

## The Middle East & North Africa (MENA) and the Balkans: Challenges of Transformation

Sofia, 13<sup>th</sup> – 15<sup>th</sup> December 2012

# Is Islam Compatible with Democracy?

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Events in the Arab world in 2011 put the relationship between Islam and democracy at the heart of global politics. In January of that year, an act of individual protest in Tunisia triggered the events that raised the expectations of the democratic world that hopefully named them the "Arab Spring". Until then, Arab countries had authoritarian political systems which they are now trying to transform into democratic rule. The rise of Islamist parties as a result of democratic elections opens the question of the compatibility of Islam with democracy. It is important to emphasise from the very beginning that Islam understood as religion and culture should be differentiated from political Islam which turns religion into an instrument for achieving political goals.

Let me start with a brief definition of the concept of democracy. An enormous amount of literature has been devoted to this topic. I believe, however, that the "state of the game" in contemporary political science allows us to speak with a reasonable degree of certainty about democracy. To cut the long way short, I would simply suggest that we stick to the general definition of the American political scientist, Robert A. Dahl, who has gradually emerged as the main authority on this question during the last decades. According to him, modern democracy is a system of governance with specific practices, strategies and rules. The members of that system treat each other as political equals, govern collectively, and have at their disposal rights, resources and institutions that guarantee their capacity for self-government.<sup>1</sup> In this political regime, the rulers are held accountable for what they do in the public sphere by citizens and citizens are political actors who act indirectly through the competition and cooperation of their elected representatives.

So, is Islam, as a religion, compatible with democracy as a system of governance?

Like all political regimes, democracy depends on the presence of rulers, i.e. persons who occupy specialised roles of authority and can give legitimate commands to others. What distinguishes democratic rulers from nondemocratic ones are the norms that determine how rulers come to power and the practices that hold them accountable for their actions.

To answer the question above, we have to refer to the fundamental characteristic of every political regime, the origin of legitimate power. In contemporary Islamic societies, we see the coexistence of two concepts of power. The first is a modern one and considers only the state the seat of legitimate power. It is the well-known secular European Weberian concept that has been introduced to Islamic thought in the 19<sup>th</sup> and 20<sup>th</sup> centuries alongside the concept of the nation-state.

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### The Islamic Concept of Power

Much more important and difficult to grasp is the second concept of power in Islamic societies according to which political power receives its legitimacy from religious law. Power, therefore, belongs to professional legal elites, the jurists. Theologians developed the principles of the Islamic doctrine of power and established the permanent connection between politics and theology – the classical Islamic philosophy; and these are indigenous concepts within the Islamic tradition. "Democracy pessimists" are quick to conclude that there is a cultural and religious gap between the original Islamic and modern democratic understandings of legitimate power. But is that really so?

Let's turn to history for a little bit. Theoretically, the Islamic concept of power was developed by the 11<sup>th</sup> century by the religious scholar and jurist, Abū al-Ḥasan al-Mawardī (974-1058). To him, power is unquestionable because it stems from sacred law. The institution of the state is subordinate to the religious community and can be even considered to be its instrument because, in Islam, sacred law comes before any idea of social and political organisation.<sup>2</sup> In this context, sacred law (*sharī'ah*) is not only a religious imperative but it also embraces the juridical, political and social dimensions of community life. No clear distinction in Islam can therefore be drawn between religious and judicial norms because they can both be reduced to common sources, the Qur'an and the *sunnah* (prophetic tradition). What is the projection of this specific presupposition into the institution of the state and how does it influence the concept of government and relations between the rulers and the ruled?

The political ruler is subject to divine and sacred law. But the interpretation of the law is a domain of the religious scholars and, more precisely, the jurists. Since the formative period of Islamic civilization, the realms of jurisprudence and politics are separated as two distinct spheres. Religious scholars were the source of legal authority because they had the religious knowledge and methodology to interpret and explain Qur'anic text and the *sunnah* which are supposed to provide all the necessary guides for the solution of every juridical or political problem.<sup>3</sup>

In theory, jurists are authorised to approve any political decision made by the ruler and have the right to object to the ruler's decision if it is contrary to *sharī'ah*. So, the political elite needed the authority of legal scholars to establish legitimacy. Thus, in the classical tradition, we can see how jurists and rulers are in constant cooperation. That strong historical connection between the interpreters of religion and the political realm explains why Islam strives to set rules and laws that regulate not only the personal life of the believer but the public sphere as well.

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Despite their mutual interdependence, legal and political power are separated, and this separation constitutes the basis of the separation of powers that is one of the fundamentals of modern democracy.

### The Consensus of the Community

In connection to the above, let us introduce another important Arabic term: *ijmā'* (consensus). In the traditional system of Islamic government, the ruler is regarded as God's tool for the realisation of divine will and guarantor of the application of sacred law. For this reason, the ruler must be elected by the *ummah* (community).

This concept presupposes that the community is immune from error and cannot make a wrong decision because it is guided and directed through the process by divine authority. The idea of the infallibility of the *ummah* is legitimised by the *sunnah*, which cherishes the words of Prophet Mohammed: "My community will never agree upon an error." The *ummah's* consensus is transformed into a source of legality and everything that has been agreed upon on its basis becomes legitimate.

Consensus symbolises the decision of the *ummah* in its totality and the idea of its *'iṣma*, or immaculacy; in this manner, the juristic tradition rejects the practice of hereditary succession. The new caliph is chosen through consensus by *al-'ulamā'* (legal scholars). Thus, they make a sort of a contract between the ruler and the ruled in which both sides have obligations.

In practice, the building of consensus in the election of the ruler is achieved through the process of *shūrā* (consultation). The first historical evidence of *shūrā* in the election of the supreme ruler through this practice dates back to 644 when six prominent Meccans were appointed to elect the third caliph after the murder of Caliph Umar ibn al-Khattab. Throughout the history of Islam, the principle of consultation has been applied as one of the instruments for election. Aside from supreme rulers, many minor officials were elected in a similar vein. The consultative body embraces not only religious leaders but also representatives from different social groups whose authority was deeply rooted in society. Within the traditional Islamic order, the combination between the principles of consensus and consultation forms a mechanism that checks and balances the power of the rulers.

We cannot fail to notice that some Islamic scholars suggested using the term *shūrā* to translate the concept of modern democracy, which in modern Arabic is an adopted term from the European political tradition. In the names of almost all Arab parliaments, we can find the word "*shūrā*," and some scholars are even inclined to consider the first *shūrā* of 644 as a forerunner of the European parliamentary system.<sup>4</sup> They were fully aware that "democracy" and the Arabic term have different meanings but they were willing to demonstrate the existence

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of a common link between *shūrā* and democracy in order to make democracy compatible with the Islamic intellectual tradition.

Islamic political thought supplies another argument that can support our general claim of the compatibility of Islam with democracy. This is the Qur'anic principle of "commanding right and forbidding wrong" (3:104) which has a central position in the political practice of Islam and arranges the relations between the ruler and the ruled. Tradition elevates it to the level of "the most noble jihad" understood as the duty "to speak the truth to an unjust ruler." In light of this principle, Islam acknowledges the right of every individual to oppose an unjust ruler. It states that the Muslim has the right to be disobedient to an oppressive ruler and speak the truth to his face. Historically, this principle became a permanent source of social tension; the bitter experience of exercising power has led the representatives of Sunnī Islam to push this principle out of the political realm and into the realm of religious morality. Thus, the right of the individual to "command right and forbid wrong" is transferred to the office of the *muhtasib*, who is a public official that supervises public spaces and inspects behavior<sup>5</sup> and in return receives a salary from the state.<sup>6</sup>

Regardless of the different interpretations of this principle by legal schools and theological movements, it has been recalled whenever deep political and social transformations are underway in the Islamic world. In fact, it was this principle that was appealed to, to use a recent example, by al-Qaradawi who demanded the use of all possible means to end the Gaddafi regime in Libya.

The spread of literacy and new media technologies today leads to an increased fragmentation of spiritual authority in Muslim societies. It will be no exaggeration to say that pluralism, which is a crucial pre-condition for democracy, is finally possible and widely available. As a result, a great diversity of people want to speak about what Islam is. Even in a country like Saudi Arabia, young people directly challenge traditional religious authorities. In Al-Nahḍa forum, which has been in recent years, these young people insist that they have the right to explore new possibilities for the interpretation of Islam without giving up their Muslim identity and demand clear and transparent procedures and regulations for their participation in political and public life. The 'traditional' interpreters of Islam. Muslim scholars or '*ulama*', have lost their monopoly and now compete with other Muslims. This shift from the old dichotomy between '*ulama*' and the so-called 'popular Islam' of ordinary Muslims opens new possibilities for exploring Islam and Muslim societies.

There is also a variety of interpretations of religious law shared by Muslim scholars and theologians; and among these interpretations you can easily find support for democracy. I would dare to say that as a religion, Islam contains numerous ingredients that could support a democratic regime and help any Muslim adapt to the dynamics of contemporary world.

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The advantage that Islamist political parties have at the present moment can teach us something that is politically very important: change must come from within the tradition and the "democratic argument" should be articulated and defended through indigenous Islamic concepts as I humbly tried to do. One of the great obstacles for democracy in the Arab world in particular is the initial negative prejudice elaborated by ideologues of Islamism such as Sayyid Qutb and Sayyid Abul Ala Maududi. It is they that insisted that democracy and Islam are incompatible. Democracy is evil by definition because it emanates from the West whether in the old-fashioned form of imperial domination or in the more modern form of cultural penetration.

Another obstacle to "democratic optimism" is posed by a purely theoretical argument that has been repeated uncritically so many times that it has become a cliché. If accepted, it denies the very possibility of the Arab countries joining the democratic world. The essence of the argument is that because Islam is a political religion, the political and the religious must be separated from each other in order to have democracy, which means that religion should give up its universalist claims and withdraw to its own separate domain in order to free enough secular space for democracy. If we accept that, we have to affirm that there is a cause-and-effect relationship between secularisation and democracy. However, the accumulated historical evidence denies that, and here I am speaking as a citizen of an ex-communist Eastern European country. The communist regimes were robustly secular and even atheistic but simultaneously they were anti-democratic and severely repressive. Also, arguably nothing hinders democracy in countries where the majority of the population consists of devout Christians.

This historic fallacy is repeatedly made in connection to Islam and its message is strengthened by another "insider's argument" made by Islamic fundamentalists. They insist that religion and politics cannot be separated and promote the view that Islam remains static and constant throughout history. They deny any dynamics of history and any social evolutions. On this basis, they see a religious motivation behind every political act. Everything that is not an integral part of that static concept of Islam is stigmatised and rejected. To fundamentalists, democracy is an alien and infidel intrusion.

Today, Islam is not a homogenous whole. It embraces many local traditions, cultures and concepts that possess their own dynamics and respond in a different way to social and political changes. The contemporary "world of Islam," *Dār al-Islām*, consists of numerous cultural traditions.

The political principles and concepts that have been discussed so far demonstrate that there are many controversial interpretations within Islam that can be developed and applied to the specific social and economic conditions of the different countries in the Middle East. They can be used to affirm and strengthen the existing tradition as well as bring to life numerous new ideas. However, the

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introduction of new concepts and political practices from outside can only become effective and possible when we have the suitable conditions for their reception.

The defenders of the compatibility between democracy and Islam should express their arguments in a way that is understandable to the average believer. I am just confirming the old truth that democracy is not attained simply by making institutional changes or winning political elites over. Its survival depends on the beliefs and opinion of ordinary people. There are no other regimes in the history of the world that were so dependent on what the ruled thought about the rulers and the way they were ruled. No other political regime needs such strong feedback from the common man.

For "Muslim democracy" to succeed, it has to connect with the deepest roots of the Islamic religion. This conservative defence will be the most efficient weapon against fundamentalism, and it is still under construction. But before we divide ourselves into optimists and pessimists about Muslim democracy, let me just remind you that a century and a half ago, the Catholic church declared a war on democracy and liberalism<sup>7</sup> and less than 20 years ago, it was common sense among political scientists to argue that East Orthodox Christianity and democracy are incompatible.<sup>8</sup> Furthermore, for a certain period of time, the concept of Christian democracy was ridiculed and considered a "contradiction in terms." I wish the same fate for the concept of "Muslim democracy."

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### Endnotes

<sup>1</sup>Robert Dahl, *Democracy and Its Critics*, (New Haven: Yale University Press, 1989); Robert Dahl (2000), *On Democracy* (New Haven: Yale University Press, 1989).

<sup>2</sup>Al-Mawardi, *Kitāb al-Aḥkām as-Sultāniyya*, ed. Enger (Bonn, 1853), 2-3.

<sup>3</sup>Wael B. Hallaq, Juristic Authority vs. State Power: The Legal Crises of Modern Islam, *Journal of Law and Religion*, Vol. 19, no. 2 (2003-2004), 243-258.

<sup>4</sup>O. Bolshakov, *The History of Caliphate: Vol. II.* (in Russian) (Moscow: Vostochnaya Literatura Publishers, 1993), 156; A. Ayalon, "Shūrā," *Encyclopaedia of Islam*, 2<sup>nd</sup> ed., P.J. Bearman, et al. (Leiden: E. J. Brill, 1960-2005), IX:504b.

<sup>5</sup>Roy Mottahedeh and Kristen Stilt, "Public and Private as Viewed through the Work of the *Muhtasib*," *Social Research*, Vol. 70, No. 3 (Fall 2003), 735.

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<sup>6</sup>Al-Mawardi, 404.

<sup>7</sup>*Syllabus Errorum* ("Syllabus of Errors") from 1864 condemned by Papa Pius IX in: <http://www.papalencyclicals.net/Pius09/p9syll.htm>, (accessed 6 February 2013).

<sup>8</sup> *The Clash of Civilizations and the Remaking of World Order* by Samuel Huntington was published in 1996.

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