Islamic Governance and Democracy

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ISLAM
and
DEMOCRATIZATION
IN ASIA

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CHAPTER 1

ISLAMIC GOVERNANCE
AND DEMOCRACY

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In 2005 it seemed as if democracy had finally arrived in the Middle East. Iraqis and Afghans had voted in large numbers, providing hope that democratic regimes introduced by the American occupation forces would take root. Elections had returned to Saudi Arabia after nearly four decades. Large pro-democracy rallies in Beirut were raising the vision of an Eastern European--style democratic wave in the Middle East. There were constitutional changes taking place in the Gulf and for a brief historical moment it appeared that the American policy of externally stimulated democratic change might actually work.

But subsequent events have underscored that things are never so simple in the Middle East. Political realities in the region come in multiple layers of complexity. The subsequent retreat of democracy across the Middle East and the reemergence of the trio of authoritarian regimes—Egypt, Jordan, and Saudi Arabia—in the form of “allies of stability”
have once again brought the region to a pre–September 11, 2001, political equilibrium where the United States seeks to maintain a temporary stability in collaboration with states in the face of pressing demands for change from the masses.

America’s post–September 11 foreign policy had one fundamentally new idea—that democracy was an antidote to terrorism. This idea basically emerged from the reluctant recognition that one reason why terrorism thrived in the Middle East was the proliferation of undemocratic authoritarian regimes that promised much but delivered little on the economic front (Jordan and Egypt, for example) and repressed their masses and obstructed any political reform in the face of insistent demands for change. But now, however, through some really bizarre logic, the U.S. administration has concluded that America’s failure in Iraq and the electoral successes of Islamists, especially those of Hamas and Hezbollah, make the democracy-promotion policy highly undesirable. The abandonment of the democracy-promotion policy is illogical since it has succeeded to some extent; both Hamas and Hezbollah have since been busy with the machinations of democracy and have indulged in very little terrorism. Hamas’ goal at the moment appears to be “how to get EU aid without recognizing Israel,” rather than “what can we do today to destroy the Zionist entity.” Nevertheless, Washington curiously prefers an authoritarian Middle East with terrorism, rather than a democratic Middle East with Islamists in power.

The United States government will be making a big mistake by not supporting democracy in the region out of fear that it would lead to Islamization. Democracy clearly has a moderating influence on Islamists. The struggle of Hamas to adjust its agenda from ideological to a more pragmatic one by accepting a power-sharing arrangement with the opposition in order to pursue a larger, less partisan good despite winning it all is a positive sign that Islamists will persist on the democratic pathway. The emergence of an Islamist AKP (Justice and Development Party) in Turkey is another example of how democratic participation moderates Islamism. Second, people’s expectations are already rising and they will continue to press for more political reform. If Washington returns to
the pro-stability posture and once again aligns openly and firmly with authoritarian regimes as Secretary Rice suggested, then it will find itself not only battling terrorism by jihadists but also pro-democracy activism by Islamists.

**GOING BEYOND THE ISLAM AND DEMOCRACY DEBATE**

While democracy is globalizing, having already established itself as the most legitimate form of governance, in vogue in most of the world, it continues to face a huge deficit in the Arab world. The democracy deficit in the Muslim world, however, has been mitigated by some stabilizing and some fledgling efforts at democratization in Indonesia, Malaysia, Pakistan, Bangladesh, Turkey, and Iran. Most commentators in the West, especially in the United States, are inclined to dismiss Iran as a totalitarian regime run by clerics, but they ignore the fact that in spite of its many aberrations and limits, the current Iranian system has proven to be quite durable and is indeed more democratic than most regimes in the region, and certainly more than the pro-West, pro-United States Iran under the Shah. Nevertheless, democracy is glaringly absent from most of the Arab world, and with the rise of political Islam and Islamic politics in the region, the compatibility of Islam and democracy has become an important global issue.¹

There are commentators in the West and in the Muslim world who share common interests in asserting that Islam and democracy are incompatible. Some Western scholars argue that Islam is incompatible with modernity, and in particular democracy, and insist that Muslims must either abandon Islam or reform Islam in order to join the “modern world.”² Some Muslim scholars and militants reject democracy, arguing that it is contrary to the way of God (the Islamic *shariah*), and in their eagerness to reject Western domination they also reject democracy, falsely believing that democracy is something uniquely Western.³ Fortunately, these arguments have been soundly rebutted both in theory and in practice. The compatibility of Islam and democracy is not in question anymore. Muslim theorists have systematically demonstrated that
Islam can co-exist with the democratic process, and by highlighting the presence of democracy in several Muslim countries and the presence of Muslims in the West and in other places like India where democracy is well-established, have drawn attention to the fact that Islam and Muslims can thrive in democratic societies. The challenge is not to argue that Islam and democracy are compatible—that debate is settled, although its conclusions are not widely acknowledged. The challenge for Muslim theorists is to go a step further and show how an Islamic democracy may be conceived and what its constitutive principles and architectural features will be. In this brief chapter, I will seek to approach democracy from within the Islamic context and describe the broad principles of Islamic democracy. In the debate on the compatibility of Islam and democracy, the idea of democracy has often been taken for granted and treated as a stable and uncontested idea; it is Islam that is approached from outside-in with a view to interrogate it to ascertain its ability to confirm to democratic principles. In this essay I shall adopt an inside-out approach. I will simply articulate what I believe should be the Islamic structure of governance and readers will be able to recognize its fundamentally democratic nature.

**The Myth of Secularism and the Need for the Islamic State**

Political theory inspired and influenced by European enlightenment has taken secularism as a necessary and uncontested condition for good governance. Even though this may or may not be empirically true, most Western ideologues assert the secular nature of Western polities while simultaneously taking the virtues of secularism for granted. As a Muslim intellectual living in the West, researching and teaching political theory and political philosophy, I have always marveled at the durability of the idea of secularism. For a civilization that boasts considerable sophistication in most areas, to assume that politics and religion constitute two separate realms or that the two can be separated is uncharacteristically naïve. This belief, not in separation of Church and State, but in the
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Separability of Church and State, in my opinion is one of the enduring myths of modernity. This myth rests on the false assumptions of pure politics and pure religion; neither exists in real life.\(^5\)

All core issues are not only normative in nature but also impinge on individual and collective identities. Neither the conception of the individual self nor the construction of the collective self is free from political or religious considerations. Christianity played a significant role in the collapse of communism in Eastern Europe, and Islamists found a way to come to power in secular fundamentalist Turkey. The place of religious symbols in the public sphere, whether it is hijab (Muslim headscarf) in French public schools or the Ten Commandments in American courts, remains contested primarily because there is no consensus on the exclusion of religion from the public sphere anywhere.

Not only does religion play a role in politics, but politicization of religion is also a common occurrence. The use of the gay marriage issue by Republicans in the 2004 presidential election underscores the continuing political salience of religion in the modern West. I have noticed that often, American politicians try to couch their religious motivations in secular terms while advocating specific policies. A very good example is the unyielding support for Israel and Israel's occupation of the West Bank and Gaza among certain Republican politicians with Christian Evangelical connections. While they support the occupation for biblical reasons, they justify it by arguing that Israel is the "only democracy in the Middle East." I often wonder if their support for Israel would stop if Israel became less democratic, or if it could be shown that millions of people within Israel's borders do not enjoy basic democratic rights.

In the Muslim world, on the contrary, legitimacy comes from Islam and therefore many politicians justify material motivations using Islamic cover. While religious politicians in the West often use secular discourse for legitimacy, Muslim politicians deliberately Islamize mundane issues for the same reason. Religion in the West lacks legitimacy in the public sphere and must therefore be concealed; in the Muslim world, all legitimacy derives from Islam, hence Islam is used as a justification for politics.
There are two reasons why religion and politics are intertwined. The first is the increasing use of complex discourses for the purpose of legitimization. Today all politicians seem to follow the Machiavellian dictum—it is not important to be just, it is important to be seen to be just—and therefore politicians and political parties and regimes produce discourses to legitimize their goals and strategies. It is in the production of these discourses that religion either underpins political logic or camouflages politic motivations, depending upon the cultural context.

The second, and perhaps the most important, reason why religion will always play a role in crucial issues is the important role that religion plays in identity formation. All important political issues eventually affect individual and collective identity and in the process trigger religious sentiments. As long as religion plays a role in people’s identities, it will play a role in politics. The contemporary European experience of and obsession with secularism is a tiny departure from the course of human history. Moreover, European distaste for religion in politics does not derive from religion sui generis, but from its experience with a particular manifestation of religion—the Catholic Church.

On the contrary, Islam for Muslims and for many non-Muslim chroniclers has contributed to the development of pluralism, religious tolerance, and communal harmony. The golden age of Andalus and the period of the Mughal Empire in India are two widely cited examples of how Islam is potentially capable of providing the infrastructure for a society where pluralism and tolerance triumph. Even the discourse of the “war on terror” acknowledges that liberal Islam, with its emphasis on enlightenment, peace, and tolerance, is the antidote to the rise of terrorism and sectarian violence in some Muslim societies today.

Thus, concluding that (a) secularism as a necessary condition for good governance is a Eurocentric myth and (b) that Islam has historically demonstrated its capability to underpin social harmony and pluralism, I shall now make the case for the Islamic state. Most contemporary Islamists argue that an Islamic state is necessary to provide Muslims with the mechanism necessary for social engineering and moral and cultural reform. They envision the Islamic state as a political unit that will
provide Muslims independence from Western domination and autonomy to practice Islam and institutionalize Islamic norms. For many Muslims, the Islamic state is a vehicle for Muslim self-determination.

I believe that Muslims can approach the issue of defining and creating a virtuous republic either on the basis of universal norms or through a parochial paradigm based on Islamic values. The end product in my mind is the same, since there is not much disparity between universal norms and Islamic values. The difference is in politics. If Muslims use contemporary universal language to seek self-determination and good governance, then their political activism may be received with less hostility from the rest of the world, but may have more difficulty in gaining legitimacy at home. But if they use Islamic language for seeking self-determination and good governance then they will enjoy instant legitimacy at home but will inspire insecurity and even opposition abroad, since non-Muslims worldwide have developed a fear and dislike for Islamist governments primarily because of the world’s experience with the Taliban in Afghanistan and the mullahs in Iran and Saudi Arabia.⁸

Muslim theorists of the state argue that the Quranic principle of Amr bil maruf wa nahi anil munkar—meaning “command good and forbid evil”—is the Islamic justification for the creation of an ideological state that is geared toward establishing the Islamic shariah. This principle is essentially drawn from the Quran:

Let there arise out of you a band of people inviting to all that is good, enjoining what is right, and forbidding what is wrong [Quran 3:104]

You are the best of the nations raised up for (the benefit of) humanity; you enjoin what is right and forbid the wrong [Quran 3:110]

The Believers, men and women, are protectors one of another: they enjoin what is just, and forbid what is evil [Quran 9:71]

And since what is good and what is evil is articulated in the shariah, in order for Muslims to invite people to the good and forbid evil, Muslims must “establish the Islamic shariah.” This is the standard justification
for the Islamic state and was essentially articulated by Ibn Taymiyyah. While one can always dispute whether the text of the Quran necessitates the creation of a state, we cannot deny that social norms have become so intertwined with the policies of the modern state today as to make the good and the political inseparable.

The question, then, that becomes paramount for Muslim political theorists concerns the nature and consequences of the Islamic state. Will this state created to institute good and penalize bad become a tyranny of those who claim to know what the shariah is, or will it become a collective human endeavor in pursuit of the virtuous republic that will facilitate the good life. I am convinced that Muslim political theorists can design an Islamic system of governance that will encourage good and forbid evil, but will also foster a culture of tolerance and compassion for different and even multiple understandings of what that good might be.

**The Key Features of Islamic Governance**

The key features of Islamic governance are constitution, consent, consultation, and protection of religious freedom. While these principles need to be explored and articulated in the specific socio-cultural context of different Muslim societies, it is important to understand how they are significant and derived from within Islamic sources.

**The Constitution**

The compact of Medina that Prophet Muhammad (pbuh) became a party to provides a very important occasion for the development of Islamic political theory. After Prophet Muhammad migrated from Mecca to Medina in 622 CE, he established the first Islamic state. For ten years Prophet Muhammad was not only the leader of the emerging Muslim community in Arabia but also the political head of the state of Medina. As the leader of Medina, Prophet Muhammad exercised jurisdiction over Muslims as well as non-Muslims within the city. The legitimacy of his sovereignty over Medina was based on his status as the Prophet of Islam as well as on the basis of the compact of Medina.
As Prophet of God he had sovereignty over all Muslims by divine decree. But Muhammad did not rule over the non-Muslims of Medina because he was the messenger of Allah. He ruled over them by virtue of the tripartite compact that was signed by the Muhajirun (Muslim immigrants from Mecca), the Ansar (indigenous Muslims of Medina), and the Yahud (Jews). It is interesting to note that Jews were constitutional partners in the making of the first Islamic state.¹⁰

The compact of Medina provides an excellent historical example of two theoretical constructs—a social contract and a constitution. A social contract, an idea developed by Hobbes, Locke, and Rousseau, is an imaginary agreement between people in the state of nature that leads to the establishment of a community or a state. In the state of nature people are free and are not obliged to follow any rules or laws. They are essentially sovereign individuals. But through the social contract they surrender their individual sovereignty to the collective and create the community or the state.

The second idea that the compact of Medina manifests is that of a constitution. In many ways the constitution is the document that enshrines the conditions of the social contract upon which any society is founded. The compact of Medina clearly served a constitutional function since it was the constitutive document for the first Islamic state. Thus we can argue that the compact of Medina serves the dual function of a social contract and a constitution. Clearly the compact of Medina by itself cannot serve as a modern constitution. It would be quite inadequate since it is a historically specific document and quite limited in its scope. However, it can serve as a guiding principle to be emulated rather than a manual to be duplicated.

In simple terms, the first Islamic state established in Medina was based on a social contract, was constitutional in character, and the ruler ruled with the explicit written consent of all the citizens of the state. Today Muslims worldwide can emulate Prophet Muhammad and draw up their own constitutions, historically and temporally specific to their conditions. Following the precedent of Prophet Muhammad any polity claiming to be an Islamic system of governance must have a constitution
that is pluralistic in its character and does not differentiate between people on the basis of their religion or ethnicity. The compact of Medina indeed considered all those who were party to it as people who constituted one nation.\textsuperscript{11}

**Consent**

An important principle of the constitution of Medina was that Prophet Muhammad governed the city-state of Medina by virtue of the consent of its citizens. He was invited to govern and his authority to govern was enshrined in the social contract.\textsuperscript{12} The constitution of Medina established the importance of consent and cooperation for governance. According to this compact, Muslims and non-Muslims are equal citizens of the Islamic state, with identical rights and duties. Communities with different religious orientations enjoy religious autonomy. This idea is essentially wider in scope than the modern idea of religious freedom. The constitution of Medina established a pluralistic state—a community of communities. It promised equal security to all and all were equal in the eyes of the law. The principles of equality, consensual governance, and pluralism are beautifully enmeshed in the compact of Medina.

The process of *bayah*, or the pledging of allegiance, was an important institution that sought to formalize the consent of the governed. In those days, when a ruler failed to gain the consent of the ruled through a formal and direct process of pledging of allegiance, the ruler’s authority was not fully legitimized.\textsuperscript{13} This was an Arab custom that predates Islam but like many Arab customs was incorporated within Islamic traditions. The early Caliphs practiced the process of *bayah* after rudimentary forms of electoral colleges had elected the Caliph, in order to legitimize the authority of the Caliph. One does not need to stretch one’s imagination too far to recognize that in politics that have millions rather than hundreds of citizens, the process of nomination followed by elections can serve as a necessary modernization of the process of *bayah*. Replacing *bayah* with ballots makes the process of pledging allegiance simple and universal. Elections therefore are neither a departure from Islamic principles and traditions nor inherently un-Islamic in any form.
The Quran also recognizes the authority of those who have been chosen as leaders and in a sense deputizes these consensual rulers.

O you who believe! Obey Allah and obey the Messenger and those in authority from among you. (Quran 4:59)

...and consult them in affairs (of moment). Then, when thou hast taken a decision put thy trust in Allah. (Quran 3:159)

...those who [conduct] their affairs through [shura baynahum] mutual Consultation. (Quran 42:38)

Many of those who claim that Islam contains democratic principles have singled out the principle of shura to illustrate their point.\textsuperscript{14} Shura is basically a decision-making process—consultative decision making—that is considered either obligatory or desirable by Islamic scholars. Those scholars who choose to emphasize the Quranic verse: "...and consult with them on the matter" (3:159), consider shura as obligatory, but those scholars who emphasize the verse wherein "those who conduct their affairs by counsel" (43:38) are praised, consider shura as desirable.\textsuperscript{15} Remember the first verse directly addressed a particular decision of the Prophet and spoke to him directly, but the second verse is more in the form of a general principle. Perhaps this is the reason why traditional Islamic scholars have never considered consultation as a necessary and legitimizing element of decision making.

Thus we remain in limbo. There is no doubt that shura is the Islamic way of making decisions. But is it necessary and obligatory? Will an organization or a government that does not implement a consultative process become illegitimate? We do not have a decisive answer to that issue. One thing is clear, though—more and more Muslim intellectuals are agreeing that consultative and consensual governance is the best way to govern. Jurists, however, remain either conservative or ambivalent on the topic. Many of them depend on non-consultative bodies for their livelihood and even their religious prestige and they are in no hurry to deprive themselves of the privileges that non-consultative governments extend to them. Thus, in a way they are implicated in the delay in public
recognition that governments in Muslim societies must consult to retain their legitimacy.

But assuming that shura becomes the norm for Islamic institutions, movements, and governments; does that automatically imply that democratization will follow? I am hopeful but skeptical. I do not believe that shura and democracy are the same kinds of institutions. It is my sense that shura and democracy differ in three basic ways:

1. Unlike shura, democracy allows modification of foundational texts. You can amend the constitution but not the Quran or the Sunnah. On the face of it, this does not seem like a problem since Muslims are by definition supposed to accept the primary sources of Islam. In practice, however, one is not dealing with the sources themselves but rather the medieval interpretations of these sources, and shura is for all purposes subordinated to the past understanding of Islamic texts.

2. Shura remains nonbinding while democratic process and laws are binding and can only be reversed through a democratic process and not by unilateral and oligopolistic processes.

3. The way shura is discussed in Islamic discourses, it seems to me that it is something that the leader/ruler initiates and is expected to do. Shura is the leader consulting some people; it is not clear whom—scholars, relatives, or the entire adult Ummah. Will women be consulted, too? How about gays and lesbians and non-Muslims? In a democracy, on the other hand, people consult among themselves about who will govern and how. Notice how shura is top-down and democracy bottom-up.

Finally, I would like to say that shura, like democracy, is a deeply contested notion. It is the successful and just practice and institutionalization of these ideas that counts rather than theoretical finessing. Unfortunately, we do not reflect on these issues seriously. Moreover, we must include more and more Muslims in the process, in order to make this theoretical reflection itself a shuratic process. We must, however, be careful
not to use the debate between the similarities and dissimilarities of *shura* and democracy as a surrogate for concluding whether democracy and Islam are compatible. There is more in Islam than *shura* when it comes to reflecting over the nature of good governance and best polities.

**Conclusion**

There is much in Islamic sources and Islamic tradition that is favorable to making democracy the vehicle for delivering the products of Islamic governance, such as social justice, economic welfare, and religious freedoms. There is, however, a need for more rigorous, intimidation-free and widespread discussions and debates within Muslim communities on the need for and nature of good self-governance. The barriers to democracy in the Muslim world are not limited to narrow interpretations of Islam or the fascist tendencies of some of the contemporary Islamic movements. Existing social-political conditions, failure of states, and the negative role of foreign powers have also contributed to an environment that does not encourage democracy. I am convinced that Islam is not a barrier but a facilitator of democracy, justice, and tolerance in the Muslim world. But for that to happen, Muslims must revisit their sources and re-understand them in the light of contemporary realities and complexities.
ENDNOTES


8. An excellent classical example of the universal approach is the work of Ibn Khaldun in his Muqaddima, and an example of the Islamic approach is in al-Mawardi in his work Ahkam Al-Sultaniyah. In contemporary times, the works of the Iranian philosopher Abdolkarim Soroush are a good example of the universalist approach and the works of the late Maulana Maududi of Pakistan represent the Islamic approach.


13. See Khaled Abou El Fadl et al., Islam and the Challenge of Democracy, 11.


15. For a more comprehensive discussion of this see Muhammad S. El-Awa, On the Political System of the Islamic State (Indianapolis: American Trust Publications, 1980), 89–90.