

# Can There be an 'Islamic Democracy'?

Written by Camille Mulcaire

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CAMILLE MULCAIRE, SEP 25 2014

The relationship between Islam and democracy is an issue that has been “hotly debated...and discussed by a diversity of voices” (Parry, 2014: 1). A number of contemporary Muslim thinkers have notably “wrestled with and tried to formulate an Islamic response to democracy” (Goddard, 2002: 4) and some have even performed “intellectual somersaults to demonstrate the compatibility of Islam and democracy” (Bukay, 2007: 76). In light of these efforts, this essay will seek to explore whether there can in fact be an ‘Islamic democracy’. In order to do so, this essay will firstly examine the various conceptual and definitional complications associated with the use of the term ‘Islamic democracy’. This essay will then proceed to broadly define democracy, both according to its philosophical foundations and its key procedural mechanisms. Next, this essay will outline some of the vital concepts that Muslim intellectuals have drawn upon in attempting to piece together a blueprint for what they interpret to be an ‘Islamic democracy’. This will entail a particular focus on the concepts of *shura* (consultation), *ijma* (consensus), *bay’a* (pledge of allegiance) and *ijtihad* (independent reasoning or judgement), whilst also examining the extent to which these principles correspond to certain facets of the definition of democracy employed in this essay. Following this, this essay will investigate the relative success with which theorists have made the transition from merely highlighting the above mentioned concepts to actually creating coherent theories of ‘Islamic democracy’. Next, this essay will factor in the viewpoints of those who deem democracy to be anything but ‘Islamic’, with specific reference to the thought of Sayyid Qutb, Hizb ut-Tahrir and Sayyid Abu’l-A’la al-Mawdudi. Finally, this essay will conclude by asserting that whether there can be an ‘Islamic democracy’—and if so, what one might look like in practice—is fundamentally a matter of interpretation, wholly dependent upon what one considers to be ‘Islamic’ as well as ‘democratic’.

Before going on to explore whether there can be an ‘Islamic democracy’, it is essential to outline the numerous conceptual and definitional issues posed by the usage of the term ‘Islamic democracy’. To begin with, the adjective ‘Islamic’ in itself is highly problematic. It “implies that whatever is so described carries the kind of divine sanction that renders it immutable and definitive” (Turner, 2011: 68), whilst also suggesting that “there exists a [single] body of thought or discursive practice which can be identified as ‘authentic’ or ‘real’ Islam” (Mandaville, 2001: 55). In reality, “there are only ‘Muslims’, practitioners of Islam” (Goddard, 2002: 4) whose interpretations vary to the extent that “there are [probably] as many ‘Islams’ as there are Muslims” (Shepard, 2009: 4). Accordingly, there is no single, orthodox ‘Islamic attitude’ towards democracy (Halliday, 1996: 116), despite the misleading phrase ‘an Islamic democracy’ suggesting otherwise. Indeed, as this essay will later demonstrate, opinion amongst Muslim thinkers ranges from the outright rejection of democracy to the conviction that democracy is essential for Islam. It is therefore crucial to establish from the outset that any answer to the question of whether there can be an ‘Islamic democracy’—and if so, what such a system might look like in practice—ultimately depends on how Islam itself is interpreted (Abed, 1995: 116; Reckinger, 2007: 21). On this basis, it could perhaps be more accurate to talk of ‘Muslim *democracies*’ or ‘Muslim *approaches* to democracy’.

To complicate matters further, there is also “no such thing as ‘democracy’; only theorists and practitioners of democracy” (Goddard, 2002: 4). Beyond the vague notion of ‘rule by the people’, democracy means different things to different theorists and remains open to multiple interpretations and applications as an “essentially contested concept” (Gallie, 1964: 158). As such, no universally accepted definition or model of democracy currently exists. Even within the secular Western tradition, disagreement endures over what exactly constitutes a ‘democracy’ and a variety of competing models still exist (Esposito and Voll, 1996: 17; Parry, 2012a: 68). Given this diversity, it should

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come as no surprise that, whilst an 'Islamic' model of democracy might have some elements in common with certain Western models of democracy, it is also highly likely to be quite different in key respects (Jan, 2007: 321). As Murad Hofmann (2007: 302) puts it, "an 'Islamic democracy' would not be a copy of the Westminster one". Hence, when analysing Muslim approaches to democracy it is essential to employ the broadest conceptualisation possible of 'democracy', simply to avoid erroneously discrediting alternative models on the basis of Western-centrism.

In order to do so, this essay will refer to democracy according to both of its major dimensions; namely, its philosophical foundations on the one hand and its procedural mechanisms on the other (Ahmad, 2000: 2). Regarding the first dimension, it is widely agreed that the philosophical roots of democracy lie firmly in the principle of 'popular sovereignty' (Ahmad, 2000: 2; Kauser, 2003: 319; Parray, 2012b: 62; Reckinger, 2007: 12). Simply put, "political power is vested in, and consequently derived from, the people" (Green, 2008: 78), whose popular will is the ultimate source of political authority. As a corollary of this, the legitimacy of political authority in a democracy is based exclusively upon the popular consent of the governed, all of whom are considered political equals (Ahmad, 2000: 2). Alternatively, democracy can also be understood according to its procedural mechanisms, i.e. focusing on how democracy as a form of government is organised and the processes by which the core principle of popular sovereignty is upheld. Again, there is no universally accepted procedural definition of democracy, although narrow, over-simplistic assertions that modern democracy merely entails "free competition for a free vote" (Schumpeter, 1947: 271) are less useful in the context of this essay. Alternatively, Robert Dahl (1989: 222) offers a more comprehensive procedural definition of modern (representative) democracy, which entails "elected officials...free and fair elections...inclusive suffrage...[the] right to run for office...freedom of expression...alternative [sources of] information...[and] associational autonomy".

Having outlined the defining characteristics of modern democracy, it is now possible to evaluate the attempts that Muslim intellectuals have made to demonstrate certain parallels between the above outlined democratic ideals and mechanisms, and what they interpret to be well-established principles and institutions within Islam. Crucially, these attempts to demonstrate that Islam enshrines democratic values and procedures can be seen to provide the foundations for a so called 'Islamic democracy'. On this basis, Muslim thinkers have, for example, pointed towards the well-established Qur'anic concept of *shura* as a "key operational element in the relationship between Islam and democracy" (Esposito and Voll, 1996: 28). Indeed, Sadek Sulaiman (1998: 98) asserts that "*shura* and democracy are...one and the same concept", whilst Tawfiq al-Shawi (1993: 80-81) even goes as far as claiming that democracy is in fact a European version of Islam's *shura*. Translating roughly as 'consultation', *shura* refers to "deliberations conducted with the aim of collecting and discussing different opinions on a particular subject in order to reach a decision" (Parray, 2012a: 72). The concept itself is rooted firmly in verses 42: 38 and 3: 159 of the Qur'an. According to Khaled Abou El Fadl (2004: 160), these specific verses not only "instruct the Prophet to consult regularly with Muslims on all significant matters" but also "indicate that a society that conducts its affairs through some form of deliberative process is considered praiseworthy in the eyes of God". Moreover, Mehdi Bazargan (1998: 79) points towards the practice of the Prophet and Ali (the fourth and final Rightly Guided Caliph) who he says "consulted their disciples and followers and implemented the majority's opinion when making decisions." Stemming from this, certain scholars have asserted that the principle of *Shura* commits "to the rule of the people" through "collective deliberation" (Sulaiman, 1998: 98) and "people's participation in their own affairs" (Bazargan, 1998: 79). These assertions clearly place an emphasis on the democratic notion of popular sovereignty. *Shura* has also, however, been portrayed as supporting, and in some cases necessitating, certain procedural mechanisms associated with democratic governance. Sadek Sulaiman (1998: 98) and Fathi Osman (2007: 291), for example, understand the principle of *shura* as not only promoting governmental accountability to the public but also rejecting outright any government lacking the legitimacy of free and fair elections. Hofmann (2007: 298) builds on this, stating that *shura* provides the Qur'anic foundation for a representative "Islamic parliament", whose consultative recommendations would be considered binding upon government. It is, however, crucial to bear in mind the fact that Sunni jurists have historically disagreed as to whether the determinations of *shura* are compulsory or merely advisory (El Fadl, 2004: 17). Moreover, Muslim interpretations of *shura* have placed varying emphases on the extent to which 'the people' are able to exercise the duty of consultation (Esposito and Piscatori, 1991: 434). In many cases, a more restricted advisory council has sufficed where the notion of *shura* is concerned (Bukay, 2007: 73; Esposito and Piscatori, 1991: 434). This is not, however, to say that *shura* cannot encompass wider public participation and deliberation, as the above outlined interpretations of Osman, Sulaiman and Bazargan plainly demonstrate.

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In seeking to formulate a blueprint for what they interpret to be an 'Islamic democracy', theorists have also notably drawn upon the concept of *ijma* (consensus). The foundation for the validity of *ijma* is a frequently cited tradition in which the Prophet states that "my community will not agree upon an error" (Najjar, 1958: 178). According to this principle, if the Muslim community agrees on a particular point of law, this becomes legally binding on all Muslims (Goddard, 2002: 7). The modernist intellectual Abbas Mahmud al-Aqqad (1952) notably deemed this to be the perfect justification for an elective democracy in which the whole community (rather than merely the scholarly elite) decides, by consensus, who is to be its ruler (Goddard, 2002: 7).

Another crucial concept for the articulation of an 'Islamic democracy' would be the *bay'a* or 'pledge of allegiance': the traditional practice whereby each new Caliph would need to secure the allegiance of his subjects via oath (Goddard, 2002: 7). For al-Aqqad (1952), this too was a precedent for particular democratic procedural mechanisms, "since the idea of some kind of contract between ruler and ruled could underpin and validate the electoral process" (Goddard, 2002: 7). Fathi Osman (2007: 289) echoes this position, asserting more specifically that "in a contemporary democratic procedure, the voting of the electorate and the oath made by the elected head of state take the place of the original *bay'a*" (Osman, 2007: 289). Despite this, it is vital to note that the *bay'a* originally served to recognise the pre-established authority of a ruler, who may not necessarily have been elected by the whole community (Parry, 2012a: 75). Nevertheless, Al-Aqqad maintained that, even if the *bay'a* did require some reinterpretation and reformulation, it was still a traditional concept within Islam which could provide the basis for what he deemed to be an 'Islamic democracy' (Goddard, 2002: 7).

Again concerning the procedural mechanisms of democracy, the importance of *ijtihad* (independent reasoning or judgement) has also been portrayed as necessitating the existence of a representative assembly (Zafar, 1998). The notion of *ijtihad* refers to "informed and disciplined rational effort to find out solutions to new questions of law in the light of the general principles of the *shari'a*" (Ahmad, 2000: 11). Disputing the assumed 'closure of the gate of *ijtihad*', S.M. Zafar (1998: 70) contends that "if the purpose of *ijtihad* is the application of wisdom and learning, then to say that *ijtihad* is no more, is a negation of Islam". On this basis, he emphasises the necessity of a representative parliament in which the *ulama* sit down with other elected representatives of the public and debate legal issues as a vital means of "collective *ijtihad*" (Zafar, 1998: 71-72). Further bolstering his argument for an elected, representative 'Islamic parliament', Zafar (1998: 71) stresses the importance of democratic accountability, which according to him is "Islam's true foundation, by means of which Islam establishes a just and equitable society".

The concepts of *shura*, *ijma*, *bay'a* and *ijtihad* can certainly be seen as the theoretical pieces of a blueprint for an 'Islamic democracy'. However, critics have frequently highlighted the major issue of making "the transition from listing 'democratic doctrines of Islam' to creating coherent theories and structures of Islamic democracy" (Esposito and Voll, 1996: 31; Parry, 2012a: 82; Salam, 2005: 101). What might an 'Islamic democracy', founded upon the above examined concepts, actually look like? Murad Hofmann (2007: 298), who draws heavily upon the concepts of *shura*, *bay'a* and *ijma*, arguably goes some way towards filling this void with his "ten cornerstones...of an Islamic democracy". According to him, an 'Islamic democracy' would function with: the Qur'an as the supreme constitutional norm; legislation measured against the yardstick of an Islamic constitution; an Islamic parliament; free and fair elections; consultation amongst representatives that is binding upon government; room for man-made laws dealing with new issues on which the *shari'a* remains silent; a separation of powers between executive, legislature and judiciary; an elected head of state; an elected chief executive; and finally, some room for manoeuvre regarding the procedure by which the head of state is elected (Hofmann, 2007: 298-302).

Nevertheless, Hofmann is clearly not the only theorist to have propounded what he deems to be an authentic 'Islamic model of democracy'. The Iranian Shi'a thinker, Abdolkarim Soroush similarly argues that "Islam and democracy are not only compatible, their association is inevitable. In a Muslim society, one without the other is not perfect" (Soroush, 1994 as cited in Wright, 1996: 68). In doing so, Soroush (2007: 311) proposes the idea of a 'religious democratic government', which he suggests is based on the convergence of reason and revelation. Soroush does, however, differ considerably from Hofmann in making "no attempt to place the entire weight of the conceptual edifice of democracy upon the frail shoulders of such intrareligious precepts as *shura*,...*ijma* and...*bay'a*" (2007: 321). Instead, Soroush's notion of 'religious democratic government' rests principally upon upholding what he describes as "extrareligious issues", such as human rights, justice, the restriction of power, equality and pluralism (2007:

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312-313). Bassam Tibi (1998) provides yet another alternative approach founded upon classical Muslim rationalism, albeit in somewhat vaguer terms than Hofmann and Soroush. Seeing democracy as nothing less than an absolute necessity for Islam, Tibi asserts that attaining “democracy in Islam” requires a “reason-based...rethinking of Islamic doctrines” (Tibi, 1998: 190). Tibi (1998: 186) does indeed concur with Hofmann that an ‘Islamic democracy’ would not be identical to a Western democracy, but crucially differs on the issue of relying principally upon existing scripture-based, democratic concepts within Islam. Instead, Tibi advocates the establishment of a “secular democracy within the ambit of Islamic civilisation” (Tibi, 2008: 43). This would require “an enlightened interpretation of Islam” (Tibi, 1998: 190) alongside “certain necessary religious reforms” (2008: 43), including a shift towards interpreting Islam as a faith, a cultural system and an ethical framework as opposed to the political ideology which so called ‘Islamists’ understand it to be (2008: 42).

The differing interpretations of Hofmann, Soroush and Tibi represent only three of the numerous ways in which Muslim democrats have sought to approach the idea of an ‘Islamic democracy’ and it is understandably beyond the scope of this essay to account for every one of these unique approaches. What is, however, important to note from the preceding discussion is that those who advocate the compatibility of Islam and democracy do so according to varying understandings of 1) what exactly constitutes an ‘Islamic democracy’ and 2) the principles upon which one would be based. As such, it remains extremely difficult to talk of one single authentic ‘Islamic democracy’. The perennial problem of interpretation means that there can, as noted earlier in this essay, only really ever be ‘Muslim democracies’.

To add to this diversity of opinion on the notion of an ‘Islamic democracy’, there are also those who deem democracy to be anything but ‘Islamic’. One of the most prominent proponents of this viewpoint was the Egyptian neo-revivalist thinker Sayyid Qutb, whose rejection of democracy (especially in its Western secular form) stemmed principally from the fact that “it transfers to man one of the greatest attributes of God, namely sovereignty” (Qutb, 1978: 15). In this sense, Qutb’s hostility towards democracy was directed primarily towards its philosophical foundation of popular sovereignty. According to him, the notion of the sovereignty of the people “diametrically opposes the philosophy of Islam, which is based on the concept of *hakimiyyat Allah* (the sovereignty of God)” (Goddard, 2002: 4). Hence, democracy was a form of *jahiliyya* (ignorance or ‘un-Islamic’ behaviour) since it constituted nothing less than a usurpation of God’s absolute sovereignty over every facet of human society (Esposito and Piscatori, 1991: 435; Salam, 2005: 94). Instead, Qutb insisted that human society needs to be governed solely by God through the full implementation of the *shari’a*, along what have often been referred to as ‘theocratic’, rather than democratic, lines (Goddard, 2002: 4). With that said, it must be noted that the phrase *hakimiyyat Allah* does not appear in the Qur’an, nor in the *hadith* (Goddard, 2002: 5; Tibi, 1998: 29). It is in fact “a modern phrase which is essentially a reaction to secularism as an ideology” and it is that which Qutb is essentially rejecting (Goddard, 2002: 5). Qutb’s critics have also argued that the sovereignty of God and that of ‘the people’ in a democracy do not have to be inherently contradictory. As El Fadl (2004: 9) posits, “perhaps God, as sovereign, does not seek to regulate all human affairs, and instead leaves human beings considerable latitude in regulating their own affairs as long as they observe certain minimal standards of moral conduct”. Even so, Qutb’s outright rejection of democracy as ‘un-Islamic’ further illustrates the important fact that any answer to the question of whether there can be an ‘Islamic democracy’ or not is fundamentally dependent on what one considers to be ‘Islamic’.

More recently, and on a similar basis to Qutb, the international, pan-Islamic political organisation Hizb ut-Tahrir have also repudiated democracy as part of their ultimate aim of restoring the Caliphate. According to Hizb ut-Tahrir, democracy must be rejected because it is:

the rule of people, for the people, by the people. The basis of the democratic system is that people possess the right of sovereignty, choice and implementation...it is a *kufr* [disbelief] system because it is laid down by man and it is not from the *shari’a* Laws...Muslims are ordered to perform their actions by the laws of Islam. A Muslim is Allah’s slave. He acts only according to Allah’s injunctions (Hizb ut-Tahrir, n.d.: 24-25).

What is, nevertheless, interesting to observe is that Hizb ut-Tahrir have expressed support for certain procedural mechanisms associated with democracy, despite their outright repudiation of Western secular democracy’s philosophical foundation of popular sovereignty. In their 2010 pamphlet *Democracy in Crisis*, for example, Hizb ut-

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Tahrir (2010: 8) unequivocally affirm that “leaders in any society should be elected and be held accountable for all their actions”. Thus, in what Hizb ut-Tahrir claim is an authentic ‘Islamic state’, the Caliph would be elected (albeit indirectly through an advisory council) whilst also remaining “directly accountable for all his actions to the people” (Hizb ut-Tahrir, 2010: 23). Notwithstanding these seemingly democratic procedural mechanisms, it would be erroneous to ignore the fact that Hizb ut-Tahrir call primarily for the restoration of the medieval Caliphate under the *shari’a*, not an ‘Islamic democracy’.

A more ambiguous position on the idea of democratic governance is, however, present within the thought of the neo-revivalist intellectual and founder of the *Jama’at-i Islami*, Sayyid Abu’l-A’la al-Mawdudi. Crucially, Mawdudi’s apparent ambiguity provides yet another alternative prism through which to approach the idea of an ‘Islamic democracy’. Like Qutb and Hizb ut-Tahrir, Mawdudi (n.d.: 41-42) initially claims that “there can be no reconciliation between Islam and democracy” simply because “the philosophical foundation of Western democracy is the sovereignty of the people” (1960: 182). “The political philosophers have tried to place the cap of sovereignty on man, a being for whom it was never intended and whom it can never fit” (Mawdudi, 1960: 166). Conversely, “Islam...rears its polity on the foundations of the sovereignty of God and the vicegerency of man” (Mawdudi, 1960: 139) which necessarily means that “no person, clan, class or group, not even the entire population of the state as a whole can lay claim to sovereignty” (Mawdudi, 1939: 29).

Despite this apparent hostility towards what he calls “satanic democracy” (Mawdudi, 1939: 59), Mawdudi does not dismiss the notion of democratic governance out of hand. Rather, he reinterprets the concept in a particular way, so that it does not “necessarily correspond precisely to democracy as understood in Western political philosophy” (Goddard, 2002: 6). This interpretation takes its form in Mawdudi’s (1939: 32) notion of a “theo-democracy”, which elsewhere he does indeed refer to as an “Islamic democracy” (1955: 40). In such a system of “divine democratic government”, all Muslims would enjoy the right of “popular vicegerency”: “limited popular sovereignty under the suzerainty of God” (Mawdudi, 1939: 32, 49). On this basis, “the entire Muslim population would run the state” in accordance with the dictates of the *shari’a*, whilst the executive would also be “constituted by the general will of the Muslims who have also the right to depose it” (Mawdudi, 1939: 32). In addition, Mawdudi invokes the concept of *shura* in asserting that a ruler would be obliged to take counsel from an advisory council. The council must be “trusted by the common Muslims” (1939: 57) and would function to prevent political rulers from acting arbitrarily (Goddard, 2002: 6). Significantly, he also adds that “there is nothing in the Islamic Law to prevent this council’s being elected by Muslim votes” (Mawdudi, 1939: 57), although it does remain unclear whether Mawdudi’s actual preference lay with election or selection in this respect. Even so, his above outlined commitment to consultation, accountability and representation, combined with an apparent openness to the idea of elections, importantly opens up the possibility for yet another alternative ‘Islamic model of democracy’. Whilst a Mawdudian system would operate on the basis of popular vicegerency within the framework of God’s sovereignty, the particular democratic procedural mechanisms that Mawdudi states would still be in place render his model “a special kind of Islamic democracy” (Goddard, 2002: 6). Again, though, labelling Mawdudi’s contribution as authentically ‘Islamic’ is inherently problematic for the specific reasons outlined at the beginning of this essay. As such, Mawdudian democracy can ultimately only be added to the extensive list of diverse Muslim approaches to democracy.

In conclusion, it is highly misleading to talk of ‘an Islamic democracy’. To do so would be to “accept precisely the false premise that there is one true, established ‘Islamic’ answer to the question [of democracy], and that this timeless ‘Islam’ rules social and political practice” (Halliday, 1996: 116). As this essay has demonstrated, there is no such ‘Islamic’ answer and no such ‘Islam’ in a monolithic sense. The perennial problem of interpretation means that Muslim scholars have differed over the exact nature of an ‘Islamic democracy’ and, even more fundamentally, whether Islam is ultimately compatible with democracy. Indeed, if we define ‘Islam’ in Qutbian terms there can be no ‘Islamic democracy’, only God’s rule. Nevertheless, certain Muslim scholars have sought to fuse their interpretations of Islam with what they perceive to be systems of democratic governance, giving rise to what could be described as varying ‘Muslim democracies’. In attempting to formulate these models, theorists have notably drawn upon the concepts of *shura*, *ijma*, *bay’a* and *itjihad*. Whilst this has involved a certain degree of reinterpretation and reformulation, these concepts have nevertheless proven to be vital tools in enabling theorists to establish models of democracy within what they interpret to be an ‘Islamic’ framework. The respective models of Hofmann, Soroush, Tibi and even Mawdudi represent just four of the various, yet consistently differing, ways in which these ‘Muslim

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democracies' have been theoretically formulated. Whilst not exactly identical to democracy in its Western secular form, these models can nevertheless still be portrayed as 'democratic', especially in light of the fact that 'democracy' itself remains a contested term.

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