowed the *halal* (permissible) in His Book and God forbade the *haram* (forbidden) in His Book, and whatever God did not speak about then He has left it for the decisions of people”.<sup>30</sup> Since the two supreme sources of Islam do not contain many political details, one can say that there is wide space for human creativity and innovation without the violation of “God’s sovereignty” or its compromise by human authority.

Second, even when the Quran and the *sunna* address certain social, political, economic, punitive, personal and family matters, the creation of laws based on these statements is a task for *ijtihad*. El-Fadl clarifies this element of human agency:

“[...] regardless of how clear and precise the statements of the Quran and Sunna, the meaning derived from these sources is negotiated through human agency. For example, the Quran states: “As to the thief, male or female, cut off (*faqta’u*) their hands as a recompense for that which they committed, a punishment from God, and God is all-powerful and all-wise” (5:38). Although the legal import of the verse seems to be clear, it requires at minimum that human agents struggle with the meaning of “thief,” “cut off,” “hands,” and “recompense.” The Quran uses the expression *iqta’u*, from the root word *qata’a*, which could mean to sever or cut off, but it could also mean to deal firmly, to bring to an end, to restrain, or to distance oneself from whatever the meaning derived from the text, can the human interpreter claim with certainty that the determination reached is identical to God’s [sic].”<sup>31</sup>

Muhammad was clear about this human agency factor. In a long *hadith* in which he describes ‘moral rules of engagement’ to his military commanders, he says:

“[...] if you [army commanders] met the enemy and then they asked for [peace] talks [based] on God’s judgment [terms or conditions], then do not agree. Ask them for [peace] talks on your and your companion’s judgment [terms or conditions],<sup>32</sup> because you never know if you will be able to meet God’s judgment regarding them or not.”<sup>33</sup>

The meaning of “talks [based] on God’s judgment” is that ‘the enemy’ would initiate peace negotiations with conditions based on what the Muslim commanders thought to be God’s judgment regarding this specific situation (based on the commanders’ knowledge of the Quran and the sunna). Muhammad, however, did not approve of this and told the commanders that what they think to be God’s judgment might not in fact be so. Therefore, they should initiate talks based on what they think is fair and right (i.e. their own judgment) and make this clear to the other party (that the talks will be conducted on the commander’s conditions and not on God’s). It is worth mentioning that it is implied here that if conditions are unfair or unclear, or if talks resulted in failure, then God cannot be held responsible.

Thus, from this *hadith* Muhammad made it clear and explicit that humans will not know if they have complied with God's judgment in specific situations or not. Given this interpretation, I argue that Muslims are asked by the Prophet to follow what they think to be just and fair without claiming to know the 'truth', which is to say 'God's judgment'. If this is the case, then human agency not only plays the dominant role in interpretations of Islam but is also justified on an Islamic basis. If democracy is understood to be a fairer political system than all others (to paraphrase Winston Churchill's famous dictum), then the re-interpretation of Islam as compatible with this fairer system is not only feasible but also justifiable.

## Are there theoretical bases for democracy in Islamic doctrine?

I shall move on to what are argued to be 'already-existing' bases of democracy in Islam. These are the two Islamic concepts mentioned above that pertain to politics: *shura* and *bay'a*. I have chosen these two particular concepts because they constitute solid bases for several democratic principles, as I shall explain later. These include the basis for majority rule and the election of a leader, the basis for the right to oppose and the basis for respecting other opinions (all contained in the notion of *shura*), as well as the basis for government accountability to the people and the idea of political checks and balances (both contained in the notion of *bay'a*).

### Shura: an Islamic basis for participatory governance?

The word *shura* translates literally as 'consultation'. In Islamic political thought, it refers to deliberations conducted with the aim of collecting and discussing different opinions on a particular subject in order to reach a decision.<sup>34</sup> Based on verses from the *al-Shura* and *al-Imran* chapters of the Quran, as well as several *hadiths* and Muhammad's method of decision-making, the majority of classical jurists and contemporary scholars of Islamic studies consider *shura* to be a *fard* (Islamic obligation).<sup>35</sup> Scholars - particularly those from the classical era - who perceived *shura* as being less than an obligation still deemed it to be *mandub* (recommended).<sup>36</sup> Theologically, people who perform activities that are *mandub* will be rewarded by God, but if they choose not to do so, there is no corresponding 'punishment' involved. In other words, *shura*, according to this interpretation, is recommended but not obligatory.

If scholars of Islamic studies, whether classical or contemporary, have agreed that *shura* is at least favourable, with the overwhelming majority arguing that it is obligatory, they nevertheless have significantly different views regarding three key elements of *shura*: the participants in the *shura* process, the mechanism of choosing those participants, and the status of the *shura* outcome. The participants in the *shura* deliberations were historically known as either *ahl al-shura* (people of the *shura*) or *ahl al-hall wa al-'aqd* (literally, the people of unravelling and unravelling). There is no mention of *ahl al-hall* in the Quran. The sunna provides broad descriptions of ‘good ministers’<sup>37</sup> but the rest was left for *ijihad* and is the product of Muslim jurists’ political thought. “The *Mu‘tazili* scholar Abu Bakr al-Asam (d. 816) argued that the public at large should be among *ahl al-hall*<sup>38</sup> and so did the *Khawarij*.”<sup>39</sup> “However, the vast majority of Muslim jurists argued more pragmatically that *ahl al-hall wa al-'aqd* are those who possess the necessary *shawka* (power or strength) to ensure the obedience or, in the alternative, the consent of the public”, or both.<sup>40</sup> Therefore, the classical theorizing about *ahl al-hall* was dominated by elitism. The *shura* participants were limited to ‘influential persons’, including tribal leaders, military commanders, wealthy merchants, elders, scholars, as well as individuals who were known to be wise and pious.

Given all of this, *ahl al-hall*, at least in the historical sense, are not elected representatives. In 644, the *ijihad* of the second caliph (that is, the successor to Muhammad), ‘Umar, led him to nominate a ‘*shura* committee’ of six candidates, and ordered them to choose his successor after consultative deliberations with the rest of the Muslim leaders available in Medina. After three days of deliberations and consultations with military commanders, tribal leaders and influential Muslims, the committee chose ‘Uthman Ibn ‘Affan to be the third caliph. Most classical Muslim jurists refer to this incident when theorizing about *shura*-based succession. However as shown here, the whole mechanism was, so to speak, a product of ‘Umar’s *ijihad* and political thinking. There was no prescription for how to choose a new leader in the Quran and the sunna, and ‘Umar and the rest of the *sahaba*<sup>41</sup> made no reference to these sources when they were engaging in this selection process. Therefore, there are Islamic grounds and historical precedents for developing a mechanism of leadership selection or election based on *shura*. In addition, there is adequate latitude for the development of this process into something equivalent to modern democratic mechanisms without clashing with Islamic principles.

The third controversial detail that is relevant to the theme of Islam and democracy is the outcome of the *shura*. The first problem has to do with situations

wherein the *shura* participants fail to reach a consensus.<sup>42</sup> In this case, the controversy concerns how a decision should be reached. With regard to a ruler's succession, almost all Muslim jurists agree that the number of votes should be the decisive factor (i.e. majority rules).<sup>43</sup> However, in other situations, such as that of policy formation, there are disagreements; some Muslim thinkers argue that decisions should be made based on a combination of the strength of the theological evidence backing the argument and its consistency with the 'public interest' and the 'common good'. This group does not give much weight to numbers and majorities. Most of those who take this position are classical jurists like al-Shatibi (d. 1388).<sup>44</sup> Another group argues that the majority vote should be the decisive factor, stating that if a decision as important as the leadership of all Muslims is to be determined by a vote-count, then less important decisions should be determined by the same criteria. These scholars are mostly contemporary ones.<sup>45</sup> Both sides back their arguments by interpretations of texts from the Quran and the *summa*.

The other issue over which Muslim jurists disagree is "whether the results of the consultative process are *shura mulzima* (binding [on the ruler]) or *shura ghayr mulzima* (non-binding). If the *shura* is binding then the ruler must abide by the determinations made by *ahl al-shura*".<sup>46</sup> Although El-Fadl states that "the majority of jurists...concluded that the determinations of *ahl al-shura* are advisory and not compulsory",<sup>47</sup> I have found that this majority pertains to classical jurists only, as many contemporary Muslim jurists and Islamic studies scholars reject such a view. Even Abul A'la al-Mawdudi (d. 1979), who otherwise preferred the advisory role of the *shura*, conceded that without the spirit and mentality required to practice *shura*, the current situation leaves no other alternative but to restrict and to subordinate the executive to the majority decisions of the legislature.<sup>48</sup>

To conclude this section, I want to draw attention to the fact that the mechanisms and the details of the *shura* have never been static. They developed as pragmatic responses to historical contingencies that have changed over time. Most contemporary Islamic studies scholars, Islamist thinkers and Muslim jurists have provided firm theoretical grounds that can be used as tools to transform *shura* into a broader form of modern participatory government. El-Fadl however raises an important issue in his article *Islam and the Challenges of Democracy*. He argues that:

“[...] even if the ethic of *shura* is expanded into a broader concept of a participatory government, concerns about majority tyranny

underscore that the moral commitments informing the lawmaking process are as important as the process itself. So even if *shura* is transformed into an instrument of participatory representation, it must itself be limited by a scheme of private and individual rights that serve an overriding moral goal such as justice.”<sup>49</sup>

To illustrate this point, it must first be noted that the socio-political message of Islam is clear regarding certain categories of intolerance. Many Islamic studies scholars and Muslim thinkers and jurists have interpreted Islam as being opposed to discrimination on the basis of race, ethnicity, class and, to a lesser extent, tribe.<sup>50</sup> Both the Quran and the sunna of Muhammad were clear in rejecting and denouncing the aforementioned types of discrimination. In the chapter entitled *Hujurat* (“Inner Apartments”), the Quran recognizes the tribal and ethnic diversity of human beings, mentioning that God created such diversity so that different peoples could get to know each other and that the best of these different people are the ones who uphold morality, regardless of their race:

“O mankind! We created you from a single (pair) of male and female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily, the most honoured of you in the sight of God is the most righteous of you.”  
(49:13)

In his last public speech before he died, Muhammad said that “the Arabs are not better than non-Arabs and non-Arabs are not better than Arabs, whites are not better than blacks and blacks are not better than whites, unless one is more righteous than the other.”<sup>51</sup>

However, when confronted with discrimination on the basis of religion, gender or sexual orientation, the message is unclear and there are many disagreements among scholars, jurists and thinkers. The controversy about religious and gender-based equality has waned relative to the controversy regarding the acceptance of homosexuality.<sup>52</sup> Since non-Muslims and homosexuals tend to be a minority in predominantly Muslim societies and since women tend to be a minority in terms of representation,<sup>53</sup> the question raised here is whether the rights of these minorities are guaranteed under the rule of *shura*. In other words, if *shura* can be developed into a form of electoral democracy, can it be transformed into a form of

liberal democracy protecting minority rights? Further study will be needed to examine the possibility of developing a liberal form of *shura* that is based on other general social concepts in Islam such as *tasamuh*<sup>54</sup> (tolerance) and *qist*<sup>55</sup> (justice). These concepts could serve as supplementary, ‘liberalizing’ concepts alongside *shura*, providing a basis for equality and inclusiveness and functioning as a moral check on potential tyranny of the majority.

## Bay‘a: an Islamic basis for electoral platforms?

In classical Islamic political thought and history, there were three methods for accessing political rule. The first was via *shura*, as discussed above. The second was through *istikhlaf*, defined as the nomination of a specific successor by the ailing ruler.<sup>56</sup> The third method involved *ghalaba*, which is translated literally as ‘triumph’ or ‘victory’; in this specific political context however, it means “nomination by force”.<sup>57</sup> To access political rule through *ghalaba* means that the candidate has to subdue and repress all other political rivals.<sup>58</sup> Regardless of the method by which rule is obtained, a leader is only recognized as legitimate after the Muslim community has pledged *bay‘a* to that person.

Literally, *bay‘a* is an act of “selling”,<sup>59</sup> it is a “compensatory contract”, giving up something and taking something else in return. In the Islamic political context, *bay‘a* is defined as an oath of loyalty given to the nominated, would-be ruler, based on certain conditions. It can be described as a contract by which Muslims give their word that they will accept the nominated person as their leader, as long as that person abides by certain conditions. These may include a variety of different policies and promises about social justice, distribution of wealth, military defence and so forth.

It is important to emphasize that *bay‘a* is revocable. In that sense, it is similar to the social contract of Locke and rejects the irrevocability founded in the contracts of Hobbes and Rousseau. For example, it was clear for the *sahaba* that *bay‘a* could be withdrawn if the conditions were not met. During ‘Umar’s caliphate, he called on people to help him if he was fair and to ‘straighten’ him up if he was not.<sup>60</sup> Salman of Persia, a freed slave and a revered Muslim at that time, answered that if ‘Umar became unfair, the swords of the people would reform him.<sup>61</sup> This would entail the revocation of *bay‘a* and the initiation of a rebellion. Furthermore, when some Muslims believed that the third caliph, ‘Uthman, had appointed governors on the basis of nepotism, they withdrew their allegiance and later besieged

‘Uthman’s house. It is also important to mention that when the state (personified by the ruler at that time) became more powerful relative to society, *bay‘a* was taken by force, and due to the power imbalance, the ruler was not obliged to meet any conditions.

Thus, *bay‘a* could be perceived as a basis for both a system of checks and balances and the principle of the state’s accountability to the people. For example, the platforms of presidential candidates in Western countries could be regarded as a modern development of the classical conditions of *bay‘a*, whereby a potential leader obtains an ‘oath of loyalty’ from the people. The oath of loyalty itself could be regarded as a symbolic way of recognizing the president-elect. Since *bay‘a* is regarded as a contract and, according to many Islamic interpretations, contracts should contain a time limit,<sup>62</sup> it could be expected to expire after a few years, thus creating an opportunity for the alternation of power through new elections.

## Conclusion

This paper has attempted to show that several bases for democracy do exist in Islamic concepts such as *shura* and *bay‘a*, although the strength of these foundations is dependant on *ijtihad*, or human agency. However, if Islam’s ultimate aims are understood to include the promotion of social and political justice and equality, and if democracy is a system of rule that guarantees a fairer socio-political system relative to other systems of governance, then interpretations of Islam that strengthen its democratic bases are justifiable. These bases could be emphasized and developed to promote the compatibility between Islam and democracy.

Within the concepts of *shura* and *bay‘a*, undemocratic elements such as elitism could be addressed and reinterpreted in ways that are compatible with modern tenets of participatory governance and electoral democracy. ‘Liberalizing’ the notion of *shura* could take place by emphasizing more general supplementary concepts like *tasamuh* and *qist*, in order to address key issues such as the tyranny of the majority. Further research is needed to examine the possibilities for liberalizing *shura* by means of these two concepts. In addition, expanding the project of ‘democratizing Islam’ could also involve stressing the revocability and the temporary nature of *bay‘a*. These points are important for promoting the compatibility between *bay‘a* and the democratic concepts of limited-term rule, alternation of power and accountability. Finally, the main hurdle to democratic interpretations of Islam, the argument favouring ‘divine sovereignty’, can be addressed by emphasizing the

centrality of *ijihad* in producing interpretations of Islam. As 'Ali Ibn Abi Talib - Muhammad's cousin and the fourth caliph - explained, the Quran does not speak for itself.<sup>63</sup> It is human beings who speak on its behalf according to their limited individual judgments and opinions, which are in turn affected by numerous social, political, economic and psychological factors.

## Notes

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- <sup>1</sup> Detailed definitions of these concepts are provided below.
- <sup>2</sup> Muhammad's oral teachings, injunctions, behavior and way of life in general.
- <sup>3</sup> Independent study and diligent investigation conducted by a Muslim jurist or scholar to find 'Islam's ruling', which is almost always equated to the 'common good' (as perceived by the jurist or scholar) regarding a specific issue in a specific context; often referred to as 'human agency'.
- <sup>4</sup> Larry Diamond., *Developing Democracy: Toward Consolidation* (Baltimore: John Hopkins University Press, 1999); Fareed Zakaria, "The Rise of Illiberal Democracy," *Foreign Affairs* 76:6 (1997): 22-43.
- <sup>5</sup> Joseph Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper, 1950): 269.
- <sup>6</sup> John L. Esposito, *Islam and Politics* (Syracuse, New York: Syracuse University Press, 1998): 216.
- <sup>7</sup> Ali Abd al-Raziq, *Al-Islam wa usul al-Hukm* (Islam and the Fundamentals of Rule) (Cairo: Al-Hay'a, 1993); Muhammad Sa'id al-'Ashmawy, *Against Islamic Extremism: the Writings of Muhammad Said al-Ashmawy*, (Gainesville: University Press of Florida, 1998).
- <sup>8</sup> Muhammad Qutb, *Mazalib Fikriyya Mu'asira* (Contemporary Intellectual Ideologies) (Cairo: Dar al-Shuruq, 1983); Sayyid Qutb, *Al-'adala al-Ijtima'iya fi al-Islam* (Social Justice in Islam) (Cairo: Dar al-Shuruq, 1980).
- <sup>9</sup> Ahmed Abdullahi An-na'im, *Toward an Islamic Reformation* (New York: Syracuse, 1990); John Esposito and John Voll, *Islam and Democracy*. (New York: Oxford University Press, 1996); Muhammad Khatami, *Islam, Dialogue and Civil Society*, (Australia: Australian National University, 2000); Khaled el-Fadl, "Islam and the Challenge of Democracy," (accessed December 20, 2004) <<http://www.bostonreview.net/BR28.2/abou.html>>; Abdolkarim Soroush, *Reason, Freedom and Democracy in Islam: Essential Writings of Abdolkarim Soroush*, (New York: Oxford University

Press, 2000); Yusuf al-Qaradaawi, *Al-Hulul Al-Mustawrada* (Imported Solutions) (Cairo: Wahba Publications, 1977).

- <sup>10</sup> These include the Muslim Brotherhood (MB) in Egypt; the Front Islamique du Salut (FIS) in Algeria; the Islamic Renaissance Party (IRP) in Tajikistan; the Islah (Reform) Party in Yemen; the Islamic Party, the Supreme Council for Islamic Revolution and the Da'wa Party in Iraq; and the National Outlook Movement and its associated parties in Turkey.
- <sup>11</sup> The term could even be contradictory. However, statements by the Turkish Justice and Development Party (AKP) and the Egyptian Wasat Party suggest that they accept a relatively liberal view.
- <sup>12</sup> Carrie Wickham, "The Path to Moderation: Strategy and Learning in the Formulation of Egypt's Wasat (the Centre) Party," *Comparative Politics* 36:2 (2004): 208.
- <sup>13</sup> Muhammad al-Buti, *Fiqh al-Sirah* (Jurisprudence of the Biography of the Prophet) (Cairo: Dar al-Fikr, 1980): 146.
- <sup>14</sup> Muhammad al-Ghazali, *Fiqh al-Sirah* (Jurisprudence of the Biography of the Prophet) (Cairo: Dar al-Kutub al-Haditha, 1976): 111.
- <sup>15</sup> *Ibid.*, 130.
- <sup>16</sup> A saying of the Prophet Muhammad.
- <sup>17</sup> Burhan Zurayq, *Al-Sahifat: Mithaq Al-Rasul: Dustur Dawlat Al-Islam li al-Medina* (The Paper: The Convention of the Messenger: The Constitution of the Islamic State in Medina) (Damascus: Dar Ma'ad, 1996): 161.
- <sup>18</sup> *Ibid.*, 140.
- <sup>19</sup> Alexei Vassiliev, 'Muhammad ibn 'Abd al-Wahhab and his Teaching,' *The History of Saudi Arabia*, (London: Saqi Books, 1998), p. 73.

- <sup>20</sup> As Vassiliev writes, “90-95% of his works consist of quotations from the orthodox *hadiths* and works by the *ulama* of the first centuries of Islam.” Ibid, p. 76.
- <sup>21</sup> Examples of Islamist parties whose ideologies embrace democracy include the AKP, which is currently in power in Turkey; the Moroccan Parti de la Justice et du Développement (PJD), which won 12% of the lower house seats in 2002; and the Egyptian Wasat Party. It is interesting to note that the AKP’s interpretation of Islam has led to a sustained effort to join the EU.
- <sup>22</sup> Groups that reject democracy are better known in the West due to the extreme violence practiced by several among them and their relative ‘eccentricity’ compared to other Islamists. This is despite the fact that these groups are less popular in predominantly Muslim states compared to groups that subscribe to selected democratic ideas. The rejectionist camp includes terrorist groups like al-Qa’ida (the Base) and al-Jihad (the Struggle), as well as extremely conservative groups including non-violent Salafi groups and Saudi Wahhabi groups (Wahhabism is the official religious ideology adopted by the regime in Saudi Arabia, as well as by its religious establishment).
- <sup>23</sup> This wide range includes groups like the MB in Egypt and Jordan and the FIS in Algeria, which accept the democratic process and participate in it, albeit with various reservations.
- <sup>24</sup> Carl Schmitt, *The Crisis of Parliamentary Democracy*, (Massachusetts: MIT Press, 1988).
- <sup>25</sup> Vladimir Lenin, “The State and Revolution” in *The Lenin Anthology*, ed. Robert C. Tucker (New York: Norton & Co., 1975).
- <sup>26</sup> Muhammad Qutb, 205-210, 213-247, 249-257; al-Qaradawi, 43-77, 112-120. Although Qutb’s 648-page book *Mazahib Fikriyya Mu’asira* (Contemporary Intellectual Ideologies) is perceived by Islamist rejectionists as a comprehensive ‘Islamic’ response to democracy (as well as to other ‘un-Islamic’ contemporary ideas), the book strongly criticizes only one extreme version of electoral democracy (better described as “tyranny of the rich elite

which manipulates the ignorant masses”). It fails to address any other alternatives (as if this theoretical version of electoral democracy exclusively represents ‘the’ democratic idea), including versions of liberal or socialist democracy. It also rejects any combination of Islam and democracy as un-Islamic, rejects any goal for developing a ‘fairer democracy’ as impossible, and shuns the idea of re-interpreting Islam.

- <sup>27</sup> In addition, I will not address anti-Semitic critiques along the lines of Qutb’s “democracy is a Jewish conspiracy”, since they are likewise irrelevant to the topic of this paper.
- <sup>28</sup> El-Fadl, “Islam and the Challenge of Democracy”; Qutb, *Mazahib Fikriyya Mu’asira*, 221.
- <sup>29</sup> Harold Lamb, *Genghis Khan: The Emperor of All Men* (Philadelphia: Blakiston, 1944): 127-129.
- <sup>30</sup> Jalal al-Siyuti, *Al-Jami’ Al-Saghir* (The Small Gatherer) (accessed December 28, 2004) <[http://www.muhammadith.org/cgi-bin/a\\_Optns.exe?](http://www.muhammadith.org/cgi-bin/a_Optns.exe?)>.
- <sup>31</sup> El-Fadl, “Islam and the Challenge of Democracy”.
- <sup>32</sup> The *shura* element is clear here since the Prophet referred to the role of ‘the companions’ (aides, advisors, soldiers, etc.) in the decision-making process and not only to that of the commander.
- <sup>33</sup> Muslim al-Naysaburi, *Sahih Muslim* (The Correct Hadith Gathered by Muslims) (accessed December 25, 2004) <[http://www.muhammadith.org/cgi-bin/a\\_Optns.exe?](http://www.muhammadith.org/cgi-bin/a_Optns.exe?)>.
- <sup>34</sup> Hasan al-Turabi, *Al-Mustalahat al-Siyasiya Fi al-Islam* (Political Terminologies in Islam) (Beirut: Dar al-Saqi, 2000): 63; Sa’di Habib, *Dirasa fi Minhaj al-Islam al-Siyasi* (A Study in the Islamic Political System) (Beirut: al-Risala, 1985): 589.

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- <sup>35</sup> A *fard* is a theological ruling. Those who carry out the ruling will be rewarded by God, otherwise they will be punished (Abdul Rashid Moten, *Political Science: An Islamic Perspective*, [London: Macmillan Press, 1996]: 101.
- <sup>36</sup> El-Fadl, “Islam and the Challenge of Democracy”.
- <sup>37</sup> I have translated the Arabic word *wazir* as ‘minister’, which here means an aide or advisor to the ruler whose responsibilities conform to those of the *ahl al-shura* (advice and aid).
- <sup>38</sup> El-Fadl, “Islam and the Challenge of Democracy”.
- <sup>39</sup> Hence they were called the first ‘republicans’. Ali Ibn Hazm, *Al-Fisal Fi al-Milal wa al-Ahwa’ wa al-Nihal* (The Final Say in Religions, Creeds and Sects) (Beirut: Dar al-Ma’rifa, 1975): 111.
- <sup>40</sup> El-Fadl, “Islam and the Challenge of Democracy”.
- <sup>41</sup> The *sahaba* are the companions of the Prophet. They are highly revered in the Sunni world, perceived as the best Muslims and the ones who fully understood the message of Islam. A few of the *sahaba* are also regarded favorably by practicing Shi’ites.
- <sup>42</sup> Consensus is the ideal outcome according to Muslim jurists.
- <sup>43</sup> El-Fadl, “Islam and the Challenge of Democracy”.
- <sup>44</sup> Ibrahim al-Shatibi, *Al-I’tisam* (The Adherence) (Beirut: Dar al-Ma’rifa, 1980).
- <sup>45</sup> Al-Qaradawi, *Al-Hulul Al-Mustawrada*, 77
- <sup>46</sup> El-Fadl, “Islam and the Challenge of Democracy”.
- <sup>47</sup> Ibid.

<sup>48</sup> Sayed Abul A'la Mawdudi, *Mabadi' al-Islam va Falsafah al-Hukum* (The Principles of Islam and the Philosophy of Rule) (Cairo: Dar al-Shuruq, 1967): 203.

<sup>49</sup> El-Fadl, "Islam and the Challenge of Democracy".

<sup>50</sup> Regarding tribal-based discrimination, classical Sunni and Shi'ite jurists believed that the caliph, the leader of the Islamic State (and by that they meant all territories under Muslim rule), should be from the Prophet's tribe Quraysh, if there was a 'qualified' male among them to lead. However, the Khawarij and the majority of the Mu'tazili jurists believed that the tribal element did not matter.

<sup>51</sup> The meaning is that ethnic or racial background does not make someone better than another; only moral differences matter (al-Buti, *Fiqh al-Sirah*, 361)

<sup>52</sup> There is less disagreement on the issue of homosexuality, as the majority of Muslim scholars and thinkers still reject it.

<sup>53</sup> However, not in terms of absolute numbers.

<sup>54</sup> *Tasamuh* literally means 'tolerance' and the concept refers to the recognition of and respect for the identities, beliefs, opinions and practices of 'other' individuals or groups (Soroush, *Reason, Freedom and Democracy in Islam*, 123)

<sup>55</sup> *Qist* literally means 'justice'. Regarding the 'other', the concept emanates from the Quranic verse: "God forbids you, not with regard to those who fight you not for (your) faith nor to drive you out of your homes, from dealing kindly and justly with them: for God loveth those who are just." (60:8)

<sup>56</sup> Muhammad Heikal, *Al-Qital fi al-Siyasa al-Shar'iyya* (Fighting in Legitimate Politics) (Beirut: Dar al-Bayyariq, 1999): 53-54.

<sup>57</sup> *Ibid.*, 57-58.

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- <sup>58</sup> It is important to note that the notion of *ghalaba* was justified later, after the first four caliphs, as a ‘necessary evil’. The justification was based on pragmatism and the ‘public interest’ of stopping the bloodshed between rival political factions and private tribal armies.
- <sup>59</sup> Al-Turabi, *Al-Mustalahat al-Siyasiya*, 71.
- <sup>60</sup> Zurayq, *Al-Sahifat: Mithaq Al-Rasul*, 299.
- <sup>61</sup> Mentioning the ‘sword’ was a cultural trend at that time. It does not mean that ‘Umar and Salman were political rivals or enemies. On the contrary, they were close companions (Qutb, *Mazahib Fikriyya Mu’asira*, 244).
- <sup>62</sup> Ibrahim A’rab, *Al-Islam al-Siyasi wa al-Hadatha* (Political Islam and Modernism) (Casablanca: Afriqiya al-Sharq, 2000): 105.
- <sup>63</sup> Shihab al-Din Ibn Hajar al-‘Asqalani. *Fath al-Bari bi Sharh Sahih al-Bukhar* vol. 3 (The Opening of *Bari* [God] in Explaining *Sahih al-Bukhar*) (Beirut: Dar al-Fikr, 1993): 303.