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## ISLAM AND DEMOCRACY: SOME CONCEPTUAL AND CONTEMPORARY DIMENSIONS

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As the twenty first century begins and humanity enters its third millennium, the world is awash with dazzling new claims and disquieting apprehensions. On the one hand, there are claims about the demise of Communism, the end of the Cold War and the final victory of Western liberalism, political and economic, heralding the 'end of history.'<sup>1</sup> On the other, there is widespread hue and cry about religious resurgence and the explosion of fundamentalisms the world over and apprehensions about a new era to be marked by a 'clash of civilizations.'<sup>2</sup> It is time sober intellectuals, particularly those representing the Muslim Ummah, address themselves to the issues that are being debated in the academic world as well in its corridors of powers, and try to rethink the strategy of Islam and the Muslim Ummah vis-à-vis these challenges. Some of the major issues agitating humanity today and the direct concern of the Ummah include: Globalization, Liberalization, Democratization, Privatization, Secularization, Religious Resurgence and the specter of International Terrorism. In this paper, I propose to examine some aspects of the Democratization debate.

This paper argues that 'democracy', as it has developed in the context of Western civilization and polity, is neither a monolithic concept nor a totally uncontested one. It is more appropriate to suggest that democracy remains a multi-faced phenomenon, both at the conceptual as well as the operational levels. It is, therefore, intellectually unacceptable and culturally untenable to assume that a particular Western model of democracy must be accepted as an ideal form of polity for the entirety of mankind, particularly for Muslims, who have their own distinct moral and ideological identity and historic-cultural personality. Globalization may be the trend of the times, but it cannot be allowed to become a rubric of neo-colonialism.

Western democratic thought and experience, despite their richness and variety, are found, on deeper reflection and analysis, to be conceptually flawed and riddled with operational contradictions, deformities, and failures. W.B. Gallie has rightly called it an 'essentially contestable concept.'<sup>3</sup> It's simple 'export' to the Muslim world, as also to other Third World countries, is not a realistic option. As such, efforts to indiscriminately promote through pressure, manipulation or outright imposition any form of Western secular democracy as an active goal of foreign policy of the United States and other Western powers is highly ill-advised. This author further submits that it is desirable to differentiate between the two major dimensions of democracy, i.e. its philosophic roots: the concept of popular sovereignty and consequent principle of legitimacy based exclusively

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1 Fukuyama, Francis. (1993). *The End of History and the Last Man*. New York: The Free Press

2 Huntington, Samuel P. "The Clash of Civilizations?" *Foreign Affairs*, vol. 72. No. 3. Summer 1993, 22-49. See, also, the debate on this thesis, *Foreign Affairs*, vol. 72, No. 4, 2-26 and No. 5, 186-94. Also, Huntington's book, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Shuster, 1996).

3 Gallie, W.B. (1964). *Philosophy and the Historical Understanding*. London: Chatto + Windus. 158

on popular support; and its operational mechanisms ensuring people's participation in governance in order to discern the will of the people as to the choice of rulers as well of policies and programs. It is also the contention of this writer that within the context of Islamic faith, culture, history and contemporary experience, there are clear lines of guidance which suggest a unique and distinct political framework that can rightly be described as truly participatory, both in substance and spirit and capable of establishing a political order committed to the twin goals of adl (justice) and shura (consultation), the real substance of operational democracy. More importantly, any effort to force secular democracy down the throats of Muslims is possible only through despotic rule. Real democratization, giving the people a chance to freely fashion their affairs according to their ideals and aspirations, cannot but lead to Islamization, as the two represent two sides of the same coin.

The Islamic political order is based on the concept of Tawhid and seeks its flowering in the form of popular vicegerency (Khilafa) operating through a mechanism of Shura, supported by the principles of equality of humankind, rule of law, protection of human rights including those of minorities, accountability of rulers, transparency of political processes and an overriding concern for justice in all its dimensions: legal, political, social economic and international. The Shari'ah provides the broad framework within which the people under the umbrella of Divine Guidance participate in developing a civil society and its institutions, including all the organs of state. The Islamic model also has the potential for establishing authentic socio-political pluralism. As such, it provides for the healthy coexistence of religions, ethnic and linguistic groups, cultures and civilizations at national and global levels. The system possesses vertical consistency as well as horizontal harmony in a way that can ensure the establishment of peace and a just socio-political order for all human beings in an era when the whole world is becoming a global city.

### Democracy: The Western Perspective

The word democracy entered the English language in the sixteenth century from the French democratic. The word is Greek in origin being derived from democratic, the root meaning being demos (people) and kratos (rule).

As far as Muslim literature is concerned, the term jumhariyat was first used in the Turkish language in the eighteenth century and was derived from the Arabic word jamhur, meaning people or assembly or collection of people. The term was used with reference to the French Republic.<sup>4</sup>

Democracy, as such, refers to a form of government in which, in contradistinction to aristocracy, monarchy, dictatorship or authoritarian rule, the people are regarded as the real source of power and point of reference in respect not only of the principles and modes of governance, but also as

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<sup>4</sup> See. Encyclopedia of Islam

the real source of values, principles, ideals and policies. It is the people who are looked upon as sovereign, enjoying the right to rule and to whom those in authority are accountable. The term democracy indicates a set of ideals and principles and a political system, a mechanism for governance and a politico-legal culture. The real test of democracy is its principle of legitimacy, laying down that power is legitimate only when it is derived from the authority of the people and is based on their consent. In the post-Renaissance era of European history, the kings' divine right to rule was challenged. There was a popular rebellion against the monarchies of Europe and their aristocratic regimes as well as against the authority of the church and its ecclesiastical rule. It was in this context that the principle of sovereignty of the people was expounded, severing the relations of politics with religion and divine authority. 'The People' were affirmed as the source of political power and the real arbiter of their own fate. They were crowned as the source of all values and authority; their well-being and empowerment became the real goal of all political effort.

The philosophical roots of democracy lie in the concept of 'popular sovereignty.' It consists, on the one hand, of denial of the existence or at least the relevance of eternal religious guidance and absolute moral values in matters of political governance, and on the other, the affirmation that the people, their popular will, be accepted as the real source of all authority and power. In short, legal as well as political sovereignty was located in the people, giving rise to a variety of forms and expressions of democratic polity: direct, representative, functional, parliamentary, republican, federal, proletarian, etc. "The central principle that drove democratic demands along during the nineteenth century," claims Richard Jay, "was that of the sovereignty of the people."<sup>5</sup> However nebulous the concept of 'the people' is, both conceptually and in practice, this has remained the philosophic and moral bedrock of secular Western democracy.

The other dimension of democracy relates to a variety of forms of self-government and popular participation in political decision-making, i.e. developing political processes instrumental in finding out the will of the people for running the affairs of the state. The operational models are based on the principles of liberty and equality, of constitutionalism and rule of law, of division of power between different organs of state, executive, legislature and judiciary, of fundamental rights, including the rights of minorities, of freedom of belief, opinion, expression, association, press and communication. The substance of democracy seeks expression in the vision of a government that is chosen by the people, operates in the service of the people in accordance with their wishes and preferences, and is accountable before them. The Western democratic model is based on the principle of separation between religion and politics and, as such, is concerned only with the worldly welfare of the people. The entire corpus of law and its galaxy of human rights are permeated with this spirit. It deserves to be recorded that Western countries have, in pursuit of their rendezvous with democracy, made very valuable experiments towards developing viable mechanisms for popular participation. The multi-party system, various electoral systems for the

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5 Jay, Richard. (1994). "Democracy." Political Ideologies: An Introduction. London: Routledge. 129

periodic selection of political leaderships, the separation of judiciary and executive, institutional arrangements for legislation – unicameral or bicameral – constitute major dimensions of this political dispensation.

Democratic experiences in the West have not been an unmixed blessing. Despite certain historic achievements, there have been serious failures and miscarriages because of the absence of firm moral moorings. As absolute values have no place in this system, the standards of right and wrong were subjected to the whims of the people, who began to change their ethical values as they changed their clothes and fashions. A process of decriminalization of major evil practices and moral sins began, with the result that human society was exposed to the tyrannies of moral relativism, the idiosyncrasies of majority rule, ethnic, racial and class-based tensions, economic rivalries and exploitations, and the erosion of all those basics that had sustained human society from time immemorial.

Democracy substituted sheer quantity for quality and counting of hands to the place of attending to standards of Right, Truth and Justice. Narrow party politics led to further degeneration of the system. In certain countries, the one-party system was introduced leading to the establishment of a party dictatorship in the name of democracy. Some of the principles on which democracy was based became diluted with the result that practice so deviated from the original concept and the whole exercise began to turn into a mockery. Giovanni Sartori argues that,

“According to the minimal standard, roughly half of the world may be included in the realm of democracy; according to the medium standard the number of democratic countries dwindles; and according to the high standard a mere dozen or so countries have achieved a satisfactory degree of democracy. And it requires little effort to imagine how easily the label ‘democratic’ can be turned into ‘undemocratic,’ and vice-versa, simply by switching from one standard to another ... Westerners have lived under democratic system long enough to have reached the phase of democratic disillusionment ... Up to this point we are able to specify what democracy is: the border between a democratic and non-democratic political system is still definite. But no sooner do we apply the word democracy to most of the Third World, and in particular to the so-called developing nations then the standard becomes so low that one may well wonder whether the word democracy is still appropriate.”<sup>6</sup>

In a recent issue of Foreign Affairs, Thomas Carothers laments that the ‘world-wide democratic revolution has been cooling off around the globe’. He declares:

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<sup>6</sup> International Encyclopedia of Social Sciences, The Macmillan Co., vol. 3, 113-118.

“What appeared to many enthusiasts a few years back to be grand unifying movement may, at least over the next several decades, heighten the political divide between the Western world (including Latin America, Eastern Europe and parts of the former Soviet Union) and the non-Western one. This is not a prophecy of a clash of civilizations but a warning against facile universalism.”<sup>7</sup>

C.B. Macpherson sums up the journey of democracy from the detestable ‘rule of the mob’ to the present honourable status of global darling, when she says:

“Democracy used to be a bad word. Everybody who was anybody knew that democracy in its original sense of rule by the people of government in accordance with the will of the bulk of the people would be a bad thing – fatal to individual freedom and to all the graces of civilized living. That was the position taken by pretty nearly all men of intelligence from the earliest historical times down to about a hundred years ago. Then, within fifty years, democracy became a good thing.”<sup>8</sup>

Although it has become ‘a good thing,’ particularly after the fall of the Soviet Union, astute observers cannot, however, overlook the anomalies, contradictions and iniquities that continue to characterize the systems of government that commonly fall under the rubric of democracy. What historian E.H. Car said in the early 1950s is echoed in the mid-1990s.<sup>9</sup> Anthony Arblaster comes to the painful conclusion that despite all the claims and certain definite achievements, “Democracy is still ‘unfinished businesses on the agenda of modern politics.”<sup>10</sup> Despite the right to vote, men and women both have failed to acquire their rightful share in power. “Bourgeois democracy”, by and large, remains ‘a facade behind which the capitalist class continued to rule and dominate society’<sup>11</sup> and “the revival of women’s movements since 1960s bear witness to the failure of women’s suffrage in itself to achieve equality between the sexes, or even to abolish some of the more blatant forms of discrimination against women.”<sup>12</sup>

The same author laments that “the principles of equality of political power which is embodied in the possession of each and every citizen of our vote stands in sharp contrast to the blatant inequalities in the distribution of political power in almost every other important respect.”<sup>13</sup> He comes to the same conclusion as that of E.H. Car: “So we must at least conclude - that the

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7 Carothers, Thomas. “Democracy without Illusions.” *Foreign Affairs*, Jan./Feb. 1997, 90.

8 Macpherson, C. B. (1966). *The Real World of Democracy*. Oxford: Clarendon Press. 1.

9 Car, E. H. (1951). *The New Society*. London: Macmillan. 76. “To speak today of the defence of democracy as if we are defending something which we know and had possessed for many decades or many centuries is self-deception and sham ... The criterion must be sought not in the survival of traditional institutions, but in the question where power resides and how it is exercised. In this respect, democracy is a matter of degree. Some countries today are more democratic than others. But none is perhaps very democratic, if any high standard of democracy is applied.”

10 Arblaster, Anthony. (1994). *Democracy*. Open University. 96

11 *ibid.* 96

12 *ibid.* 97

13 *ibid.* 98

purposes for which ordinary people wanted political democracy, or the vote, have not yet been completely fulfilled by any means"<sup>14</sup> and rightly surmises that: "it would be foolish to imagine that the Western democracies have a monopoly of the relevant experience."<sup>15</sup>

It is the opinion of this writer that the secular Western democracy has its own distinct ethos, and its indiscriminate export to other parts of the world cannot lead to the establishment of a stable, truly democratic and just political order. A number of lessons can be learned from the democratic experiments made in different parts of the world, but the people in the non-Western world, particularly the Muslim Ummah, must not blindly follow any of the Western models; instead, they should draw upon their own ideological and historical sources and establish institutions that represent their own values and ideals. There is no harm in learning from the experiences of mankind, and a lot can be learned from the contemporary Western world, but only those arrangements, which have roots in our own history and experience and are considered part of our value framework and cultural ethos can really be fruitful in our own lands.<sup>16</sup>

### The Islamic Political System

Islam is not a religion in the limited sense of the word, as the term is used in Western philosophic and religious literature. Literally meaning submission, it stands for man's total submission to the Will of Allah (SWT) and a firm commitment to pursue all His Commands and Guidance. As such, while first and foremost (i) Islam represents a relationship between humans and God, it is also (ii) a covenant to follow the entire guidance revealed by Allah and exemplified in the life of His Prophet Muhammad (pbuh) and (iii) a process of integrating oneself with the community of believers, the Ummah, which has been raised to invite mankind to the Path of Truth, to establish what is Right and to forbid what is Wrong. Islam is a complete code of conduct, a comprehensive and all-embracing way of life, a din that covers all aspects of human existence, personal and public, moral and mundane, spiritual and material, legal and social, economic and educational, national and international. Din is the basis of loyalty and identity, and the Shari'ah is the ordained path covering all walks of life, from prayer to socio-economic policies. The Islamic political system is not something independent or self-contained; it is part of the Islamic way of life and is inseparable from other aspects of this din. Life is visualized as an integrated whole. The Iman is the seed and the starting point. The tree that grows out of this seed covers all areas of human existence. The Revealed Guidance in the form of the Qur'an and the Sunnah is eternal, absolute and universal. It provides a framework within which there exists immense dynamism and capacity to meet all the

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14 *ibid.* 98

15 *ibid.* 100

16 Literature on Democracy is vast. Some of the major works consulted are: David Held, *Models of Democracy* (U.K. 1987); John Kean, *Democracy and Civil Society* (London, 1998); Robert A. Dahl, *Democracy and its Critics* (New Haven, CT, 1989); David Held, "Democracy, the Native State and the Global System," in David Held (ed.) *Political Theory Today* (Cambridge U.K. 1991); Robert A. Dahl, *A Preface to Democratic Theory* (Chicago, 1963); Giovanni Sartori, *The Theory of Democracy Revisited* (Chattam, N.J. 1987); J. Lively, *Democracy* (Oxford: Blackwell, 1979); A. Arblaster, *Democracy* (Buckingham, 1994); C. B. Macpherson, *The Real World of Democracy* (Oxford, 1966); M.J. Crozier, S.P. Huntington and J. Watnula, *The Crisis of Democracy* (New York, New York University Press, 1975).

emerging challenges of the time. It gives a world-view, a vision and a set of values, and leaves enough room to work out details for different situations in space-time. The real objective is seeking Allah's good pleasure and aspiring for success in the everlasting life that is to come. Din and mujtama (society) and din and dawla (state) are therefore inseparable as are din and taqwa (personal piety) and din and ibadat (worship). Tawhid is the cardinal principle on which the entire fabric of Islamic life rests. In the light of this foundational principle, the key elements of the Islamic political order are as follows:<sup>17</sup>

1. Sovereignty belongs to Allah alone. He is the Creator, the Master, the rabb, the Law-Giver, the Guide. A human is His creation (makhluq), His abd (servant) and His Khalifa (vicegerent and representative). A human's assignment on earth is to live a life in obedience to the Divine Will, and establish the Shari'ah that has been revealed for his guidance so as to be at peace with him or herself, with the universe and with his Lord, the Creator. This would bring peace, justice, bliss and prosperity in this world and ensure real salvation in the hereafter.
2. All human beings are equal before the Lord and subject to the same Law that He has ordained. The Islamic political system is based on the principle of the sovereignty of Allah and the supremacy of the Shari'ah. The legitimacy of the system comes from the loyalty and obedience to Allah and commitment to follow and establish the Shari'ah. The Qur'an is very explicit on this point:

"Verily His is the Creation and His is the Law."<sup>18</sup>

"The Authority rests with none but Allah. He commends you not to surrender to anyone save Him. This is the Right Way (of life)."<sup>19</sup>

"Verily we have sent to you the Book with Truth so that you (O Prophet) might judge between them by what Allah has shown you."<sup>20</sup>

"And those who do not make their decisions in accordance with that revealed by Allah are in fact the un-believers ... unjust - the evil-doers."<sup>21</sup>

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17 Themes related to Islam and democracy have been extensively discussed in contemporary Islamic literature. Some of the important readings are: Sayyed Abul A'la Mawdudi, *Islamic Law and Constitution*, ed. Khurshid Ahmad (Lahore: Islamic Publications, 7th edition, 1980); *Islam, Democracy, the State and the West*, a Roundtable discussion with Dr. Hasan Turabi (Tampa, Fla., 1993); Fatima Mernissi, *Islam and Democracy: Fear from the Modern World*, tr. Mary Jo Lakaland (Reading, MA 1992); John L. Esposito and John O. Voll, *Islam and Democracy* (New York: Oxford University Press, 1996); Tawfiq as-Shawi, *Fiqh al Shura* (Cairo, 1993); *Islamic Resurgence: Challenges, Directions and Future Perspectives*, A Roundtable Discussion with Khurshid Ahmad, ed. Ibrahim Abu-Rabi (Tampa, Fla., 1995); *Shura fi al-Islam*, 3 vols. Albait Foundation, Amman, Jordan. 1990; Dale F. Eickelman and James Piscatori, *Muslim Politics*, (Princeton University, 1996).

18 al-Qur'an 7:54

19 al-Qur'an 12:40

20 al-Qur'an 4:105

21 al-Qur'an 5:44-47



3. The position of human beings is that of Allah's vicegerent (Khalifa). This istikhlaf has been entrusted on all those human beings who accept Allah as their Rabb and Sovereign. The concept is one of popular vicegerency, shared by all believers. Vicegerency also means that limited authority has been delegated to the people to run these affairs. The authority is endowed, not on any chosen person, family, tribe or group, but on all Muslim men and women and it is they who have to exercise this power in accordance with the Islamic principle of shura.

“Allah has promised to those among you who believe and do righteous deeds that He will assuredly make them to succeed (those who rule) and grant them vicegerency in the land just as He made those before them succeed (others).”<sup>22</sup>

The theory of state that follows from this and other injunctions of the Qur'an lays down two cardinal principles: first, of God's sovereignty and second, of the 'popular vicegerency' of the believers. Hence, legitimacy in the Islamic political order comes, first and foremost, from accepting Allah as the Sovereign and His Law, i.e. the Shari'ah as the Supreme Law, and secondly, the governance of society by and in accordance with the will of the people. Those in authority must enjoy the confidence and support of the Muslims, the Ummah, and the real repositories of Khilafa. It is very clear from the verse quoted above that the authority or assignment to rule over the earth has been promised to the whole community of believers and not to any particular person, class, family or group. The istikhlaf granted to the faithful is in the nature of a popular vicegerency – each and all have been given this assignment. That is why the mode of decision-making for the Ummah has been described as shura, i.e. their affairs are conducted through consultation among themselves. All are equal as members of the society and the criteria for excellence and leadership is tied to their qualities of trustworthiness, competence and taqwa: i.e. God-consciousness, dutifulness and sense of accountability. The Qur'an says that:

“The most honourable in the sight of Allah is the one who excels in piety and heedfulness.”

The Prophet (peace be upon him) also said:

“Every one of you is like a Shepard (i.e. in command of his flock) and every one of you is accountable for his ward.”

All distinctions of caste, colour, tribe and nobility have been abolished, establishing real equality between humans (We have honoured the progeny of Adam). The only criteria for excellence

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22 al-Qur'an 24:55

according to the Qur'an being merit and virtuous behaviour – 'ilm (knowledge); gism (physical competence) and taqwa (piety and good conduct).

4. The principle of obedience expounding the network of rights and obligations in an Islamic polity has two distinct dimensions: one, loyalty to Allah and His Prophet and second, the people's right to free speech, discussion, dissent and participation, including the right to disagree and criticize those in authority.

"O you who believe, obey Allah and obey His Messenger and those from among yourselves who hold authority; then if there is any dispute between you (i.e. the people and the rulers) concerning any matter refer it to Allah and His Prophet if you [really] believe in Allah and the Last Day."<sup>23</sup>

Prophet, peace be upon him, said:

"The best form of jihad is to utter a word of truth to a tyrannical ruler."

Furthermore, he said:

"If any of you sees some evil, he should set it right with his hand; if he is unable to do so, then with his tongue; and if he is unable to do even that, then (let him denounce it) in his heart. But this last is the weakest form of faith."

The picture of an Islamic polity that emerges from these guidelines is very clear. This is a faith-based society. Its sheet-anchor is loyalty to Allah and His Prophet and decision-making is to take place in accordance with the values, principles and commands contained in the Divine Guidance, the Shari'ah. There is, however, no room for any privileged class or priestly order in this system. Mundane power is shared by all members of community who are equal before the law. They have equal rights and obligations. All of the personal, civil, political, social, cultural and economic rights are guaranteed under Divine Law. The rulers do not enjoy any arbitrary power. All are equally responsible before the law. In fact, the rulers are obliged to ensure these rights to all, particularly to the weaker members of society. Human rights have been enshrined in the Shari'ah and no one has any power to abridge or ignore them. Freedom and equality are the very breath of this society: al-amr bil-maruf wal-nahi an al-munkar (commanding what is right and forbidding what is wrong) are its life-mission. Shura (consultation and participation in decision-making) is its way; this is the process of decision-making at all levels, in respect of all its affairs, social, economic, political or otherwise. Persons in authority must enjoy the trust and confidence of the people and be accountable before them. As such, political authority and power-making have to be devised on the

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<sup>23</sup> al-Qur'an 4:59

basis of the supremacy of the Shari'ah and the consent and confidence of the people. Accountability is not only before God, it is also before the law and the people. Any political arrangement is possible as long as these principles and values are fully respected. As Islam's guidance is absolute, universal and eternal, it has been left to the Ummah to develop different forms, institutions and mechanisms suitable to different socio-historic conditions. A variety of forms and arrangements are possible within this framework, some have been experienced in the past. New experiments and arrangements can be made today and tomorrow. This is the beauty and potential of Islam. This has been the distinctive feature of the Muslim historical experience spread over fourteen centuries.

### The Muslim Experience

The Prophet Muhammad (pbuh) set a model not only in respect of his personal life and intense spiritual relationship between humans and God, but he also established a society and a state that has been the pace-setter for the Muslim politico-historical experience. The covenant of al-Aqba II (bayat al-aqba al-thani) and the covenant of Madina (Mithaq Madina) constituted the cardinal foundations on which the society and state of Medina was founded. The Islamic political model, in the eyes of the Ummah, was exemplified during the period of the Prophet and the four Rightly-Guided Caliphs (al-Khulafa al-Rashidun). Some of the distinctive aspects of this model are as follows:

1. The Rule of Law and equality of all before the law, as discussed earlier.
2. The supremacy of the Qur'an and Sunnah, and resort to Ijtihad in matters not covered by these sources. Ijtihad is informed and disciplined rational effort to find out solutions to new questions of law in the light of the general principles of the Shari'ah.

The entire corpus of Muslim law, perhaps the greatest contribution of the Muslims to civilization, has been developed through a rational, democratic and popular process, in which the learned and the concerned participate through debate, dialogue and discussion. This was the voluntary acceptance of and submission to the law so developed by the Ummah that gave legitimacy to different schools of law. It is one of the major wonders of history that law in the Muslim society was never derived from the will of the rulers, as was the case in other contemporaneous societies and cultures. The entire legal system evolved outside the corridors of political power and, once established, the rulers were as much subject to this law as were commoners. This has worked as a great check on arbitrary power and has entrenched the true credentials of concept of participatory democracy in Muslim society. John L. Esposito and John O. Voll say in *Islam and Democracy*: "In the long-standing or 'oriental despotism,' there is no sense of a separation of powers of structures limiting the power of the ruler. However, such unlimited power was not available to leaders in classical Muslim societies and this situation is visible both in Islamic law of political structures and

in actual historical experience ... It was the consensus of those scholars and not the commands and rules of the Caliphs, that provided the basis for formal Islamic law. No ruler was recognized as being above the law, and all rulers would be judged by that law.”<sup>24</sup>

3. Shura was the mechanism for decision-making as much as for the selection of the political leadership at all levels. The first four Caliphs were selected by the community, although the methods of selection and approval differed. The common principle was the consent and confidence of the community and accountability before them. Even when this principle of the community’s choice was abandoned and heredity rule crept in, the fiction of bay’a (people’s acceptance of the rulers) continued. The institutions or nasiha (advice), shura (consultation), ikhtilaf (disagreement/difference of opinion), al-amr bil maruf (commanding right and virtue), al-nahi an al-munkar (forbidding wrong and vice), and hisba (public accountability and ombudsman ship) continued to play important roles at all times and in a variety of ways.
4. Respect for human rights and contractual obligations in respect to the people in general and to minorities and friendly states and communities in particular has been a perennial feature of Muslim polity.
5. The separation of the judiciary from the executive and its total independence at all levels has been another cardinal feature of the Muslim experience. This is why rule of law and access to justice for all remained inalienable aspects of Muslim society. This, by and large, protected Muslim lands from the tyranny of arbitrary rule. This principle of the separation of powers, established as it was during the period of the Rightly-Guided Caliphs, continued in later periods despite certain degeneration in the system. The supremacy of the constitution, i.e. Islam, remained an integral part of the Muslim experience. Esposito and Voll record a certain aspect of it in the context of Ottoman rule, that: “The Ulama of the imperial system had the accepted right – which was not often exercised because of political reasons – to invalidate any regulation issued by the Sultan if they judged it not to be in accord with Islamic Law. Even more, the head of the hierarchy of the official Ulama in the empire, the Shaykh-al-Islam, could issue judgments deposing the Sultan for violating the basic Islamic Law. Although this power was exercised infrequently, it actually was exercised in the depositions of Sultans Ibrahim (1648), Mehmed IV (1687), Ahmed III (1730), and Selim III (1807). In these formal actions, the historic check on the power of the ruler formed by the fact that the Ulama were the representatives of the ‘constitution,’

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<sup>24</sup> Esposito, John L. and Voll, John O. (1996). *Islam and Democracy*. New York: Oxford University Press. 41

that is the Islamic law, is fully reflected. It shows the potential dimension of the separation of powers in the Islamic heritage.”<sup>25</sup>

6. Another cardinal feature of the Muslim experience relates to the system of social security based on zakat (compulsory transfer payments from the rich to the poor), sadqat (voluntary charitable contributions), waqf (trust foundation), infaq (spending in the path of Allah), wassiyah (will), wiratha (distribution of wealth through inheritance), and hiba (bequests). This led to the establishment of an egalitarian socio-economic system, enabling all members of society to seek a respectable living. The economic organization of the society was such that it enabled its weaker members to stand up and participate in political and economic processes.
  
7. Another important feature of the Muslim experience relates to its acceptance of dissent and opposition – individual as well as collective – as something authentic and as part of the tradition, and not something outside it. Of course, a distinction was made between ikhtilaf (differences) and fitna (rebellion), but it is significant that at least in certain major schools of Islamic law, in some specific situations and on the basis of defined conditions, opposition that involves even armed rebellion (khuruj) is accepted as legitimate. Esposito and Voll acknowledge that: “The ultimate authority of the Qur’an and Sunnah provide the basis for critiques of existing conditions throughout Islamic history. Movements of Islamic opposition, renewal, and reform have been able to find their justification and legitimacy in this appeal to higher authority. In the modern era, this can become the basis for Islamic constitutionalism that aids both in the state definition and in providing a framework for recognizing legitimacy of opposition.”<sup>26</sup>

These seven principles are illustrative of the unique Muslim tradition of governance and constitute significant pointers towards the development of a distinctly Islamic model of democratic governance. These can be the source of inspiration and guidance for developing Islamic democratic models in the contemporary world.

### Western Democracy and Islamic Shura – A Comparison

In light of the discussion made thus far, it may be useful to identify some of the basic differences and divergence between the two systems and also point out some of the common concerns and areas where learning from one another’s experiences may be fruitful.

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<sup>25</sup> Esposito and Voll, *ibid*, 48-49

<sup>26</sup> *ibid*, 41

Islam's strategy is unique. It focuses on humans: their souls and personalities. It is the spiritual flowering within every human being – man and woman – that lends real strength to the Islamic system. Change begins by changing oneself from within. The starting point is the creation of a 'moral person' who then plays his or her part in creating a 'moral and just society.' The Ummah is a universal community. Within this wider Ummah there can be smaller groups, entities, even states, and yet they would constitute parts of the total mosaic. Islam builds a civil society, with a spectrum of institutions. The state is one of them, albeit very important and at the apex; yet nonetheless an organ of the community and the civil society. There is total harmony between its social, political and economic principles and all taken together create a society that is ideological, norm-based, and permeated with rabbaniyya (Godliness), 'adl (justice) and ihsan (benevolence). This society is to be organized on the basis of equality, brotherhood, mutual help, social responsibility, justice and equity for all. It is a law-abiding society in which the rights and duties of all members, including minorities, are fully respected. The purpose of the state is service to the members of the society and the establishment of justice. There is no room for despotism, dictatorship or arbitrary rule.

The Islamic state is different from a secular democracy as it is diametrically opposed to the concept of the sovereignty of the people. Allah is the Supreme Law-Giver and the Shari'ah is the law of the land. Within the framework of the Shari'ah, new problems are faced and their solutions worked out. This represents the cardinal difference between the two. As far as the principles of rule of law, protection of fundamental rights, independence of the judiciary, the rights of minorities and choice of policies and rulers in accord with the wishes of the people are concerned, Islam ensures them within its own framework. With respect to some of these matters, there exists vast common ground with Western democracies and, as such, to that extent Muslims can learn from the experience of the contemporary West, as others can learn from theirs. But because of the basic differences as to the source and nature of law, the two systems are distinct and unique.

The Islamic state is characterized by the supremacy of the Shari'ah, yet it is diametrically different from theocracy, as it has been known in history – Paranoiac, Babylonian, Jewish, Christian, Hindu, and Buddhist. The differences are very fundamental.

Theocracy stood for divine rule through an ecclesiastical class whose word became the law, undisputed and indisputable. In Islam, there is no priestly class. Allah is the Sovereign. His Will is clearly available in the form of the Qur'an and the Sunnah. The Shari'ah is a known quantity, available to all and not a divine secret known only to the priesthood. In Islam, there is no possibility of any group of people imposing their personal will or preferences over others in the name of God. It is through an open process of debate and discussion that the law is developed and implemented. All participate in this process. Precisely, the differences are:

1. The Shari'ah, the epitome of Divine Will, is available intact, unpolluted and unpolluteable by any change or interference.

2. There is no class of religious intermediaries or official spokesmen for God. Prophet hood has come to an end. The guidance has been perfected. Now it is the community, which has to understand and implement the Divine Guidance in the light of changing human scenarios.
3. The individual is the cornerstone of society, which ensures his freedom, rule of law and respect for opposition and opponents. The people and the press are free to discuss and resolve problems through Shura. The entire Islamic fiqh has developed through a process in which the community and its representatives have participated in an open process. The Islamic state and society are concerned with all the physical and worldly problems of humans and try to solve these problems in accordance with the principles of justice and social well-being. The entire domain of the secular world is the concern of Islam and the Muslims. Yet the Islamic and secular approaches are fundamentally different. The Prophet (pbuh) has said that the entire landscape of the world is my mosque. As such, the Islamic domain is equally concerned with all parts of the world. It is neither of the East nor of the West, but truly universal. Similarly, it covers all matters of human existence, spiritual or worldly. To that extent, Islam has no quarrel with secularism, which was a reaction to those religious traditions, which neglected the secular world and confined their interest to the spiritual realm alone. Islam also accepts principles of tolerance (“there is no compulsion in religion” in the Qur’an) and pluralism and gives to all human beings the right to belief and profession. It accepts the multiplicity of cultures and community lifestyles. This is part of the Islamic matrix. Islam is at war with secularism with respect to its claim to solve all human problems without reference to religion, Divine Guidance and absolute moral values. This is the very antithesis of the Islamic approach to life. On that count, the two represent two worlds apart.

Although communism and fascism are no longer dominant political ideologies, there are people who still subscribe to some variant or aspect of these ideologies. Both of them are products of certain historic and socio-political situations within the context of Western civilization. Central to these had been the totalitarian character of the state. Both represented different kinds of dictatorship and authoritarian rule, despite the façade of elections and parliaments. In Islam, there is no place for arbitrary power. Islam establishes the state as one of the organs of civil society and affirms the centrality of the individual, his rights and role in the making of political decisions. The Islamic state is a creature of law and the rulers are as much accountable before the law as any other citizen. In fact, the Islamic state does not confer upon its

functionaries even those immunities, which are common in many Western democracies. Human rights in Islam are inviolable, as sacred covenants from Allah (SWT). The individual is respected as the basic unit of society and as moral being, finally accountable before Allah as an individual. Every human being is a sacred entity and is morally responsible for all his choices and actions, here and hereafter. The individual has to behave with a sense of social responsibility but he is not a mere lifeless cog in the wheel of the state. As such, there is all the difference in the world between the Islamic political order and the dictatorial and authoritarian ideologues of our time.

In view of this comparative analysis, we would like to conclude that the Islamic political system is unique, despite some similarities with other political ideologies. Islam is an organic whole and aims at establishing a society that is not confronted with the dilemma of a 'moral human in an immoral society' or of humans herded in an 'animal farm.' Islam wants to ensure the simultaneous flowering of the spiritual and material potential of all human beings, enabling them to live in peace and justice, serving the higher moral ideals of life, aiming at God's good pleasure and eternal bliss. The Islamic state is an ideological, educational and consultative state providing a socio-political framework in which real democracy can flourish.

### Islamic Resurgence and Democratization: The Contemporary Challenge

The contemporary Muslim world is faced with a unique challenge. For the first time in history, Muslims have lost their hold over power and almost the entire Muslim world has been under the yoke of colonial rulers. During this long night of colonial domination spread almost over two centuries, it also suffered intellectually, morally, economically and culturally. The worst part of this ordeal related to the gradual disintegration of Islamic institutions, which had sustained the Ummah for some twelve centuries and enabled it to brace challenges from within and without. It was under colonial rule that a number of institutions were imposed upon Muslim lands through transplantation from the West as a part of its so-called 'civilizing mission' ('the White Man's Burden'), which in fact represented the worst part of imperialism. Law, judiciary, economy, education, administration, language, literature, arts, and architecture, in short all elements of society and culture were subjected to forced Westernization.

This colonial rule also led to the production of a new type of leadership from within the Muslim society, the babu class, as described by historian Arnold Toynbee, a class of people who had no roots in their own faith, culture and history, and who tried to develop a new identity in the shadow of colonial rulers. This class began to embody not only the values and precepts of the dominant powers, but also its interests, and acted and operated in collaboration with local and external vested interests. While the mass movement for independence from foreign forces of nationalism in the Muslim world had developed an Islamic identity, this class remained imbued in Western



values and acted, consciously or inadvertently as agents of imperial powers.<sup>27</sup> By and large, after independence, the reins of political power in most Muslim countries fell into the hands of the Westernized leadership groomed during the colonial period, with continued linkages with the culture and political designs of the West. It is a tragic fact that not only were the political boundaries in the Muslim world carved by foreign rulers, but the new institutions and the new leaderships were also products of this colonial age. This is the phenomenon that lies at the root of the current crisis and discontent in the Muslim world. Islamic resurgence and popular participation in political decision-making are two aspects of the same phenomenon. The effective sharing of power by the people and the reconstruction of the society and polity in the light of the Islamic ideals of the people are part and parcel of this process. This is possible only if there is trust, harmony, and cooperation among the people and the rulers. But the rulers who inherited power from the colonial powers and the people are not on the same ideological, moral or political wavelengths. The rulers want to change society and its institutions in accord with the concepts and values of Westernization and its ideological icons – secularism, nationalism, capitalism, socialism, etc. They want to introduce laws, institutions and policies derived from Western models. The people regard this as something against their faith, values and aspirations. That is why despite independence, the system of government has per force and per design remained despotic and arbitrary, with some exceptions. The lesson of history is very clear: secularization and Westernization of Muslim lands are not possible without arbitrary power.

There is no incompatibility between Islam and a truly democratic system based on people's participation and power-sharing. On the contrary, democratization in the sense of freedom of the people, fundamental rights and people's participation and Islamization are natural corollaries. The conflict is between people's Islamic aspirations and the secular and westernizing ideals and policies of the ruling elite. It is only through despotic powers that non-Islamic ideas and laws can be imposed on the Muslim people. All the incompatibility is between these two different visions and real democracy is the first casualty of the secular Westernizing bulldozer. American sociologist, Filmer S.C. Northrop has, with great perception, put his finger at the right spot. He says: "I believe this is one of the reasons why such law (i.e. secular law) usually has to be put in first by a dictator. It cannot come in as a mass movement because the masses are in the old tradition."<sup>28</sup>

Wilfred Smith also makes a very interesting observation in the context of the Pakistani situation. He says: "Insofar as an Eastern nation becomes truly democratic, that is, reflecting its own nature, to that extent it becomes un-Western - Insofar as Pakistan is really democratic, and not merely

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27 Gibb, H. A. R. *Modern Trends In Islam*. Nationalism "...in its western manifestation is confined to the intellectuals who are in direct and close touch with Western thoughts. As the nationalist idea penetrated into the popular mind, it was transformed and could not avoid to be transformed by the pressure of the age-long instincts and impulses of the Muslim masses." (*Modern Trends in Islam*, Chicago, Chicago University Press, 1947), 119. Wilfried C. Smith writes in *Islam in Modern History*: "No Muslim people has evolved a national feeling that has meant a loyalty to or even concern for a community transcending the bounds of Islam ... In the past, only Islam has provided for these people this type of discipline, inspiration, and energy." (Princeton, N. J., 1957), 77.

28 Northrop, Filmer S. C. (1954). *Colloquium on Islamic Culture*. Princeton University Press. 109.

superficially so, to that extent it will be Islamic rather than Western.”<sup>29</sup> Smith bluntly says that without Islam, democracy is a “useless jargon unworthy of emulation.” As such, democracy becomes “an aspect of its Islamic ness, a part of the definition of their Islamic state.”<sup>30</sup>

Esposito and Voll also come very close to this appreciation of the contemporary Muslim situation, which they regard “as characterized by the twin trends of Islamic resurgence and democratization.” This is how they read into the contemporary Muslim mind:

“Many Muslims are actively engaged in defining Islamic democracy. They believe that the global processes of religious resurgence and democratization can be, and in the case of the Muslim world, are complementary.”<sup>31</sup>

Another recent study on Muslim Politics by Dale Eickelman and James Piscatori also makes a plea for a fresh approach towards the contemporary Muslim concern for democracy based on their own values and aspirations and their abhorrence towards transplantations from the Western world. They conclude:

“In the specific context of Muslim politics, de-emphasizing paradigms and reassessing the challenges policy-makers will have to face in the years ahead entails listening to the many Muslim voices not merely those of a Westernized elite. The first step is to learn to elicit their cultural notions of legitimate authority and justice and to recognize that ideas of just rule, religious or otherwise are not fixed ... In the end, such an understanding promises to undermine unreflective presumptions that Muslim relations with others are chiefly hostile and the Muslim governance is almost inevitably arbitrary and authoritarian.”<sup>32</sup>

Islam and the Muslim Ummah brook no sympathy for arbitrary and authoritarian rule. Whatever arbitrary power reigns is more a product of colonialisation and Westernization, and not of Muslim ideals, history or contemporary aspirations. They regard the Western secular version of democracy as alien to their principles, values and traditions. But they have their own concept and rich tradition of democracy and people’s participation that ensures just rule, consultative processes at all levels, respect for rights and dissent, the independence of judiciary and politico-cultural pluralism. There is no contradiction between Islam and this essence of democracy. Whatever despotic or arbitrary rule exists in the Muslim lands is part of an alien and imposed tradition, against which the forces of Islamic-resurgence are struggling. Islam and true democratization are two sides of the same coin. As such, democratic processes and Islam would go hand in hand. The

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29 Smith, Wilfried C. (1954). *Pakistan as an Islamic State*. Lahore: Ashraf. 50

30 *ibid*, 45

31 Esposito and Voll, *op.cit.* 21

32 Eickelman, Dale F. and Piscatori, James. (1996). *Muslim Politics*. Princeton University Press. 164

rise and rule of despotisms – civil or military, elected or hereditary – responsible for the negation of democracy and the usurpation of fundamental freedom are fruits of Westernization and secularization, and not of Islam. The denial and suppression of mass democracy is the agenda of secularism and Westernization, not of Islam. Islamic imperatives and the people’s will, longings and aspirations go together. Democratization is bound to be a stepping-stone to Islamization. The fulfilment of Islamic aspirations would become possible only through the promotion of democratic processes. In the contemporary postcolonial history of the Muslim world, despotism and secularism or socialism have gone together, while Islamic resurgence and people’s freedoms and popular participation are complementary. Despite freedom from the colonial yoke, the Muslim Ummah is still struggling for its right – its democratic right – to freely develop its polity, society and economy in light of its own ideas, values and aspirations. It refuses to live under the dictate of concepts and models in conflict with its faith, opposed to its values, distasteful to its history and repugnant to its traditions. If democracy means rights of a people to self-determination and self-fulfilment, that is what Islam and the Muslim people have been striving for, nothing more and nothing less.

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