

## **“Islamic Democracy” or Democracy in Islam: Some Key Operational Democratic Concepts and Notions**

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**Abstract:** Since the final decades of 20<sup>th</sup> century CE and especially in post 9/11 world, the question of compatibility between Islam and democracy-a hotly debated and discussed issue-has gained an impetus and has highly intensified. There are (mainly) two visions on this theme: (i) those who deny any connection between Islam and democracy; and (ii) those who argue that Islamic tradition contains a number of concepts, ideals, institutions and values which are essentially democratic (in nature). In this direction, this paper exposes and elucidates how some scholars have employed certain concepts from the Islamic tradition like *Shura*, *Ijtihad*, *Bay'ah*, *Khilafah*, *Ijma*, *Maslaha* and *Ahl al-hall wa al-'aqd*-especially the first three-for conceptualizing a conceivable and feasible, possible and practicable foundation of democracy in Islam. In the final analysis, it is noted that throughout the Muslim world, majority of scholars accept the term 'democracy' and insist on consistency and compatibility between Islam and democracy albeit democracy here is conceived with certain qualifications and limits prescribed by *Shari'ah*. It argues, by way of conclusion, that although "Islamic democracy" has been discussed very much (in theory), a "practical" Islamic democratic model has yet to emerge. This is still a challenge for Muslim political theorists (particularly) in the 21<sup>st</sup> century.

**Key words:** Islam • Democracy • Islamic democracy • Democratic notions *Shura* • *Ijtihad* • *Bay'ah* • *Khilafah*, *Ijma* • *Maslaha* • *Ahl al-hall wa al-'aqd*

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### INTRODUCTION

As the relationship between Islam and democracy is a very complicated subject and is one of the most hotly debated, deliberated and discussed issue that has gained momentum and has highly intensified in the post 9/11 world, it is in this direction that this paper-divided into nine (9) sections in total (including the Introduction and Conclusion)-makes an attempt to provide an analysis-both brief and detailed-of the Islamic heritage and the process of democratization in Islam, to deliberate on some key concepts on which Islam is interpreted and regarded as democratic in nature, such as *Shura*, *Khilafah*, *Ijma*, *Ijtihad*, *Bay'ah*, *Maslaha*, etc. and provides a brief introduction of some other concepts, that are regarded as the basis of Islamic political order (along with the above mentioned ones), such as *Tawhid*, *Risalah*, *Qiyas*, *Ra'y* and *Ahl al-hall wa al-'aqd*. It is followed by the viewpoints (statements) and (re)interpretation of five prominent Muslim intellectuals of 20<sup>th</sup> and 21<sup>st</sup> centuries of the whole Muslim world, such as: (i) Abdolkarim Soroush of Iran; (ii) Egyptian born Allama (Dr.) Yusuf al Qaradawi;

(iii) Pakistani born Fazlur Rahman Malik; (iv) Tunisian Islamist leader Rachid al-Ghannoushi; and (v) Kuwaiti born American Law professor Dr. Khaled Abou El Fadl. It also provides a brief account of Western democracy, from its origins in Greek to present day. This is followed by Comparative/Critical Analysis and finally by the Conclusion [1].

**Islam and Democracy: an Introduction:** Historically speaking, different kinds of political systems existed within the Muslim world-from the beginning of City-State of Medina, and from Umayyad (661-750), Abbasid (750-1258) states to the modern era-and some of the largest states were ruled by Sultans, such as the Ottoman (1281-1924), the Saffavid (1501-1722) and the Mughal Empire (1526-1857). Even, in the present times-or more specifically in the second decade of 21<sup>st</sup> century, "there is no single agreed-upon model of government", as attested to by the diverse examples of "Saudi Arabia's conservative monarchy, Iran's clergy-run state, Sudan's and Pakistan's experiments with military-imposed Islamic governments and the Taliban's Afghanistan" to mention

a few only [2]. These states have faced the challenge of the socio-political changes after the modern transformations, but the relationship between Islam and politics has been “a major theme in these transformations” [3]. From the final decades of the 20<sup>th</sup> century to present day “religious resurgence” and “democratization” are two of the major developments that came into existence in the first years of the 15<sup>th</sup> Islamic century and the final years of the 20<sup>th</sup> century of CE [3]. The debate over democracy and democratization in the Muslim societies, according to Zoya Hasan, “its definition and fundamentals, as well as its impact on governments’ domestic and foreign policies, has continued for a long time”, but, as it has acquired an impetus in recent years (especially from the events of 9/11), this debate has now highly intensified [4].

In the discourse of Islam’s relation to democracy, such questions as ‘Is democracy compatible with Islam?’ or ‘Is there any relation between Islam and democracy?’ ‘What elements are present in Islamic tradition in the service of democracy?’ ‘Are democracies really more peaceful than non-democracies?’ Above all, ‘Is democracy appropriate or desirable as a political system for Muslim societies?’ are generally raised.

Addressing these-and many other relevant-questions, in the following pages, an attempt and endeavor is made to illustrate that in the Islamic tradition there are various concepts that provide an effective foundation for describing democracy in Islam (or “Islamic democracy”). In other words, Islamic tradition indeed contains certain concepts that are relatively helpful in understanding the Islamic perceptions of democracy. Speaking of democracy and the notion of democratic participation, however, does not mean that the word democracy is a Qura’nic term or a term explained in the Sunnah. It only means that the Islamic legacy-cultural and intellectual legacy-contains key concepts and images that show resemblance with the democratic principles and perceptions. There are many operational key concepts in the Islamic tradition which provide evidence that the Islamic system of government is democratic in the real sense. These concepts are *Khilafah* (Man’s vicegerency), *Shura* (mutual consultation), *Ijma* (consensus of the community), *Ijtihad* (independent interpretive judgment), *Maslaha* (public good/interest), *Bay’ah* (oath of allegiance) and the notion of *Ahl al-hall wa al-‘aqd* (those who are qualified to unbind and to bind) and so on. The Constitution of Medina-the principles of which were based on holy Qur’an and Sunnah-is also interpreted not only as a source of constitutionalism, democratizing

reform, but also of pluralism as well. It is regarded as the “first Constitution of democracy in the history of constitutional rule” [5]. In other words, for modern Muslim scholars, the constitution of Medina is hailed as a precursor to modern constitutionalism and rule of law equivalent to the Magna Carta and is often cited as “key precedent for constitutionalism, rule of law, collective leadership and democratizing reform” [6].

Before going into details on this discourse, it is essential here, to throw some light on the concept of Western democracy: from its classical model in the city-state of Greece to the emergence-from the beginning of 17<sup>th</sup> and 18<sup>th</sup> centuries-and development (particularly during 19<sup>th</sup> and 20<sup>th</sup> centuries) of modern democracy into many variants, both in theory and practice.

#### **Western Democracy: a Brief Historical Development:**

There are many definitions and connotations of the term ‘democracy’ in the modern world. Democracy means different things to different people. Democracy is the most comprehensive, most ancient and complex of all political concepts. It is a variety of many things that evolved many different meanings during different ages: classical, medieval and modern. The term democracy indicates a set of ideals and principles and a political system, a mechanism for governance and a politico-legal culture. For some it is a political system that ensures political equality and self-rule; to others, it is a system that allows the presence of equal opportunities and rights. So, in brief, no definition of democracy can embrace the vast history which the concept connotes.

Democracy literally means ‘rule by the people’. Although it is Greek in origin-derived from the Greek ‘*demos*’, meaning ‘people’ and ‘*kratos*’ meaning ‘rule’-it came into English language through French in 16<sup>th</sup> century. In the middle ages, during the Renaissance and Reformation movements in Europe, Nicollo Machiavelli (1469-1527), the Renaissance thinker, demanded the separation of state in his writings: *The Prince* and *The Discourses* [7]. Regarded as the first theorist of modern state politics, Machiavelli linked the case for forms of elective government and participative politics to the prospects of civic welfare and civic glory.

During the 17<sup>th</sup> and 18<sup>th</sup> centuries three revolutions took place in England, France and America-contributing a lot to the emergence of modern democracy. In other words, modern democracy started developing in the 17<sup>th</sup> and 18<sup>th</sup> centuries. The Glorious Revolution of 1689 of England is regarded as the land mark in the history of

democracy: because by this revolution the seeds of democracy were able to grow again for the first time in Europe (West) since the Greeks. Thereafter, the American Revolution of 1776 (which stood for self-government as the American colonies were not well-represented by the British parliament; thus making U.S. as the first example of a modern state to carry out the principles of democracy) and French Revolution of 1789 (which was the outcome of suffering of the people under despotism of French monarchs) led to the “Declaration of the Rights of man and of the citizen” which became the preamble to the Constitution of France in 1791 [8, 9].

In the 19<sup>th</sup> century, equality, freedom and fraternity became the watch-words of modern democracy and thus, modern democratic ideas were shaped to a large extent by ideas and institutions of medieval Europe, notably the emergence of “natural rights and political equality” during the enlightenment and the American and French Revolution. In the 19<sup>th</sup> and 20<sup>th</sup> centuries, “representative parliaments, freely elected under universal franchise”, became the central institutions of democratic governments and in many countries, democracy implied “freedom of speech and the press and the rule of law” [8].

In the emergence of modern democracy, various political thinkers played an important role. For example, Thomas Hobbes (1588-1679), John Locke (1632-1704) and Jean Jacques Rousseau (1712-1778) popularized the ideas of liberty and democracy. Hobbes and Locke’s theory of ‘Social Contract’ aiming at to preserve Natural Rights and Rousseau’s theory of General-Will was a fillip to democracy. Charles Baron de Montesquieu (1689-1755), stood for the “separation of powers” to check autocratic rule. He distinguished between “the executive, the legislature and judiciary” [7].

But, as in the modern times, there are various interpretations of this definition and consequently throughout the history political thinkers have defined democracy in their own perspectives resulting that there is no universally accepted or clearly defined model of democracy. Consequently, there are several versions/variants and models of democracy which the world has experienced throughout the history, from the city-state of Greece to present day-direct, indirect/representative, functional, parliamentary, republican, federal, proletarian, liberal, industrial, etc. models/variants of democracy. That is, democracy has taken a number of forms, both in theory and practice.

Thus, from the beginning of the democracy in Greece (in 4<sup>th</sup> century BC) to the revolutions of England, America and France and from 19<sup>th</sup> century to the end of 20<sup>th</sup> century, democracy has appeared in various forms indicating that the concept of democracy has changed and developed in the shade of variety of social, political and economic developments.

It is an established fact that there is no more universally accepted or clearly defined model of democracy-and as W. B. Gallie has called democracy an “essentially contested concept” [10] -so throughout the world, scholars and common people are actively involved in the effort to create more effective democratic structure. In fact the term ‘democracy’ is capable of multiple interpretations and applications and the acceptance of its contested nature, its diversity and dynamics of development, enables the recognition that there can be alternative rival uses of the term ‘democracy’.

Same is the case with the Muslims. Throughout the Muslim world, from North Africa to South and Southeast Asia and from Middle East to Central Asia, Muslim scholars and thinkers are earnestly and vigorously engaged in defining and interpreting democracy in Islamic traditions. They are involved in developing, defining and establishing a reliable and feasible Islamic democracy by utilizing longstanding traditions and conceptualizations of *Khilafah* (Vicegerency), *Shura* (mutual consultation), *Ijma* (consensus) and *Ijtihad* (independent reasoning), *Bay’ah* (oath of allegiance)-the main key traditional concepts of Islamic polity.

#### **The Islamic Terminology and the Islamic Heritage:**

There is diversity of voices that discuss and debate “Islamic democracy”, relationship between Islam and democracy or between the two systems of political thought and compatibility and consistency between the two and various other sub-themes related to it. This diversity of voices include many groups such as proponents (supporters), opponents, Islamists, modernists and some leading western scholars of contemporary politics. Muslim scholars today are debating the relationship of Islam to democracy; while many of them wish for greater political participation, the rule of law, government accountability, freedoms and human rights, there are many different ways to achieve these goals. In short, the interrelationship of Islam and democracy and the question of supposed compatibility or incompatibility between the two is debated among the people ranging from those who “deny a connection between Islam and democracy” to those who argue that “Islam requires a democratic system” [11].

This diversity includes many voices, i.e., there are many reactions to democratization in the Muslim world: some, including “ultraconservatives and extremists”, argue that Islam has its own mechanisms and institutions, which do not include democracy. Others believe that democracy can fully be realized only if Muslim societies restrict religion to private life; while as, still others contend that Islam is fully capable of accommodating and supporting democracy. Engaging in a process of reform, this (third group) argue the compatibility of Islam and democracy by using the traditional

Islamic concepts like consultation (*shura*) between ruler and ruled, community consensus (*ijma*), public interest (*maslaha*) and *ijtihad* (the use of human reason to reinterpret Islamic principles and values and to meet the new needs of society). These mechanisms can be used to support parliamentary forms of government with systems of checks and balances among the executive, legislative and judiciary branches [12].

According to some scholars [13, 14] the voices of Islam-democracy debate continue to be polarized in at least three directions: secularist, rejectionists and reformers/reformists (i) Secularists, who argue in favor of a wholesale adoption of Western liberal system, believe that Islam should be separated from politics; (ii) rejectionists, representing conservative and some radical religious forces that adopt a negative view of any shape or form of democratic system, stress that democracy is a Western product and as such it has to be avoided at all cost. This group regards democracy as forbidden (*haram*) and something which contradicts Divine Sovereignty; and (iii) reformists, the third vision represents moderate voices that argue for adopting a middle path. Some Muslim intellectuals, academic scholars and moderate religious leaders who believe that there is scope for reconciling some Islamic universal principles with democratic political order are championing this trend. Thus, indeed, in contemporary Muslim politics, argues John Esposito, Islam has often been used “to legitimate” and justify various forms and systems of government, including “democracy and dictatorship, republicanism and monarchy” [13].

Those scholars who define democracy in Islamic perspective-the reformist or modernist trend, represented by those Muslim intellectuals, academic scholars and moderate religious leaders who believe that there is much in common in between what Islam and democracy share

than what differentiates them; that is, they believe in the reconciliation of Islam and democracy-they have different perceptions about its precise meaning. In general, however, democracy is taken as a form of government in which sovereignty belongs to Almighty Allah; man is considered to be His vicegerent; and decision making on every problem is characterized by mutual consultation (*Shura*) and consensus of the community (*Ijma*), taking guidance from the Qura’nic verses like, 2: 30; 6:165; 4: 58; 3: 159 and 42: 38. They argue that if by democracy is meant a “system of freedom, justice, equality and human rights” then Islamic teachings already contain these values and systems [5]. In fact, these values are essential/basic to Islam.

As mentioned earlier, the diversity of voices on the issue is compelling and convincing. Throughout the Muslim world majority of the scholars argue that Islam is in support of democracy and that Islam and democracy are compatible. Some have broadened the argument to insist that under the conditions of the contemporary world “democracy can be considered a requirement of Islam”. While some scholars bring “historically important concepts from within the Islamic tradition” together with the basic concepts of democracy as understood in the modern world, many others view democracy as an “appropriate way to fulfill certain obligations of faith in the contemporary world”; and others see democracy as their main “hope and vehicle of effective political participation” [11].

There are various scholars, Islamists, leaders and political thinkers who have actively engaged in defining, discussing, debating Islam, its institutions, systems and concepts vis-a-vis the modern challenges (and ‘Islam and democracy’ being one of them); and writing effectively on Islamic doctrines, law, politics, science and economics. The Islamic Movements and its legacy produced generations of reformers from Middle East to South Asia: from Jamal al Din Afghani, Muhammad Abduh in the Middle East to Sir Syed Ahmad Khan and Muhammad Iqbal in the South Asia. The major “founders of Neo-revivalist movements” from the pioneers (Hassan al-Banna, Mawlana Abu Ala Mawdudi and Syed Qutb) to present day movements constituting the “backbone of the second and third generation of Muslim activists” across the Muslim world [13].

This broad gamut-multiplicity and diversity-does provide important insights into understanding the intricate, complex and complicated relationship between Islam and democracy in the contemporary world. Despite the great dynamism and diversity in contemporary Muslim

political thought, certain concepts are central to the political positions of the virtually all Muslims. In other words, contemporary Muslim scholars present certain concepts from within the Islamic tradition as the “operational key concepts to democracy” in Islam or ‘Islamic democracy’ [3].

Islamic legacy-history and tradition-provides a number of key concepts that explain the relationship between Islam and democracy on the one hand and provide the visions of what a just human society should be, on the other. These (concepts) are the foundations for the Islamic perceptions of democracy. Despite the great dynamism and diversity among the contemporary Muslims in terms of political views, there are certain concepts that are regarded as the basis of political positions of virtually all Muslims. What fluctuates is the “definition” and classification of the concepts-not “recognition” and identification of the concepts themselves [3].

Mawlana Syed Abu Ala Mawdudi (1903-1979), a significant South Asian Muslim thinker and founder of the Islamic revivalist organization, the *Jama`at al-Islami*, stated that the “political system of Islam has been based on three principles, viz; *Tawhid* (Unity of Allah), *Risalat* (Prophethood) and *Khilafat* (Caliphate).” For him, it is difficult to appreciate different aspects of the “Islamic polity without fully understanding these three principles” [15].

Professor Khurshid Ahmad (b.1932; Indian born Pakistani scholar-activist), in his essay on Islam and democracy theme explicitly declares that within the context of Islamic faith, culture, history and contemporary experience there are clear lines of guidance which propose a exclusive and distinctive political framework that can be described as true 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 [16]. He criticizes the despotic and arbitrary rule, as he argues that there is “no contradiction between Islam and essence of democracy”. Whatever despotic or arbitrary rule exists in the Muslim lands is part of an alien, foreign and imposed tradition. Islam and democracy are “two sides” of the same coin. As such, democratic processes and Islam would go hand in hand. Democratization is bound to be a “stepping stone of Islamization”. The fulfillment and accomplishment of Islamic aspirations would become possible only through the promotion and encouragement of democratic

processes. In spite of freedom from the colonial oppression and subjugation, the Muslim Ummah (community) 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 [16].

Ahmad further argues that Muslims struggle for the right meaning of democracy and nothing more and less than its real meaning commenting that democracy means “rights of a people to self-determination and self-fulfillment”, that is what Islam and the Muslims have been “striving for”, nothing more and nothing less [16].

John Esposito and John Voll in *Islam and Democracy* [3] explicitly declare that the absolute Sovereignty and Oneness of God as expressed in the concept of *Tawhid* and the role of human beings as defined in the concept of *Khilafah* thus provide a framework within which scholars have in recent years developed distinctive political theories that are self-described and envisaged as being democratic. They involve special definitions and recognitions of popular sovereignty and an important emphasis on the equality of human beings and the obligations of people in being the possessors of the trust of government and they represent important perspectives in the contemporary global context of democratization. In particular, “Islamic democracy is seen as affirming longstanding Islamic concepts of consultation (*Shura*), consensus (*Ijma*) and independent interpretive judgment (*Ijtihad*)”. These terms have not always been identified with democratic institutions and have a variety of usages in contemporary Muslim discourse. However, regardless of other contexts and usages “these terms are central to the debates and discussions regarding democratizations” in almost all the Muslim societies [3]. These concepts are central to and are very basis of Islamic democracy, because.

Consultation [*Shura*], consensus [*Ijma*] and *Ijtihad* [independent reasoning] are crucial concepts for the articulation of Islamic democracy within the framework of the oneness of God and the representational obligations of human beings. These are the terms whose meanings are contested and whose definitions shape Muslim perceptions of what represents legitimate and authentic democracy in an Islamic framework.... [T]hey provide an effective foundation for understanding the relationship between Islam and democracy in the contemporary world [3].

Thus, the above mentioned scholars as well as others accept *Tawhid*, *Risalah*, *Khilafah*, *Shura*, *Ijma*, *Ijtihad*, *Maslaha*, *Bay`ah* and *Ahl al Hall wa al `Aqd* as the basis of Islamic democracy, i.e., these are the main operational key concepts of Islamic democracy as well as basic principles of Islamic political system or order. In other words, *Shura*, *Ijma*, *Ijtihad*, *Maslaha* and *Bay`ah*, are regarded as the crucial concepts for the articulation of Islamic democracy within the framework of *Tawhid* and *Khilafah*.

**The Foundations of “Islamic democracy”: An Introduction of some Islamic Democratic Notions: *Shura*, *Ijtihad*, *Bay`ah* and *Ahl al Hall wa al `Aqd*:** In this section, *Shura*, *Ijtihad*, *Bay`ah* and *Ahl al-hall wa al-`aqd*-the crucial concepts that are regarded as the most important, essential and basic to democracy in Islam-are analyzed. Also an introduction-very brief and concise-of other concepts is also provided [17].

**Tawhid:** Tawhid-the acknowledging of the Unity of Allah, the Indivisible, Absolute and the sole Real—is the co-ordinal, basic and fundamental principle of Islamic life meaning that Absolute Sovereignty and Ultimate Authority belong to Him (Qur’an, 25: 2) [18]. The modernist Pakistani Muslim intellectual Fazlur Rahman [19] holds that this doctrine “is central to the Qur’an-without which, indeed, Islam is unthinkable”. Similarly, Ismail Raji al-Faruqi [20] writes that at “the core of the Islamic religious experience... stands God Who is unique and Whose will is the imperative and guide for all men’s lives.” Al-Faruqi presents *Tawhid* as the essence of religious experience, the quintessence of Islam, the principle of history, of knowledge, of ethics, of aesthetics, of the Ummah, of the family, of the political, social, economic and world orders. Tawhid is the basis and heart of Islam’s comprehensive worldview: “All the diversity, wealth and history, culture and learning, wisdom and civilization of Islam is *compressed* in this shortest of sentences-*La ilaha illa Allah* [There is no God but Allah]” (*Italics added*) [21, 3].

Moreover, for Professor Khurshid Ahmad, who is one of the dominant figures of Islamic resurgence in the present era, the comprehensive guidance of Islam and its integral relationship with to all aspects of life are rooted in the doctrine of *Tawhid*-the bed-rock of Islam. It is a “revolutionary concept” and points to the “supremacy of the law in the cosmos”; and being a dynamic doctrine, it

presents a “unified view of the world and offers the vision of an integrated universe”; and it is “a dynamic belief and a revolutionary doctrine” [22, 23].

**Risalah:** *Risalah* (Prophethood)-or the “mission or ‘ministry’ of a Divine Messenger (*rasul*)”-is the second basic principle [18]. It means, in brief, that Muslims have to accept Prophet Muhammad (pbuh) as Allah’s last Messenger and that obeying his *Uswah al Hasanah* or Ideal Conduct (Qur’an, 33: 21) and ‘Sunnah’ is obligatory for every Muslim after the *Tawhid* (4:59). Prophethood refers to the belief that God reveals His Will to the humans through “specific individuals recognized as the human agents involved in implementing the Islamic message (the Second human agency is ‘caliph’)” [18]. *Risalah* is the medium through which the Law of God has been received by the Muslims.

**Khilafah:** *Khilafah* (Caliphate, Vicegerency, or representativeness) determines both the actual status of man in Islam as well as shapes the socio-political order of the society. The Qur’an, *al-Baqarah* (2): 30 (“Lo! I am about to place a vicegerent”), referring to Adam (AS) as the embodiment of the *fitrah*, or primordial norm and *al-An`am* (6): 165 (“For He it is Who has appointed you vicegerent over the earth”), referring to Solomon [Prophet Sulaiman] as Caliph-and teaches that God has given the earth as a trust to mankind [18]. For Mawlana Mawdudi, *Khalifah* (or vicegerent), as mentioned in holy Qur’an 2: 30, is the person

who exercises the authority delegated to him by his principal and does so in the capacity of his deputy and agent. Hence, whatever authority he possesses is not inherently his own, but is derived from and circumscribed by, the limits set by his principal. A vicegerent is not entitled to do what he pleases, but is obliged to carry out the will of his master. If the vicegerent were either to begin thinking himself the real owner and to use the authority delegated to him in whatever manner he pleased, or if he were to acknowledge someone other than the real owner as his lord and master and to follow his directions, these would be deemed acts of infidelity and rebellion [24].

Furthermore, Mawlana Mawdudi’s interpretation of *Khalifah*, as mentioned in holy Qur’an 6: 165, is as follows:

This statement embodies three important truths: First, that human beings as such are vicegerents of God on earth, so that God has entrusted them with many things and endowed them with the power to use them. Second, it is God Himself Who has created differences of rank among His vicegerents. ... Third, all this is indeed designed to test man [25].

Thus, from Islamic point of view, Muslims see themselves as God's representatives with a divine mandate to establish God's rule on earth in order to create a "just society". *Khilafah* is the other name of the God's trust/*amanah* (Qur'an, *al-Mai'dah*, 5: 4) and is one of the basic principles of Islamic political order as well as a basic principle/concept in the development of Islamic democracy, amplifying democracy in several ways: for example, *Khilafah* is bestowed on the entire group of people, the *Ummah* (community) as a whole and is not restricted to few individuals; i.e., it is a kind of popular vicegerency. This made Mawlana Mawdudi [26] to call the political system of Islam as a "perfect form of democracy"-as perfect as a democracy could ever be and proclaimed that *Khilafah* as popular vicegerency is the point where democracy in Islam or the "real foundation of democracy in Islam" [27]. Secondly, there is no discrimination of race, colour and language in sharing the personality of the state. In Islamic society, there is no place for dictatorship or authoritarianism of any person or group (as everyone is *Khalifah*). Mawlana Mawdudi in this regard, writes, Islam seeks to set up on the one hand, this "superlative (degree of) democracy" and on the other it has put an end to that individualism which militates against the health of the body politics [27, 28].

**Shura:** The principle of *Shura* (generally translated as mutual consultation or consultative decision-making) in Islamic political thought refers to deliberations conducted with the aim of collecting and discussing different opinions on a particular subject in order to reach a decision. It is not only interpreted as the source of democratic ethics in Islam, but is regarded (by some) as an alternative for describing democracy in Islam context. That is, it is interpreted as the very basis of democratic government in Islam. The term *Shura*-an act, an idea, a social technique and a political institution-is central to the Islamic democracy and is the very basis of it. It is a direct outcome of the theory of vicegerency and the basic spirit of Islamic society.

During the 19<sup>th</sup> and 20<sup>th</sup> centuries, significant efforts have been taken by scholars to broaden the conceptualizations of consultation and this is associated with the advocates of Islamic democracy (i.e. the Muslim democrats).

*Shura* is regarded as the main key element and the very basis of democracy in Islam. Sadek Jawad Sulaiman (an Omani intellectual), who accepts the compatibility of democracy and *Shura* on the grounds that *Shura*, as a concept and a principle, does not differ from democracy in his '*Democracy and Shura*', writes:

Both *Shura* and democracy arise from the central consideration that collective deliberation is more likely to lead to a fair and sound result for the social good than individual preference. Both concepts also assume that majority judgment tends to be more comprehensive and accurate than minority judgment. As principles, *Shura* and democracy proceed from the core idea that all people are equal in rights and responsibilities. Both thereby commit to the rule of the people through application of the law rather than the rule of individuals or a family through autocratic decree. Both affirm that a more comprehensive fulfillment of the principles and values by which humanity prospers cannot be achieved in a non-democratic, non-*Shura* environment [29].

He regards democracy and *Shura* as synonymous in conception and principle, although they may differ in details of application and appliance, on the basis that both *Shura* and democracy reject and refuse.

Any government lacking the legitimacy of free elections, accountability and the people's power, through the constitutional process, to impeach the ruler for violation of trust. The logic of *Shura*, like the logic of democracy, does not accept hereditary rule, for wisdom and competence are never the monopoly of any one individual or family. Likewise, *Shura* and democracy both reject government by force, for any rule sustained by coercion is illegitimate. Moreover, both forbid privileges-political, social and economic-claimed on the basis of tribal lineage or social prestige.

*Shura* and democracy are thus one and the same concept. They prod us to find better and better realizations of the principles of justice, equality and human dignity in our collective socio-political experience [29].

*Shura* (consultation) is a basic principle in all spheres of Islamic political and social systems. It is also “essential for the proper functioning of the organs of the state, its overall activity and Islamic identity” [5]. Muhammad Hamidullah places consultation in a generally accepted framework. He argues that the “importance and utility of consultation [*Shura*] cannot be too greatly emphasized. The *Qur'an* (3: 159, 27: 32, 42: 38, 47: 21) commands the Muslims again and again to take their decisions after consultation, whether in a public matter or a private one”[30]. John L. Esposito regarding the importance of *Shura*, writes:

The necessity of consultation is a political consequence of the principle of the caliphate of human beings. Popular vicegerency in an Islamic state is reflected especially in the doctrine of mutual consultation (*Shura*). The importance of consultation as a part of Islamic systems of rule is widely recognized [31].

Quoting these statements in *Islam and Democracy*, Esposito and Voll claim that consultation is an important operational concept and element with regard to the relation of Islam with democracy. Particularly, during the 19<sup>th</sup> and 20<sup>th</sup> centuries, “there have been significant efforts”, they argue, “to broaden the conceptualization of consultation and this is associated with *advocates of Islamic democracy*”. For them, in this perspective, “*Shura* thus becomes a *key operational element in the relationship between Islam and democracy*” [3] (*Italics added*).

The importance of *Shura* is best understood only when we look back to the political system of Prophetic era and of *Khulfa-i-Rashidin* period and a thorough study of political system of Prophet Muhammad (pbuh) and of the first four caliphs reveals that the system was truly democratic in spirit-as discussed in the previous chapter-because its political technique was common consultation and election of representatives and that in form it was representative. These constitute the essential and integral features of an Islamic State.

Muhammad Asad [32] states that *Shura* caters for the continuous temporal legislation of our social existence; and Swiss born Muslim intellectual Tariq Ramadan [33] while describing the institution of *Shura* in general terms, describes it as “the space which allows Islam the management of pluralism”. Ramadan also refutes the view of some ulema and thinkers from the “traditionalist and literalist schools of thought” who argue that the “democratic system (not a *Qura'nic* concept) does not respect Islamic criteria (the criteria of *shura*)” [34]. In the words of Sadek J. Sulaiman, the *Shura* principle in Islam is predicated on three basic precepts. First, that all

persons in any given society are equal in human and civil rights. Second, those public issues are best decided by majority view. And third, that the three other principles of justice, equality and human dignity, which constitute Islam’s moral core are best realized, in personal as well as public life, under *Shura* governance [35].

*Shura* thus becomes first and foremost key operational concept and element in the relationship between Islam and democracy, or in other words, the very basis of Islamic democracy.

The Constitution of Medina-which was based on the principles of *Qur'an* and *Sunnah*-is the “first Constitution of democracy in the history of constitutional rule” [5]. The Islamic scholars agree that the principle of *Shura*, or consultative decision-making, is the source of democratic ethics in Islam; in other words they tend to conflate *Shura* with the modern concept of democracy. Thus the concept of *Shura* is central to the Islamic democracy and is the very basis of it. It is direct outcome of the theory of vicegerency and *Shura* is the “basic spirit of Islamic society”, which runs through its veins, its organs, institutions and associations in general [36].

**Ijma:** *Ijma* (Lit. “Assembly” or consensus) is another important operational concept regarding democracy. The foundation for the validity of *Ijma* is the often cited *hadith* (Prophetic saying) that Prophet Muhammad (pbuh) stated, as stated in *al-Tirmidhi*:

“Never will Allah make my Ummah (Community) agree on a wrong course” or “My Community will not agree upon an error” [32].

*Ijma* is a consensus, expressed or tacit, on a question of law. Along with the *Qur'an*, *Hadith* and *Sunnah*, it is basis which legitimizes law [18].

*Shura* and *Ijma* (consultation and Consensus) are frequently seen as the basis for Islamic democracy in modern times. *Ijma* played a ‘pivotal role’ in the development of Islamic law and contributed significantly to the corpus of the law or legal interpretation [3, 31]. In the modern times, Muslim thinkers have imbued the concept of consensus with new possibilities. It is in this way that Louay M. Safi reaches the conclusion that the “legitimacy of the state depends upon the extent to which state organization and power reflect the will of the Ummah”, for as classical jurists have insisted, the “legitimacy of the state institutions is not derived from textual sources but is based primarily on the principle of *Ijma*” [37].



On this basis, *Ijma* can become both the legitimation and the procedure of an Islamic democracy, or in other words Consensus offers both the “legitimation of Islamic democracy and a procedure to carry it out” [3]. M. Hamidullah says that *Ijma* need not be static as it offers “great possibilities of developing the Islamic Laws and adapting it to changing circumstances” [30].

**Ijtihad:** Ijtihad (Lit. “Effort”) is another operational concept of major importance related to the relationship between ‘Islam and democracy’. *Ijtihad* is applied to those questions which are not covered by the Qur’an and Sunnah, that is, neither by established precedence (*taqlid*), nor by direct analogy (*qiyas*) from known laws [18]. *Ijtihad* is regarded, by many Muslim thinkers, as the key to the implementation of God’s will in any given time or place. Prof. Khurshid Ahmad presents this position clearly, when he argues that

God has revealed only broad principles and has endowed man with the freedom to apply them in every age in the way suited to the spirit and conditions of that age. It is through the Ijtihad that people of every age try to implement and apply divine guidance to the problems of their times [38].

Virtually all Muslim reformers and reformist intellectuals of the 20<sup>th</sup> century and of contemporary era show enthusiasm for the concept of *Ijtihad*, Allama Iqbal, Khurshid Ahmad, Taha Jabir al ‘Alwani and Altaf Gauhar being few of them. M. Iqbal one of the major figures in modern times, called (in 1930s) for “the transfer of the power of Ijtihad from individual representatives of Schools to a Muslim legislative assembly” [39].

In the context of modern world, the advocacy of *Ijtihad* is described by Altaf Gauhar in the following words:

In Islam power flows out of the framework of the Qur’an and from no other source. It is for Muslim Scholars to initiate Universal Ijtihad at all levels. The faith is fresh; it is the Muslim Mind which is befogged. The principles of Islam are Dynamic; it is our approach which has become static. Let there be fundamental rethinking to open avenues of exploration, innovation and creativity [40].

Taha J. al ‘Alwani points out that from the second *hijri* century until the present day, the reality, the essence, the rules, the conditions, the premises, the means and the scope of *Ijtihad* have remained a source of debate engaging some of the Islamic world’s greatest theologians, scholars of *al-‘usul* and *fuqaha* [41].

*Ijtihad* is one of the several fundamental Islamic concepts to have been misused, misrepresented, or misunderstood by Muslims. Because of the danger of misuse, *Ijtihad* has always been a “controversial concept” and the need of the hour is to “interpret Ijtihad in such a way that it can be used to justify the results” [3, 41].

**Qiyas and Ra’y:** *Qiyas* (Literally “measure”, “scale”, or “exemplar” and hence “analogy” or juristic reasoning) communicates same or near same meaning of *Ijtihad*. *Qiyas* is the “principle” by which the laws of the Qur’an and Sunnah are “applied to situations not explicitly covered by these two sources of religious legislation” [18].

*Ra’y* (Literally “Opinion”), is a “legal principle” that of the personal opinion of the jurist, which is “last resort” after Qur’an, Sunnah and precedents have been exhausted in resolving a legal issue” [18]. It is also used by the jurists to communicate the individual meaning of the term *Ijtihad*.

**Bay’ah:** *Bay’ah* (literally “a pact” or “an oath of fealty or allegiance” or ‘Consent’), in a very broad sense means the act by which “a certain number of persons, acting individually or collectively, recognize the authority of another person”—a ruler, a king, or an *emir/amir* [18, 42, 43]. An important principle of the constitution of Medina was that Prophet Muhammad (pbuh) governed the city-state of Medina by virtue of consent of its citizens. This constitution “established the importance of consent and cooperation for governance” and the principles of “equality, consensual governance and pluralism” are beautifully enmeshed in it [44].

During the early period of Islamic history, the process of *bay’ah* was an important institution that sought to formalize the consent of the governed. The early Caliphs practiced the process of *bay’ah* after rudimentary forms of electoral colleges had elected the Caliph, in order to legitimize the authority of Caliph.

The *bay’ah*, speaking etymologically, have two principal aims which differ both in their scope and nature:

- The first is essentially that of adherence to a doctrine and recognition of the pre-established authority of the person who teaches it. It is in this sense that the *bay'a* was practiced in the relations between Muhammad and his newly acquired supporters (holy Qur'an: Qur'an, 43 (xlvi): 10, 18; 60 (lx): 13). In the same sense, but with a more restricted purpose, the *bay'a* served simply to recognize the pre-established authority of a person and to promise him obedience. Such was the case with the *bay'a* effected in favor of a new caliph whose title to succeed has been established by the testamentary designation (*'ahd*) of his predecessor.
- In the second sense the principle aim of the *bay'a* is the election of a person to a post of command and, in particular, the election of a Caliph, when a promise of obedience is implied. It was thus that the first Caliph, Abu Bakr (r. 632-34 CE), was designated by *bay'a* of the so-called assembly of *Sakifa/Saqifa* (8 June 632 CE); and the same invariably applied on all subsequent occasions that the seat of the Caliphate fell vacant and no successor designated by other means existed [42].

In the legal nature, the *bay'ah* is as a “contractual agreement”: on the one side there is the will of the electors, expressed in the designation of the candidate, which constitutes the “offer” and on the other side the will of the elected person which constitutes the “acceptance”[42]. Thus, the *bay'ah* is an act perfected solely by agreement; and its form remains the same in both its roles—that of election and that of simple offer of homage.

In the modern times, the “process of nomination” followed by elections can serve as a necessary “modernization of the process of *bayah*”; and replacing it with ballots makes the process of pledging allegiance “simple and universal”. Therefore, in the present times, the elections are “neither a departure from Islamic principles and traditions nor inherently un-Islamic in any form” [44]. The Qur'anic verses, like 4: 59, 3: 159 and 42: 38, also recognize the authority of those who have been chosen as leaders and in a sense deputizes these consensual rulers.

**Ahl al-Hall wa Al-'Aqd:** *Ahl al-hall wa al-'aqd*, “those who are qualified to unbind and to bind” are the representatives of the Muslim community “who act on

their behalf in appointing and deposing a caliph or another ruler” [45, 46]. It is a “title given to the religious scholars, political leaders and intellectuals who have the authority and influence in the society and the government” [36]. Or ‘those who untie and fasten, that is, forbid and enjoin; eminent authorities in matters of jurisprudence’ and in the opinion of Emmanuel Sivan: “Membership in this select group is determined by learning, virtue and devotion to the application of the Shari`a. Given their age-old opportunism, few ulema qualify for membership. It is *Ahl al-Hall wa-l-'Aqd*, not parliament or the High Court, who should pass judgment upon the compatibility of existing laws and clarify moot points in the *Shari`a* and apply it to new issues” [47] (*Italics added*). This concept is interpreted diversely by scholars. It is a concept that was introduced in the classic Islamic political literature and is increasingly referred to in the recent times. Such groups of notables in the Muslim society are obliged to carry on several roles, the most important of which is to choose the Muslim ruler. Al-Mawardi and Ibn Taymiyah along with other classic scholars of political theory in Islam admit the importance of the notables and their role in choosing the ruler. In medieval political theory, their main function was to “offer the office of caliphate to the most qualified person and, upon his acceptance, to administer to him an oath of allegiance (*bay'ah*)” and, in modern political thought, according to Wael B. Hallaq, the title.

*ahl al-hall wa-al-'aqd* has gained particular significance. The title is now intimately connected with an expanded meaning of the concept of *shura*, a term ... [meaning consultation and deliberating] on political matters, including the appointment of a caliph. In nineteenth- and particularly in twentieth-century political thought, the *ahl al hall*, through the medium of *shura*, speak[s] for the full community [46].

The Tunisian reformist, Khayr al-Din al-Tunisi (d. 1889) equates this title with a European-style parliament, while as the Egyptian Rashid Rida (d. 1935) entrusts them powers to elect and depose rulers by virtue of their influential status on the community and of their mutual consultation. For Rida, the ruler becomes subservient to *ahl al-hall*, who expresses through their consultation the will of the community on matters of public law and policy [46].

Moreover, an investigation of the arguments of several Islamic scholars about the nature of the group of notables and their duties makes it clear that elections of the Muslim ruler through *ahl al-hall wa al-'aqd* is a system that abides by the conditions and guidelines laid down in Quran and Sunnah and overcomes several of the flaws that will be presented to be found in the traditional democratic mechanism.

Thus, *Shura*, *Ijtihad*, *Bay'ah* and the concept of *Ahl al-hall wa al-'aqd* provide an effective foundation for understanding the relationship between Islam and democracy. To put in other words they provide the basic concepts for understanding the relationship between Islam and democracy in the contemporary world and an “effective foundation” to build an Islamic basis for democracy. These are the terms whose meanings are contested and whose definitions shape Muslim perceptions of what represents legitimate and authentic democracy in Islamic framework. These are the concepts for the articulation of Islamic democracy. Presently there are various scholars who are sincerely devoted to the Islamic political issues; they are sincerely in search of resurgence of Islam and have been engaged in a lively debate on Islam and modernity (e.g., the outlook of Islam on democracy, equality, human rights, minority and women’s rights).

**Contemporary Muslim Intellectuals on Islam-Democracy Compatibility:** In this section, views of some of the Muslim intellectuals of contemporary era –who are earnestly engaged in a lively debate on Islam-democracy, as pointed out earlier as well-are discussed, in support of the “crucial” and key concepts of “Islamic democracy”. In no way is this list (of the scholars/intellectuals) sufficient, for there are a diverse number of intellectuals-living both in East and West-from North Africa and Middle East to South and Southeast Asia and from Europe to America-that are earnestly engaged in discussing and debating the Islam-democracy theme. Five influential and prominent voices that are discussed here are: (i) Abdolkarim Soroush (b. 1945, Tehran, Iran); (ii) Yusuf al Qaradawi (b.1926, Egypt); (iii) Fazlur Rahman (1919–1988, Pakistan); (iv) Rachid al-Ghannoushi (b. 1941, Tunisia); and (v) Khaled Abou El Fadl (b.1963, Kuwait).

**Abdolkarim Soroush (b. 1945, Tehran):** Soroush is one of the prominent reformist intellectuals and most important Shi'a theologians of recent times. His prolific and wide-ranging works (*oeuvre*) covers most of the areas

of contemporary reformist Islamic thought, with special emphasis on questions concerning the nature of Islamic government, the importance of democracy and tolerance and respect for human rights [48]. Soroush sees no contradiction between Islam and the freedoms inherent in democracy, because for him, “democracy” is not a concept necessarily connected with liberalism, which he accuses of excess relativism that may lead to secularism and theism, or a political reality where anything and everything is “subject to referendum and debate and ... nothing has a solid and an a priori ‘foundation’” [49]. Rather, it is a “method of harnessing the power of the rulers, rationalizing their policies, protecting the rights of the subjects and attaining the public good” [49]. In other words, it means that democracy rests on and promotes the same moral values as religion, namely justice, courage and moderation. Democracy then provides the checks and balances agreed upon rationally and religion, as the bulwark of morality, guarantees the smooth functioning of democracy [48, 49].

For Soroush, Islam and democracy are not only “compatible, their association is inevitable”. In a Muslim society, one without other is “not perfect” [50, 51]. For him, the only form of government that does not transform religion into an ideology or obstruct the growth of religious knowledge is a democratic one. He does not identify democracy with a particular Western culture as a foreign force to be resisted. He considers democracy a form of government that is compatible with multiple political cultures, including Islamic ones [52].

He believes that the will of the majority must shape the ideal Islamic state and that Islam itself is evolving as a religion, which leaves it open to reinterpretation: sacred texts does not change, but interpretation of them is always in change because the age and changing conditions in which believers live influence understanding. He offers philosophically the compatibility of Islamic rationality with freedom and democracy, laying more stress on the concept of *freedom* [53].

In an interview with *Sharh Newspaper*, Iran (December 2003), he said that when he speaks about democracy, it is “democracy as the rejection of tyranny”, or in other words, democracy as “an anti-tyranny theory”; that is “what politics we should opt for that will allow us freedom of choice” [54].

In another interview with the same newspaper in 2004, in reply to a question regarding the ‘elections process’, he answered:

[D]emocracy is not summarized in the elections and democracy has its own constituents. Democracy is not realized merely with a high voter turnout. Democracy is made up of the legislature, judiciary and the executive powers. We need an efficient, neutral and powerful judiciary in order to have clean elections [55].

For Soroush, democracy is both a “value system” and a “method of governance”. As a value-system, it respects human rights, the public's right to elect its leaders and hold them accountable and the defense of the public's notion of justice. As a method of governance, democracy includes the traditional notions of separation of powers, free elections, free and independent press and freedom of expression, freedom of political assembly, multiple political parties and restrictions upon executive power. Soroush argues that no government official should stand above criticism and that all must be accountable to the public. Accountability reduces the potential for corruption and allows the public to remove, or restrict the power of, incompetent officials. Democracy is, in effect, a method for “rationalizing” politics [52].

**Allama (Dr.) Yusuf al Qaradawi (b.1926, Egypt):** Al-Qaradawi-an eminent Islamic scholar of the present era and the “global” mufti-has spoken in favor of democracy in the Muslim world and need for reform of political climates in the Middle East specifically. Al-Qaradawi not only notes that the Muslim state is based on the best principles of democracy; but even argues that in the Muslim system, as is the case in the Western one, the nation elects its ruler and the ruler cannot be imposed on the nation [56, 57].

In his book *Priorities of the Islamic Movement in the Coming Phase* [58] Al-Qaradawi has revealed that Islam does not allow any kind of autocracy or monarchy. Arguing that Islam unlike democracy is a complete code of life, which encompasses many more vital issues of human needs, he maintains that democracy is consistent with Islam and the fundamental rights prescribed in Islam can be ensured through democracy, on the condition that it must be within the limits of Islamic law. He considers it a duty of Islamic movements to oppose all the systems against Islam. He writes:

It is the duty of the Movement in the coming phase to stand firm against totalitarian and dictatorial rule, political despotism and usurpation of people's rights. The Movement should always stand by political freedom, as represented by true, not false, democracy [58].

He stresses that as “Islam is not democracy and democracy is not Islam”; therefore, Islam should not be attributed to any “principle or system”, because it is unique in its “means, ends and methodologies”. He does wish that Western democracy be “carried over to us [*sic.* Muslim lands] with its bad ideologies and values” and in order to integrate it into the Islamic comprehensive system Muslims should add some values and ideologies [58]. But, at the same time, he sees the tools and guarantees created by democracy as being very close to the political principles of Islam, as he argues:

[T]he *tools and guaranties created by democracy* are as close as can ever be to the realization of the political principles brought to this earth by Islam to put a leash on the ambitions and whims of rulers. These principles are: *Shura* [consultation], good advice [*al-Nasihat*], enjoining what is proper and forbidding what is evil [*amr bil maruf wa nahy 'an al-munkar*], disobeying illegal orders, resisting unbelief and changing wrong by force whenever possible [58] (*Italics added*).

As reported by *The Muslim News*, al-Qaradawi (in a 2006 conference in Istanbul, Turkey) said: “The Muslim world needs democracy. It wants democracy. But it should be real democracy and not just democracy by name only”. For him, democracy has done some good things. “It [i.e., democracy] has saved humanity from despots and dictators who act like gods. The details should be left to the people. Let them decide for themselves”.

He, however, argues that democracy in the Muslim world would be different from that of Western countries, because of the reason that “in Islam there are some fixed principles that cannot be changed. But there are some things where the people can call for change, depending on the time and place” [59].

Al-Qaradawi also suggests that nothing prevents Muslims from adopting ideas or practical solutions from non-Muslims, as exemplified by the Prophet's adoption of the Persian trench techniques in battles [56, 57, 60].

Dr Qaradawi, as quoted in *ash Sharqh al-Awsat* Newspaper (5 February, 1995) boldly argues: “He who says that *democracy is disbelief; neither understands Islam, nor democracy*” [61, 62, 63] (*Italics added*).

**Fazlur Rahman Malik (1919 –1988):** Fazlur Rahman-Pakistani born professor of Islamic thought at the University of Chicago and McGill University and an expert in Islamic philosophy-has dealt with the theme of democracy in Islam in a historical context. He referred to

the case of the first caliph, Abu Bakr, who was chosen by the elders from both the *Muhajirun* and the *Ansar* and endorsed by the community and acknowledged that he had received his mandate from the people who asked him to implement the Qur'an and Sunnah [64]. In Rahman's opinion, this "clearly establishes that the Islamic State derives its sanction from the Islamic community and that, therefore, *it is completely democratic*" in nature, but as democracy can take (and throughout history has taken) various forms and, thus, can be direct or indirect, parliamentary or presidential, liberal or constitutional, depending on the prevalent social and political conditions [64] (*Italics added*).

Given Islam's underlying egalitarian ethos, Rahman [65] accepted the notion that governments must be based on "popular will through some form of representation" and does not think that "the adoption of modern democratic institutions" to be "un-Islamic". However, drawing attention to the fact that the masses of Muslims are illiterate, he pointed out that it is not easy "to implement democracy under such circumstances". Moreover, in view of the desire and need for "rapid economic development, which is a common problem in the under-developed-countries, including all the Muslim countries", what is needed, is a strong government capable of a high degree of centralized planning and control of economic development. Therefore, Rahman reaches the conclusion that from the Islamic point of view, "there can be no harm" in having 'strong men' at the helm of affairs in underdeveloped countries, "provided that, at the same time, the spirit of democracy is genuinely and gradually cultivated by the people" [65].

For Rahman *Shura*-the collective decision-making-prescribes that Muslims must decide 'their affairs by mutual consultation and discussion' (42: 38), which could only be done by the participation of the community in the affairs of the government [66]. For him, although this could be achieved "through the election of representatives", but this concept had been "distorted into consultation by the ruler of such people who he thought worthy". "This distortion", Rahman continues, "occurred at the advent of Khawarij and as a reaction to their ultra-democratic stand." Looking at the concept of *Shura*, in a historical development-from its practice in pre-Islamic Arabia-Rahman argues:

The institution of *shura*, the collective decision-making council through which the elders of a tribe arrived at decisions concerning momentous issues of peace and war in pre-Islamic Arabia, was stifled

instead of being developed in later Islamic political theory. This was despite the Quran's clear injunction: 'Their [i.e., the community's] affairs shall be decided through their collective or mutual discussion' (Q 42: 38). Indeed, *shura* came to mean that one man, the ruler, would 'consult' such persons as he thought appropriate and then execute his will. No wonder, then, that it required real heroic courage to speak out the truth before an autocratic ruler! For the *shura* and the role of the community in the decision-making process explicitly enjoined by the Qur'an vanished into thin air [66].

In his '*Major Themes of the Qur'an*', Fazlur Rahman recalls that *Shura* is instituted by the Qur'an for Muslim community to carry on their collective business (government). For him, Qur'an asks.

[Muslims] to institute *Shura* (a consultative council or assembly), where the will of the people can be expressed by representation. *Shura* was a pre-Islamic democratic institution which the Qur'an (42: 38) confirmed. The Qur'an commanded the Prophet himself (3: 159) to decide matters only after consulting the leaders of the people. But in the absence of the Prophet, the Qur'an (42:38) seems to require some kind of collective leadership and responsibility [67].

**Rachid al-Ghannoushi (b. 1941, Tunisia):** Al-Ghannoushi-the Islamic leader of Tunisian Islamic Tendency Movement now called the Renaissance Party (*al-nahda*)-is another prominent voice of political pluralism and democracy, whose thought has been conditioned and transformed by multiple influences: "Islamic traditions, the experience of the failures of Arab nationalism and socialism, life under an authoritarian government, the influences of leaders, movements and events in other Muslim countries and the experience of exile in the West" [21]. His thought reflects a masterly understanding of Western and Islamic philosophies and a genuine concern for "reconciling the basic tenets of Islam with modernity". He holds a "non-traditional" view on a number of issues [68]. His intellectual contribution and political activism have gained him prominence within the Islamic movements of 20<sup>th</sup> and 21<sup>st</sup> centuries.

He acknowledges democracy as among the positive contributions or accomplishments of the West. Like other Muslim intellectuals and leaders (who support Islam-democracy compatibility), Ghannouchi sees no

contradiction between democracy and traditional Islamic tenets such as *Ijtihad*, *Ijma*, *Bay`ah* and *Shura*, which governs the relationship between the political authority and the people. He has been in agreement with the view that the system of democracy is a direct consequence of a particular western experience. Perceiving democracy as not merely a method of government but also as a philosophy, to him, Muslims don't have any problem with democratic institution, but with the secular and nationalistic values behind democracy. Islamic democracy is distinguished from other systems by its moral content as derived from the *Shari`ah* [68].

In an attempt to find a historical link between development of Western democracy and Islam, Ghannouchi maintains that democratic notions and liberal democratic values were derived from medieval Europe, which in turn was influenced by Islamic civilizations. In an interview with *London Observer* (19 January, 1992), he argued that democracy offers the means to implement the Islamic ideal today: "Islam, which enjoins the recourse to *Shura* (consultation)... finds in democracy the appropriate instruments (elections, parliamentary system, separation of powers, etc.) to implement *Shura*" [69, 21] (*Italics added*).

*Ijma* (consensus) provides the basis for participatory government or democracy in Islam. He believes that democracy in the Muslim world as in the West can take many forms. In an interview with Esposito and Voll (5 February, 1993) he revealed that he (himself) favors a "multiparty system of government" [70, 21].

Ghannouchi categorically rejects theocracy or "the rule of mullahs", maintaining that government in Islam "embodies a civilian authority whose political behavior is answerable to public opinion" [70, 21]. Regarding the relationship of democracy to Islam, in the same interview, he maintains that.

If democracy is meant the liberal model of government prevailing in the West, a system under which the people freely choose their representatives and leaders and in which there is an alternation of power, as well as all freedoms and human rights for the public, then the Muslims will find nothing in their religion to oppose democracy and it is not in their interests to do so anyway. [21, 69, 70].

He believes that once the Islamists are given a chance to comprehend the values of western modernity such as democracy and human rights, they will search within Islam for a place for these values where they "implant them, nurse them and cherish them" [50].

He advocates an Islamic system that features majority rule, free elections, a free press, protection of minorities, equality of all secular and religious parties and full women's rights in everything. Islam's rule is to provide the system with moral values [50].

Recently, in an interview with Mahan Abedin-an academic and journalist specializing in Islamic affairs-(30 Jan 2011) [71] Ghannouchi, among other things, revealed his views regarding Islam-democracy compatibility and his preference of "Islamic democracy" over "Caliphate" as a political model for Muslims living in 21<sup>st</sup> Century. The following two Q&A's of the same interview are worthy to quote (here):

*Mahan Abedin - You are widely regarded as a reformist in the international Islamist current. In your interview with Al-Jazeera on 22 January you appeared to categorically reject the Islamic Caliphate in favour of democracy. Is this the culmination of your reformist Islamist thought?*

*Rashid Al-Ghannouchi - This is the authentic and realistic position. The notion of Khilafah (Caliphate) is not a religious one as some groups claim. It reflects a period of time.*

*Mahan Abedin - Is your embrace of democracy strategic or tactical?*

*Rashid Al-Ghannouchi - It is strategic. Democracy is crucial to dealing with and reconciling different and even conflicting interests in society. Islam has a strong democratic spirit inasmuch as it respects religious, social and political differences. Islam has never favoured a monolithic state. Throughout their history Muslims have objected to the imposition of a single all-powerful interpretation of Islam. Any attempt to impose a single interpretation has always proven inherently unstable and temporary [71].*

Furthermore, writing on the legality of participating in non-Muslim regimes, al-Ghannouchi [72, 57] points to a Muslim's duty to advance whatever Muslim goals are within his power to advance. Independence, development, compatriot solidarity, public and individual political freedoms, human rights, political pluralism, independence of the judicial system, freedom of the press, freedom for mosques and for *da'wah* activities-a prospect of promoting these obliges Muslims to participate in the establishment of a secular democratic regime, in case the establishment of a Muslim one is not possible. In "Participation in Non-Islamic Government", Ghannouchi argues for democratic power sharing as a non-violent means to effect a transition to Islamic rule. For example,

the following statements from the same essay prove this: Power-sharing in a Muslim or a non-Muslim environment becomes a necessity in order to lay the foundations of the social order. This power-sharing may not be based on Islamic *sharia* law. ... [But] on ... *shura*, ... as to prevent the evils of +dictatorship, foreign domination, or local anarchy [73].

**Dr. Khaled Abou El Fadl (b.1963, Kuwait):** Abou El Fadl-a professor of law at the UCLA School of Law (USA) where he teaches Islamic law, immigration, human rights, international and national security law and is a prolific author and prominent public intellectual on Islamic law and Islam-is another prominent proponent of “Islam’s basically democratic and pluralistic ethos as well as Islam’s protection of basic human rights” [74].

In his *Islam and the Challenge of Democracy* (2004), [75] Abou El Fadl examines the foundational texts of Islam and argues that Islam is not only compatible with democracy but that Islamic values can best expressed today in constitutional democracies that protect individual rights-that is, liberal democracies.

In his analysis, Islamic tradition is not only pluralistic but incorporates a number of concepts comparable to those of modern democracies as well; and one of them is need for consultation in government (*Shura*) -a concept based on Quran and Sunnah; and second is the concept of *ba'yah* (pledge of allegiance).

Abou El Fadl offers a further argument in support of democratic forms of government: that the Qur'an has charged human beings collectively to implement its principles. He acknowledges that some Muslims reject the idea of democracy on the basis of the belief that God is the sole legislator. But he argues that it is “a fatal fiction”, which is totally “indefensible from the point of view of Islamic theology”, because such arguments pretend that some human agents have “perfect access to God’s will” [75].

As justice and mercy are among the Qura'nic principles, in his view, Muslims collective responsibility is to establish governmental structures that promote these concepts/values. In other words, to the extent that a social order (government) is successful in establishing justice and mercy, it reflects divine sovereignty. Thus the determining characteristics of a government reflecting divine guidance or sovereignty is not its legislative structure; rather, “principles of mercy and justice are the primary divine charge and God’s sovereignty lies in the fact that God is the authority that delegated to human beings the charge to achieve justice on earth by fulfilling the virtues that approximate divinity” [75].

For Abou El Fadl, in today’s world a just and merciful government is one that protects the basic human rights and protecting them must be “re-analyzed in the light of current diversity of human existence”. In particular, he calls for the rights of free speech, association and suffrage. In other words, his central argument is that democracy offers the “greatest potential for promoting justice and protecting human dignity, without making God responsible for human injustice or the degradation of human beings by one another” [75]. By recognizing the human responsibility for articulating, executing and adjudicating that government, divine sovereignty remains intact.

He, finally, reaches the conclusion that democracy is an appropriate system for Islam because it both expresses the special worth of human beings-the status of vicegerency-and at the same time deprives the state of any pretense of divinity by locating ultimate authority in the hands of the people rather than the Ulema. Thus, for Abou El Fadl, the issue of human rights is closely related to arguments in favor of pluralism and democracy.

Thus, in considering the compatibility of Islam and democracy, notes Dr Muqtedar Khan, one must recognize that it is “false to claim that there is no democracy” in the Muslim world. At least 750 million Muslims live in democratic societies of one kind or another, including Indonesia, Bangladesh, India, Europe, North America, Israel and even Iran [76]. Moreover, there is little historical precedent for mullahs controlling political power. Thus the explanation of why so many Muslim countries are not democratic lies in historical, political, cultural and economic factors, not religious ones and in the words of Asghar Ali Engineer, “the absence of democracy in Muslim Countries is not on account of Islamic teachings or incompatibility of Islam with democracy but due to host of factors, historical, political and cultural” [77].

But, from a global perspective, writes Esposito and Voll [3] it is evident that the “efforts of Muslims to develop an authentic and viable democracy” have great significance. The efforts to utilize longstanding “traditions and conceptualizations of consultation and consensus” reflect concern to create more effective forms of participatory democracy. Moreover, the development of “democratic institutions and practices across significant cultural boundaries” over the millennia, in the opinion of Esposito and Voll, it seems at least possible that the “forces of globalization” will not eliminate wars but will make it possible for different “experiences of democratization” to assist and influence each other [3].

Professor Khurshid Ahmad's argument/statement-added as a footnote to Mawdudi's discussion on "Political Theory of Islam"-makes it clear that Islam is compatible with democracy but when it is defined as "form of organization", not as a "philosophy". He emphasizes that it must be clearly understood that

Democracy as a 'philosophy' and democracy as a 'form of organization' are not the same thing. In the form of organization, Islam has its own system of democracy ["Islamic democracy" or "theo-democracy" as propounded by Mawdudi].... But as a philosophy, the two, i.e. Islam and Western democracy, are basically different, rather opposed to each other" [22].

Mawlana Mawdudi-one of the most influential thinkers of South Asia-held that Islam constitutes its own form of democracy, for which he coined the term "theo-democracy" (i.e., divine democratic government), laying emphasis on the concept of *Khilafah*, but he concentrated on the relationship between divine and popular sovereignty. Arguing that democracy as commonly understood is based exclusively on the sovereignty of people, Mawdudi [26] concluded, from the view-point of political philosophy, that Islamic state is "the very antithesis of secular Western democracy". For him, the main differences between Islamic and Western democracy are on the basis of concept of Sovereignty, law and on the basis of absolute authority-ness:

Of course, what distinguishes *Islamic democracy* from *Western democracy* is that while the latter is based on the concept of *Popular Sovereignty* the former rests on the principle of *Popular Khilafah*. In *Western democracy*, the people are sovereign, in Islam *Sovereignty vests in God* and the people are His Caliphs or representatives. In the latter [Western] the people *make* their own laws (*Shari'ah*) in the former [Islamic] they have to *follow and obey the laws* (*Shari'ah*) given by God through His Prophet. In the [Western] one the government undertakes to fulfill the will of people; in the other [i.e., Islamic] the government and the people who form it have one and all to fulfill the purpose of God. In brief, *Western democracy* is a kind of *absolute authority* which exercises its powers in a free and uncontrolled manner where as the *Islamic democracy* is subservient to the Divine Law and exercises its authority in conformity with the injunctions of God and within the limits prescribed by Him [26].

In the support of these arguments of Mawlana Mawdudi, Khurshid Ahmad- who sees the co-ordinal difference between the two on the basis of concept of sovereignty-writes:

The Islamic State is different from a secular democracy as it is diametrically opposed to the concept of Sovereignty of the people. Allah the Supreme Law-Giver and the Shari'a[h] is the law of the land. Within the framework of the Shari'a[h], new problems are faced and their solutions worked out [by way of *Ijma* and *Ijtihad*]. This represents the co-ordinal difference [16].

The Islamic Political order is based on the concept of *Tawhid* and seeks its flowering in the form of popular vicegerency (*Khilafah*) operating through a 'mechanism of *Shura*, supported by the principles of equality of people, 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 one umbrella of Divine Guidance participate in developing a civil society and its institutions, including all the organs of state [16].

It is evident, now, that all aspects of human life including governmental/governance system require first the submission of the people and those who govern them to the ultimate Sovereignty of the law outlined in the Qur'an and Sunnah. Also, the role of *Shura* (consultation) is central to Islamic governance or system of government in all of this there are features of Islamic governance which resemble Western forms of democracy and other features which give the system its Islamic Identity [5].

Allama Iqbal also makes a distinction between Islamic democracy and the democracy of the West on this basis of sovereignty. Iqbal, as quoted by A. Aleem Helal also supports, to some extent Mawdudi's distinction between Islamic and Western democracy, when he says that what distinguishes the

Islamic democracy from the democracy of the West is that in an Islamic democracy, sovereignty is vested in a democratic Caliph or President, while in the Western democracy sovereignty is vested in the Parliament. Thus while Islam recommends a democratic Caliphate or a Presidential form of government, the political thinkers of West have recommended a parliamentary form of government [78].



**A Comparative/Critical Analysis:** The foregoing assessment of the Islam-democracy debate along with an assessment of some key operational concepts of “Islamic democracy” reveals that the Muslim thinkers are engaged in a pursuit to develop an Islamic form of democracy. They have attempted in the recent past and are attempting (in present as well) to develop it by taking help of some Islamic concepts, institutions, values, norms and ideals that emphasize the equality of people, the accountability of leaders to community and the respect of diversity and other faiths. These are ideals fully compatible with modern conceptions of democracy. They agree that the principle of *Shura*-mutual consultation or consultative decision-making process based on two Qura’nic verses (3: 159 and 42: 38)-is not only the source of democratic ethics in Islam, but also that these verses express clearly the view that an Islamic government cannot help but be consultative, democratic and divinely inspired. Precisely, what they argue, at least theoretically, is that Islam and democracy are indeed compatible (on many grounds).

Theoretically, there is no doubt in this argument, but here arises an important question: If the envisioned “Islamic democracy”-mainly based on the concept of *Shura*-is established as an alternative to any model of Western democracy-say liberal, representative, parliamentary, etc.-in an Islamic country, what will be the structure and practice of this system? The problem is that there is lack and insufficiency of literature on the practical framework/implementation. Scholars have, no doubt, been earnestly engaged in discussing the Islam-democracy compatibility on the theoretical grounds, but at the same time, they have paid either less attention or no consideration at all to the practical aspect of this compatibility or alternative system of government. In other words, while coming to the practical aspect, one finds neither any guidance nor any direction. There seems to be a “missing link” in turning “political theory” into a “political programme”, or rather in turning conceptualizations of the ideal government into details. What is needed at this stage of this debate is a “connecting link” that will turn this political theory of “Islamic democracy” into a “political programme”-into an “Islamic model of democracy”. Otherwise, there will be no other choice but to emulate and imitate, or to adopt any Western model-liberal democracy, representative model, parliamentary model, etc.

There are also crucial questions that are obscured or are not addressed at all. One such issue is the structure of the *Shura* body. Should it be comprised of experts or of

anyone elected through universal suffrage? And once it exists, what should be the mechanism of its operation? These questions need to be answered by these and other scholars, policy makers/political analysts and activists, who have spent much time in debating Islam-democracy discourse in theory. It is now time to offer practical framework of this theory: how an “Islamic democracy” will work in a Muslim country? This is still a challenge for Islamic political theory as well as responsibility of Muslim political theorists in the 21<sup>st</sup> century.

It may also be argued that the obstacles 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 pave the way to political change in order to remove ideational barriers first. Thus, if an authentic Islamic democracy has to emerge, then it must first become an aspiration in Muslim minds and must dominate their discourse; and once the idea exists, the form can follow.

## CONCLUSION

Taking the above discussion into consideration, that there is no reason at all why, in the modern age, one should object to the adoption of certain democratic procedures, as the Islamic tradition in fact contains certain key concepts like *Shura*, *Khilafah*, *Ijma* and *Ijtihad* that can be used to conceptualize an authentically Islamic program of democracy. More the same, several democratic values and principles like freedom, justice, equality and human dignity are not only in harmony with the Islamic teachings, but are embedded in the primary sources of Islam and its law.

In fact, the term ‘democracy’ is liable to multiple interpretations and applications, a fact that leads to the recognition that there can be alternative uses of this term. Taking advantage of this liberty, majority of these scholars see no problem in accepting the term democracy when conceived in a particular Islamic perspective. There is no surprise, then, that throughout the Muslim world, from North Africa and Middle East to South and Southeast Asia, various scholars and public intellectuals are actively engaged in defining ‘Islamic democracy’ with the help of above mentioned traditional concepts of Islamic polity. Especially the principle of *Shura* (mutual consultation) is the chief source of democratic ethics in Islam and it may be regarded as an alternative for describing democracy in Islamic context.

The views, definitions, statements and arguments presented by these scholars establish that there is complete harmony and consistency between Islam and the supposedly true democracy. The advocacy of democracy by these Muslim intellectuals may not be seen as an imitative adoption of modernity, rather it appears to be a creative envisioning of the Islam principles of freedom, equality, justice and human dignity in the modern situation. For, these scholar maintain that the notion of democratic participation is inherent in Islamic tradition, which is ordained by the holy Qur'an and practiced by the holy Prophet (pbuh) himself and the righteous Caliphs (*Khulfa-i-Rashidun*). Our study also reveals that the nature of Islamic concepts (especially *Shura*) and their relation to democracy requires a great deal of further reflection. Moreover, there is much in Islamic sources and 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, pressure-free and wide-spread discussions and debates within Muslim communities on the need for and nature of good self-governance. Last, but not the least, Islam is not a barrier and obstacle to but a facilitator and supporter of democracy, justice and tolerance in the Muslim world; and these issues need to be reflected more seriously and, therefore, more and more Muslims must include in the process, in order to make this theoretical reflection itself a "*Shuratic* process". But, at the same time, it must not be forgotten that there is more in Islam than *Shura*-as the above discussion reveals as well-when it comes to reflecting over the nature of good governance and best polities.

Furthermore, Islam and democracy are compatible for the reason that there are various institutions and mechanisms, models and forms of government/arrangements possible in Islam. In the words of AbuBakr Karolia of South Africa [79] there are many forms of democracy and each country can determine their own political destiny and embrace the various characteristic that will be suited to them. Muslims have a rich history and tradition that will lend itself to look ahead and make mature choices for political activity. Thus, Muslims today can "embrace [those] forms of democracy [that are more compatible with Islam] and tomorrow they could very well develop ideas for post democracy" that is "a social just and egalitarian society that is governed by moral and righteous people that work towards peace with justice." Being rich in tradition, Muslims should develop a political framework, "re-organized and re-constructed and that includes the idea of democracy" as well [79].

Finally, I would like to end this essay by these words of Professor Khurshid Ahmad [16]-whose view-point is almost similar as of Karolia (as mentioned above) [79]-when he writes: As Islam's guidance is absolute, universal and eternal, it has been left to the *Ummah* to develop different forms, institutions and mechanisms of governance/political setup suitable to different socio-historic conditions. A variety of governmental forms and arrangements are possible within this dynamic framework of Islam. Some of these systems/models have been experienced in the past. New experiments and arrangements can be made today and tomorrow by implementing them in a particular Muslim society/country. This is the beauty and potential of Islam and its law, intellectual and cultural legacy. This has been the distinctive feature of the Muslim historical experience spread over more than fourteen centuries.

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