Islamic Democratic Theory: Between Political philosophy and Jurisprudence

Muqtedar Khan, University of Delaware
Islamic Democratic Theory: Between Political Philosophy and Jurisprudence

M. A. Muqtedar Khan

For nearly a century, Islamic political theorists have been trying to argue that Islam is not only compatible with modernity and democracy, but that its advent was in fact the essential beginning of modern enlightenment. Muslim political theorists are a rare commodity, but the few who do exist and write have tried to demonstrate that the antecedents of modern polities lie within the Islamic experience. Much of their contribution, however, has remained outside the mainstream of Islamic discourse and Muslim conceptions of Islamic scholarship. The political concepts that pervade Muslim discourses today have mostly been crafted by Islamists like Maulana Maududi (1903–79), founder of the Jamaat-i Islami party on the Indian subcontinent, and Sayyid Qutb (1906–66), ideologue of the Muslim Brotherhood in Egypt. These two thinkers were Islamic political theorists in some sense, but their approach was highly ideological and polemical. Although there are rich sources of Islamic thought on democracy, an Islamic democratic theory has yet to emerge.

Historical Contexts

As the Muslim world became independent from colonial occupation and began searching for authentic models for its newly independent polities, Muslims were faced with the choice of either imitating the contemporary West, often their former coloniser, or trying to reproduce the political and legal structures that preceded the colonial era. Muslim secularists, most prominently Atatürk in Turkey, opted for Western models of secular democracy. Some Arab states chose to reproduce medieval models of kingship based on tribal loyalties. It was only when Pakistan emerged as an independent nation (1947) that Muslims chose to invent a model of Muslim democracy that recognised the compatibility of Islam and democracy. The debates that informed the writing of Pakistan’s constitution brought out interesting issues concerning how Islam would shape politics and political structures in the modern era.

The promise of the debate about the authenticity of democracy and the challenge of accommodating religion in the multi-religious modern state of Pakistan was unfortunately never realised. Two mutually reinforcing trends

M. A. Muqtedar Khan is a visiting fellow at the Brookings Institution and director of international studies at Adrian College. He is the author of American Muslims: Bridging Faith and Freedom (Amana, 2002) and Jihad for Jerusalem: Identity and Strategy in International Politics (Praeger, 2004). His website is http://www.ifitihad.org

within the Muslim world marginalised the importance of this emerging political theory of democracy in Pakistan. These two trends still dominate the Muslim political landscape and they are (1) political Islam, with its highly politicised interpretation of Islam and its call for an "Islamic state", and (2) secular authoritarianism, which arose from Arab socialism. Muslim discourses and Muslim politics in the last fifty-odd years have been a debilitating assertion of either secular authoritarianism with military repression, or radical Islamism with frequent frenzies of terror and civil strife. One of the casualties of this civil war in the Muslim world was the emerging theory of a democratic Islamic polity in modern times.

The juxtaposition of Islamic state or secular democracy—the Iranian model versus the Turkish model—as the only two alternatives for a Muslim polity not only undermined the development of Islamic democratic discourse but also marginalised liberal Muslims and intellectuals. The West in general and the United States in particular have long advocated the Turkish experience as the desired model for democracy in the Muslim world. Turkey, with its membership of the North Atlantic Treaty Organisation, its close alliance with Israel, and its radical secularism that has often used undemocratic means to exclude Islam from the public sphere, was the West’s preferred alternative to the Iranian or Pakistani style of Islamic state. For Islamists, however, Iran’s Islamic Revolution was a major inspiration and they hoped that similar revolutions in key Muslim states such as Saudi Arabia, Pakistan, Egypt and Algeria would duplicate the Shi‘ite miracle in the Sunni world.

Recent developments in global politics, and the most surprising emergence of President George W. Bush as an advocate of the compatibility of Islam and democracy, who moreover expresses his determination to facilitate the establishment of such a polity in Iraq, have once again given vitality and centrality to the incipient theory of Islamic democracy. Speaking at the National Endowment for Democracy on 6 November 2003, President Bush asserted:

> More than half of all the Muslims in the world live in freedom under democratically constituted governments. They succeed in democratic societies, not in spite of their faith, but because of it. A religion that demands individual moral accountability, and encourages the encounter of the individual with God, is fully compatible with the rights and responsibilities of self-government.²

We now witness academic journals publishing special issues on Islam and democracy, think tanks conducting debates and symposia on the same subject, and even newspapers exploring the nuances of faith and freedom. There has also been a plethora of books that seek to address the issue from both a political as well as a theoretical perspective.³

---

2. The full text of the speech can be found at [http://www.ned.org/events/anniversary/oct1603-Bush.html]. See also M. A. Muqtedar Khan, "Prospects for Democracy in the Muslim World: The Role of US Policy", Middle East Policy Journal 10, no. 3 (autumn 2003), pp. 79–89.

The new interest in Islam and democracy will certainly revive old ideas and generate new interpretations. However, the contemporary momentum is driven by theologians, jurists and activists and not by political theorists. The activists are convinced that democratisation is the panacea for all Muslim problems. They are happy to run with the slogan that Islam and democracy are compatible and hence that we should hasten with the process of democratising the Muslim world. From a political perspective their zeal and enthusiasm are advantageous, but they do not really contribute much to the theoretical content of the claim that there is a strong convergence between Islamic values and democratic principles except for the rhetorical equation of democracy with shura, the Qur'anic term for consultation. Muslim advocates of democracy find a theological vindication for their quest in the following Qur'anic injunction to consult: “And their affairs are conducted through mutual consultation” (Sura 42:38). But a democratic theory cannot just emerge by itself from part of a verse.

Theologians

Abdulaziz Sachedina. The theologians do approach the issue in a comprehensive and systematic way. They go to Islamic roots and identify and exemplify those elements that correspond to liberal democratic principles. An excellent example is the recent work of Abdulaziz Sachedina who shows, relying basically on Qur'anic sources and eschewing other socially constructed discourses, how Islam strongly advocates pluralism. Sachedina's work is not a treatise in political theory and he does not intend it as such. He himself envisages his work as a preventive diplomacy tool for Muslim and non-Muslim politicians seeking to advance the cause of pluralism. One of the most important limitations of The Islamic Roots of Democratic Pluralism is that it treats pluralism and democracy as stable, uncontested ideas enjoying widespread consensus.

The work also focuses on religious pluralism without actually distinguishing between religious and political pluralism. For example, while one can find in it excellent resources to argue for religious tolerance and the equality of all from a purely Islamic standpoint, it does not provide justifications for the toleration of competing political ideologies such as capitalism and communism. Will an Islamic state allow political parties to exist and compete for power that are opposed to state ideology? Can communists share power or even come to power in an Islamic democracy? While people of different faiths enjoy equal rights under Islamic pluralism, does the system also tolerate political pluralism? As a theologian, Sachedina focuses on theological differences and offers a theological solution to religious differences, but he does not offer a theological or a political solution to political differences. Can a political theorist treat Sachedina's work as a resource for building an Islamic theory of political pluralism? Possibly. Sachedina's work is not only pathbreaking, it also underscores the necessity for the full-blown development of Muslim/Islamic democratic theory.

All arguments that advocate Islamic democracies or the compatibility of Islam and democracy take the Qur'an as a revealed document, whose text is absolute but whose meanings are open to alternative interpretations. There is even a Qur'anic basis for claiming the

absoluteness of text and the relativity of meanings (Sura 3:7). The Qur'an acts as the anchor, the absolute point from which Muslim thinkers begin and end their thinking. Therefore, when we talk of pluralism and democracy it is important to clarify which democracy—liberal, radical, socialist, or deliberative—and which pluralism—religious, epistemological, cultural, or political—we mean. While arguing the compatibility of Islam with pluralism or modernity or democracy, the merit of these latter notions cannot be taken for granted. They must be unpacked and their virtues examined from the moral and ethical foundation of the Qur'an. This is the responsibility of Muslim political theorists.

**Jurists**

*Khaled Abou El Fadl*. While theologians and their work can become a fundamental resource for Islamic political theorists, Islamic jurists wielding *fatwas*, who with one stroke can make democracy *halal* (permissible in Islam) and political philosophy *haram* (forbidden in Islam), remain a significant barrier to the development of Islamic political theory. (Technically, a *fatwa* is a legal opinion that is binding only on the jurist who asserts it. Today, however, Muslim clerics use it as a religious edict. It is the most important item in their arsenal.) An illustrative example of how even well-meaning Islamic legal scholars, unable to escape their juristic outlook, can undermine the Islamic roots of democracy while actually advocating Islamic democracy, is provided by a recent article on the subject by Khaled Abou El Fadl. In this article El Fadl uses an ethical, philosophical outlook to identify various principles of compassion, tolerance, equality and justice in Islamic sources. Unlike Sachedinia, he does not limit himself to essentially the Qur'an but explores secondary sources too. However, in the conclusion of the article he allows the intellectual colonialism of Islamic legalism—its tendency to engulf and marginalise other fields of study—to subvert his quest for an Islamic democracy.⁵

The Islamic intellectual tradition, which includes Islamic legal thought (*usul al-fiqh* and *fiqh*), theology (*kalam*), mysticism (*tasawwuf*) and philosophy (*falsafa*), is easily one of the most developed and profound traditions of human knowledge. However, for various historical reasons, this intellectual heritage of Islam remains strikingly underdeveloped in the area of political philosophy. One reason for this lacuna is the colonial tendency of Islamic legal thought. Many Islamic jurists equate Islam with Islamic law and privilege the study and exploration of the *shari’a* over and above all else, thereby colonising Islamic thought and subordinating other fields of inquiry. This dominance of legal studies has allowed only episodic exploration of the idea of a polity in Islam. Today, all over the Muslim world there are hundreds of Islamic schools and universities producing hundreds of thousands of Islamic legal scholars; but hardly any traditional school produces political theorists or philosophers. Bar rare exceptions, this intellectual poverty has reduced Islamic thought to the status of a medieval legal tradition.⁶

---


In spite of the intellectual imperialism of the Islamic jurists, Islamic political theory has managed to survive in some form. The twentieth century witnessed the emergence of two distinct approaches to Islamic political theory: that of the Islamists who advocate the establishment of an Islamic state, an authoritarian and ideological entity whose central concepts are al-hakimiyyah (the sovereignty of God) and shari'a (the law of God); and that of liberal Muslims who advocate an Islamic democracy whose central themes are shura (consultation) and mashaf al-Madinah (constitutionalism à la the Compact of Medina).7

It is true that political Islamists also posit the principle of shura as an important element of their Islamic state, but their reading of the concept is limited and essentially pays only lip service to the idea of consultation. For them, consultative governance is not necessary for legitimacy, since legitimacy comes from the enforcement of the shari'a regardless of the will of the people. Thus, if shura contradicts their notion of what constitutes the shari'a, their Islamic state will immediately abandon consultation and become a totalitarian ideological entity ready to wage jihad to enforce their view of the law of God even against the will of the people. It is exactly here that political theorists of the Islamist tendency become as authoritarian as the jurist, whose understanding of what is God's will is law and always above the will of the people. Needless to say, for the liberal Muslim theorists, shura is paramount and shari'a, too, must be arrived at through consultative processes and not taken as given.

The extraordinary influence of the idea of "Islam as shari'a" has made law prior to state. Because law comes first and the political community second, the structure and form of the polity become subservient to the application of law. Polity derives legitimacy from its ability to implement shari'a, rather than the very idea of law/shari'a emerging to serve the needs of the polity. This philosophical error, which amounts to putting the cart before the horse, also underpins El Fadl's otherwise erudite discussion of the compatibility of Islam and democracy. This is particularly striking in his conclusion. I expected his treatise to end with some kind of delineation of an Islamic democracy. On the contrary, he concludes by imposing shari'a-based limitations on democracy. He clearly states that a case for democracy from within Islam should not substitute popular sovereignty for divine sovereignty and should recognise that democratic lawmaking respects the a priori nature of the shari'a. He begins his essay as a political philosopher and ends it as an ayatollah delivering the edict, "You can have democracy but only as long as the people are not sovereign and shari'a is not violated."

El Fadl's essay is brilliant in its discussion of the moral and ethical principles within Islam that can help make a case for democracy, but he nevertheless reinforces, rather than deconstructs, traditional barriers. One of the most prominent Islamic theologians, Sheikh Ibn Taymiyyah (1263–1328), who in many ways is a source of great inspiration to conservative Muslims advocating authoritarianism, argued for a more Islamic Leviathan figure that would defend the Islamic world from external military threats and Islamic doctrines from internal heresies. He claimed that the object of an Islamic state was to impose the shari'a.

El Fadl argues similarly that an Islamic democracy should recognise the centrality of shari'a in Muslim life. This is scary. It raises several questions. Who gets to articulate what constitutes the shari'a? Islamic jurists? Who determines who is an Islamic jurist? Who determines which schools can provide the education that will produce jurists? Who determines when a specific democratically passed law is in violation of the shari'a? Who determines the issues on which people will have freedom of thought and action and the issues on which the so-called shari'a will be unquestionable? The answer to all of these questions is the same: the Muslim jurist. A close reading of El Fadl’s arguments suggests that an Islamic democracy is essentially a dictatorship of Muslim jurists. Sounds too much like contemporary Iranian democracy, which is often held hostage by the clerics.

There will be no democracy unless jurists are willing to let go and allow the democratisation of interpretation. Let every citizen be a jurist and let her interpret Islam and shari’a when she votes. In a democracy, the vote/opinion/fatwa of every individual must be considered as equal since ontologically all humans are equal. An essentialisation of the shari’a with a concomitant assertion of its uncontested centrality is a recipe for authoritarianism. Certainly, I recognise that El Fadl is interpretively more liberal than his traditional colleagues, and his vision of what constitutes the shari’a is definitely more inclusive. But until we dismantle the authoritarian authority of the jurists, and democratisate ijtihad (interpretation and judgement), there can be no Islamic democracy.

Of course, the moral quality of this Islamic democracy will depend on the extent of the citizens’ Islamic knowledge and their commitment to Islam; we have to accept that and live with it. Any attempt to guarantee “Islamic outcomes” through precepts such as “the essential shari’a must be applied” will necessarily entail the subversion of democracy. Moreover, an authentic sahih (tradition) of the Prophet of Islam, peace and blessings be upon him, reports him as saying, “My umma [community of Muslims] will not unite upon error.” There is no such endorsement available about the infallibility of the opinions of the jurists, clearly suggesting that Islam privileges only the overall will of the people.

The point is simple: even what is shari’a and what is Islamic law should be a democratically negotiated conclusion emerging in a democratic society. In the absence of this free and open negotiation, Islamic democracy will be a procedural sham that uses the voting mechanism selectively in non-crucial matters. Clearly, until political philosophers and theorists have developed a cumulative substantive discourse on democratic theory in Islam, the less the jurists intervene the better. Indeed, the quest for democracy in the Muslim world is a twin project: it seeks to free the human conscience from the political tyranny of the dictator, and the human soul and intellect from the legalist tyranny of the Islamic jurist. Islamic jurists, by monopolising the right to understand and interpret Islam, are depriving all other Muslims of their basic humanity—the right to exercise their reason and be free Muslims.8

Philosophers

While the theologians’ approach is useful and the jurists’ approach is counterproductive, political philosophers produce a rich discourse on democracy. If this tradition is allowed to flower and grow, it can advance a progressive, ongoing Islamic democratic theory that can help establish and develop Islamic polities, facilitating the causes of both faith and freedom. In this discussion I shall explore the work of the contemporary Iranian philosopher Abdol-Karim Soroush. But before that I will review the thought of the greatest Islamic political philosopher, who was also the first Muslim to evaluate systematically the merits and limits of democratic polities.

Al-Farabi. Al-Farabi (d. 950) places democracy in the category of ignorant cities. These are cities that collectively are not aware of God (the First Cause). They also lack a single purpose. Al-Farabi recognises that since democracies are free societies, the citizens of a democracy will seek multiple objectives. He further suggests that if people who seek security dominate the polity, a democracy can become a national security state (al-Farabi talks in terms of cities of war and peace). But he also makes a highly intriguing observation, which is perhaps the most important lesson contemporary Muslim thinkers can take from him: because democracies are free societies and are also non-homogenous, they will contain people who excel in good as well as people who excel in evil. But since one can find the pursuit of perfection present within a democracy, a democracy has the best chance of all ignorant cities of becoming a virtuous city. This is a cautionary but powerful endorsement of democracy, especially today when the options available to Muslim societies largely fall in the ignorant category (monarchies, dictatorships, etc.).

Abdol-Karim Soroush. Soroush’s approach to the compatibility of Islam and democracy is very different from those of Sachedina and El Fadl.9 He treats neither Islam as a stable unproblematic concept, nor modernity or democracy as settled issues. In true philosophical spirit, he considers all concepts and all assertions of value as open to negotiation, reflection and understanding. For El Fadl, Islamic law or shari‘a is the ultimate criterion, as is the Qur’an, the indisputable word of God, for Sachedina. For Soroush, the only thing that is given is the human capacity to understand what is moral, what is reasonable, what is ethical, and what is worthy of upholding as a value. His ultimate criterion is reason, and he sees the understanding of even God’s will and words as essentially the outcome of the interaction of reason (aql) and revelation (wahi). Therefore, before there is either Islam or democracy, for Soroush there is reason.

All Muslim intellectuals start with a stated or unstated assumption that Islamic principles or Islamic laws are absolute truths revealed by God and hence cannot be at fault. If there is any seeming deficiency it must necessarily be in the interpretation of these principles or laws, and hence we need to revive the tradition of ijtihad—-independent interpretive thinking. But Soroush starts his arguments essentially by asserting reason as a defining characteristic of humanity and freedom as a necessary existential condition for that humanity to thrive. For the philosopher, what is primary is human agency as a

"thinking being", whereas for the theologian and the jurist human agency is a "submissive being". The theologian asserts, "Here is the Truth, understand it." The jurist commands, "This is the Truth, obey!" The philosopher says, "You can think, and if you are free to think, think and you may know the Truth." Soroush articulates this philosophical position clearly. Thus, the fulfilment of humanity depends upon the fruition of reason, and reason cannot thrive, grow or be exercised without freedom. By linking reason and freedom, Soroush makes it very clear that freedom is necessary for reason and reason leads to faith and truth.

Having established the necessity of freedom for reason to thrive, Soroush then argues that it is incorrect to assume that reason (aql) and revelation (wahi) are in some way antithetical to each other. He argues—and this has been the position for a long time in the Islamic philosophical tradition—that revelation is essentially accessed through reason. Reason is the instrument that enables the apprehension of revelation. One cannot understand the will of God without possessing the faculty of understanding. Thus, Soroush seeks to subvert the widely touted tensions between faith and freedom and reason and religion. If Islam is compatible with freedom and reason—the constitutive elements of democracy—then Islam should be compatible with democracy. Soroush further argues that democracies are basically means to an end, and as long as Islam is understood as a reasoned justification of God's rights over humanity, a religious society should have no problems in establishing a democracy as a means to good and just governance.

Soroush's ideas are highly provocative given the cultural context from which they are emerging. But nevertheless they remain at a very high level of abstraction and need to be translated into political theoretical concepts that can be given practical expression. How do we integrate reason into the general understanding of religion? How do we make freedom operational as a prior condition of faith and government? How do we deal with the existing corpus of Islamic law, which is not easily amenable to criticism that will circumscribe its scope and the power of those who wield it? Democracy is not just freedom from the tyranny of political power; it is also freedom from the tyranny of traditional authority. How do we deconstruct the stifling effect of "shari'a-obsessive Islam" on reason?

Conclusion

So far, I have reflected on the prospects of an Islamic democratic theory in the context of three genres of discourse: theological, jurisprudential and philosophical. My conclusions are that theological understanding is necessary but insufficient for such a theory, philosophical illumination is the answer but needs much more development, and jurisprudence is a challenge to, rather than an ally of, Islamic democratic theory. In this essay my goal was to underscore the importance of political philosophy and theory. I am afraid that quick-fix solutions such as are being attempted in Afghanistan and Iraq will not give birth to an authentic Islamic democracy. Neither will the mere reinterpretation of Islam—emphasising those elements that facilitate and marginalising those that subvert democracy—produce the necessary result.

The barriers to democracy in the Muslim world are both ideational and material. While political activism and even revolutionary change may become necessary to establish democracy, Islamic democratic theory must precede political change in order to remove
ideational barriers first. If an authentic Islamic democracy is to emerge, then it must first become an aspiration in Muslim minds and dominate their discourse. Once the idea exists, the form can follow. This is the challenge for Islamic political theory.