

Islam and Democracy: Perspectives from Reformist and Traditional Islam

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More than one-fifth of the world population are Muslims. In the twenty-first century, democracy is one of the most desirable political systems in the world but most Muslim-majority societies are authoritarian. Many factors have contributed to this democratic deficit. One common explanation is that this deficit is due to the incompatibility of Islam and democracy (Esposito & Piscatori, 1996). Many Islamic political and social movements have long championed democracy, along with independence, justice and freedom. Particularly when these movements exhibit religious undertones, they have been supported by some religious scholars. The leaders and activists of these political and social movements saw no contradiction between Islam and democracy and the realization of a society that is both democratic and Islamic (Enayat, 1982, Chap. 4).

Over the past fifty years, Islamic societies have confronted another ideological current that maintains the primacy of Islam. This particular ideological trend ignores democratic demands and maintains that not only are Islam and democracy incompatible but that the pursuit of a democratic society ignores Islamic teachings and succumbs passively

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to Western modernity.¹ The political and social realities mentioned above highlight difficulties associated with investigating the relationship between Islam and democracy and the political make-up of Islamic societies. This investigation is problematic not least because there are powerful elites and influential thinkers who champion both positions. A comparative analysis of these two perspectives can be facilitated by addressing the following questions: do the supporters and opponents of the compatibility of Islam and democracy have a unified understanding of Islam or do they offer different interpretations? What do they mean by democracy?

The two assumptions that underpin this chapter are as follows:

1. Traditional and historical interpretations of Islam are incompatible with democracy.
2. Reformist interpretations of Islam are compatible with democracy.

The tenets of traditionalist and reformist interpretations of Islam and the three tenets of democracy will be outlined. This will be followed by an examination of the three areas of tension between Islam and democracy—popular oversight, political equality and public decision.

TENETS OF TRADITIONAL AND REFORMIST INTERPRETATIONS OF ISLAM

Islam is based on three principles:

1. Belief in a single almighty God;
2. Belief in the resurrection and hereafter;
3. Belief in the Prophet Mohammad and his divine revelation;

These three principles have specific obligations in both individual and social arenas, including particular rituals of worship, specific commandments related to the family, civil rights, trade and even mundane activities such as eating and drinking. These obligations are acquired through the interpretation of two foundational sources, the Qur'an and the authoritative example of the Prophet (*sunna*).

¹As an example, see Qutb (2006).

The traditional reading of Islam, which is dominant among Muslim clerics, is based on three fundamental beliefs. The main centres for teaching this interpretation are Al-Azhar (for Sunnis) and Najaf and Qum (for the Shi'as). The significant characteristics of this interpretation of Islam are²:

1. All religious commandments that exist in the Qur'an are constant, unchanging and timeless. This is also true for most of the religious commandments in the *sunna*. Positive law (*fiqh*) encompasses the religious commandments related to the behaviour of Muslims and is considered the most important standard for gauging religiosity. The Islamic jurists (*fuqaha*), as the scholars of this unchanging religious tradition, are considered the vanguards of *shari'a* (Islamic law) and the main spokespeople for Islam.
2. Human reason is incapable of understanding the higher objectives of religious commandments (*ahkam-e shari'at*). Given humanity's ignorance of divine motivations and inability to ascertain [God's] worldly objectives, the ultimate goals of religious commandments are not readily accessible to the human mind. As a consequence, believers are required to accept a religious commandment faithfully, even if they are not aware of all its benefits. Accordingly, religious commandments can be neither critiqued or modified on the basis of logical reasoning nor affirmed on the basis of logical proofs.
3. Although all humans are ultimately equal and are judged only on the basis of their piety, justice in this world does not necessitate equality. Hence—though race and skin colour are not bases for discrimination or legal inequality—in cases of specific religious laws, gender, religion and freedom (or slavery) do result in legal difference. As such, women, non-Muslims and slaves do not enjoy rights equivalent to free Muslim males. In addition, religious scholars benefit from more legal privileges in the public sphere than the general public. These legal inequalities are immutable and intrinsic to Islamic law.

²Traditional religious scholars have not explicitly stated the characteristics of their interpretations. What follows is the result of the author's familiarity with traditional Islamic thought.

4. Although no Muslim can be forced, under duress or through compulsion, to leave Islam and no non-Muslim can be forced to become a Muslim, Muslims are not permitted to change their religion and punishments are enacted for apostasy. The existence of punishments for abandoning certain religious practices, the impermissibility of proselytizing other religions among Muslims, and so on all speak to the (assumed) impropriety of religious freedom. The same problem affects the freedom of thought and of expression.
5. Important religious duties such as jihad and promoting good and prohibiting evil speak to a completely inviolable responsibility regarding the actions of others. This religious commitment obliges Muslims to take action to rectify not only their societies but also the broader international community. Undoubtedly, Muslims prefer measures, both in terms of proselytizing and in the cultural arena, that are peaceful. However, if it proves impossible to reform people through cultural activities and verbal admonitions, then it is permissible to respond with appropriate physical action and even violence, though of course within the framework of the *shari'a* and with attention to religious laws. Furthermore, it is not necessary to acquire the consent of people in matters that are religiously mandated and in circumstances where God's approval is certain.

In contrast to this orthodox view, we have witnessed the growth of a new reading of Islam in the last century. Those who hold to this new reading are generally known as religious intellectuals or reformist Muslims and often situated in an academic setting.

The main characteristics of reformist Islam are as follows:

1. Rejecting discrimination based on religion, gender, race, or ideology; each individual member of society has an equal right to political self-determination as well as to participating in the construction of the public sphere and social life. There is no difference between different schools of law in Islam, Muslims and non-Muslims, or men and women—whether in terms of having rights in the public sphere and being able to elect a representative or in terms of being elected oneself. Similarly, religious scholars (from jurists,

theologians and *mujtahids* to clerics) are not endowed with any special rights or privileges in the public sphere.³

2. All people possess the freedom of belief and religion, and no one should be compelled to accept a particular belief or religion. These freedoms are a fundamental and inalienable right. Thus, people are free to discard their religion and apostatize. They are also free to perform or not perform religious practices. No one can be forced to perform or be punished for non-performance of a religious practice. Worldly freedoms do not contradict more absolute concerns and spiritual obligations. In the same way, the freedom to practice religion is not in conflict with social obligations that arise from just and democratic laws.⁴
3. Social responsibility and fulfilment of religious commitments should occur with the consent of others. Force and violence, particularly in religious affairs, is rejected. Proselytizing religion should be based on convincing others of the superiority of religious solutions over non-religious ones, and preparing the field for the free selection of religion and religious teachings. In other words, it is necessary to participate in free competition with other religions, denominations and schools of thought.
4. Religious precepts are respected by believers, and they are still open to discussion, criticism and questioning. The fact that they are *religious* precepts does not make them unquestionable. Indeed, sanctifying religious beliefs weakens rather than strengthens them. Believers should welcome dialogue and debate regarding religious beliefs. No religious belief should be turned into a legal requirement unless it has been subjected to rigorous public debate and represents the will of the majority. Additionally, no irrational interpretation can be considered a religious commandment. This does not mean, however, that Islamic precepts must be logical and rational since some religious principles go beyond the reach of reason—supra-rational.

³I have dealt with this specific issue in detail in a separate article entitled 'Human Rights and Religious Intellectualism', see Kadivar (2009b).

⁴The issue has been elaborated upon in 'Freedom of Thought and Religion in Islam and Human Rights Documents', see Kadivar (2006).

5. The instructive texts of Islam, whether the Qur'an or the traditions of the Prophet, include temporary, changeable and transitory commandments alongside constant, timeless and universal principles. These commandments were established with the time-period and location of the revelation and, with the end of those temporal and locational circumstances, they may be no longer valid. During the period of revelation and the formative period of Islam, all religious commandments were just, reasonable (meaning, open to intellectual debate) and superior to any alternative solutions. Therefore, articulations of Islam in our current context should adhere to three requirements; they must be just, reasonable (open to intellectual debate), and superior to alternative solutions. Each commandment that is unable to fulfil these three requirements is exposed for being impermanent and should be abrogated and religiously invalid. Independent reasoning (*ijtihad*) is discerning continually defends eternal commandments and does not treat all commandments as permanent and eternal.⁵
6. Through constant and timeless commandments, Islam has dealt with matters that are difficult for most people to comprehend. These matters are only understandable through revelation and are thus supra-rational in nature. However, matters that are within the capabilities of human experience and collective wisdom have been relegated to the wisdom of the people. On this basis, Islam, the Qur'an and the traditions of the Prophet have not been articulated for the experimental sciences, social sciences or the humanities, nor have they clarified political, economic, or social orders. Islam has resisted fully presenting a single specific political, economic, or administrative system for all times and place but instead has presented some general principles that leave space for human experience, collective human wisdom and initiatives relevant to various temporal and locational circumstances. For this reason, while Islam is incompatible with monarchies, dictatorships and autocratic systems, deriving or inferring democracy from Islam is also impossible. However, one can speak of the compatibility of the essence of Islam with democracy by looking to teachings such as

⁵I have discussed this topic in detail in 'From Historical to Spiritual Islam', see Kadivar (2009a).

the principles of consultation (*shura*) and of the sovereignty of the people over their own life, property and fate. These stand in contrast to the religious guardianship (*velayat*) and governance over the people without their consent.⁶

TENETS OF DEMOCRACY⁷

While some conceptions of democracy resemble each other, their inconsistencies have led some to conclude that democracy is an inherently contested concept over which there fundamentally can be no consensus.⁸ On the other hand, it does seem possible to think about an essential core to the idea of democracy and to offer a few fundamental concepts as the principles of democracy. Therefore, it is useful to first define democracy in terms of its foundational principle or principles and then in terms of the institutions that embody them. In other words, we need to determine which principles are foundational to democracy. However, we should begin by delineating the ‘relevant’ sphere of democracy. According to the political theorist David Beetham, “The sphere of democracy...[is] *that of decisions about collectively binding rules and policies for any group, from the family or group of friends to larger associations....If democracy, then, belongs to the sphere of the political, of decision-making for an association or collectivity, then a system of collective decision-making can be said to be demonstrated to the extent that it is subject to control by all members of the relevant association, or all those under its authority, considered as equals*” (Beetham 1999: 4–5).

The spirit of these principles is realized in small groups and associations since everyone is endowed with equal and effective right to speak and vote. In larger societies and particularly at the level of the whole society in which members, due to limitations of time and place, have decided to delegate to their elected representatives and democracy becomes realized when voters can influence the decision-making process and decision makers as well. Supervision or control is thus mediated but the principles of popular control and political equality still hold.

⁶See Kadivar (2001b).

⁷In this section I have benefited from the work of David Beetham, *Democracy and Human Rights*, see Beetham (1999).

⁸The idea of democracy as a contested concept can be found in: Beetham (1999) and Gallie (1956).

Since these principles of popular sovereignty/control and political equality can be utilized for making decisions in groups or associations, democracy finds expression beyond government. In effect, democratic society is energized by the dynamism of associational life and its practical realization towards political equality.

Although we can combine the two principles of popular sovereignty/control and political equality and say that democracy requires equal and effective rights for participation in decision-making, their separation helps us distinguish between the principle of distribution (equality) and what should be distributed (popular sovereignty/control). In every historical period, popular struggles under the banner of democracy have called for the realization of the above-mentioned principles, namely the increase in popular sovereignty/control in terms of decisions made regarding rules and collective policies. Opponents of democracy have always resisted two things: reduction of their control over decisions and the idea that an ordinary citizen deserves as much right to express their opinion as wealthy and well connected.

One of the important criticisms of political equality in a democratic society is that citizens (provided favourable conditions are realized) do not have similar capabilities. This is essentially an epistemological critique and relates to a conception of knowledge about public good that, throughout history, has legitimized undemocratic or at least paternalistic regimes. According to this view, societal interests can be determined by a select elite who gain the right to engage in decision-making due to their particular abilities in knowledge acquisition (Beetham, 1999; Dahl, 1989).

For Plato, knowledge of a vibrant society can only be accessed following many years of studying philosophy in order to become familiar with its complexities (Beetham, 1999; Plato & Allen, 2006). Traditionalists believe that only knowledge can guarantee correct decisions but this knowledge is in the hands of either elders or people whose heritage guarantees superior access to government—aristocratic rule. Religious rule is based on the knowledge that is derived from sacred texts or through divine will that is relegated to the clergy or experts who are believed to possess the competence to make decisions for the rest of the society. In a Marxist–Leninist interpretation, it is knowledge about the path of the future that gives the party and its ideologues a unique understanding of the best way to manage a society. The technocratic interpretation purports that the sciences (like the science of economics, management

or certain branches of applied technology) provide objective solutions regarding questions about the public good.

TENSION BETWEEN ISLAM AND DEMOCRACY

The question of whether Islam and democracy are compatible depends upon the relationship between the principles of democracy and the two previously mentioned interpretations of Islam. The relationship between democracy and religion (including Islam) can be analysed and assessed in accordance to three principles:

1. Popular sovereignty and oversight;
2. Political equality;
3. Public decision-making.

Political theorists such as David Beetham have stressed the first two principles as foundational elements of democracy. As I noted in the previous section, we occasionally find traces of the third principle in responses that challenge democracy. However, it has not been discussed as a distinct and separate principle. Yet, in analysing the relationship between religion and democracy, the third principle is critical. In any case, all three principles constitute comprehensive criteria for assessing the compatibility of Islam and democracy. The possibility for and extent of the realization of all the above principles in Islamic thought is the main concern of this chapter.

First Principle: Islam and Popular Sovereignty/Control

In Islamic texts, the term ‘overseer’ (*nazer*) of Muslims is utilized in three contexts: devising wills; charitable endowments; and non-litigious affairs.⁹ However, the term ‘popular sovereignty/control’ (*nazarat-e ‘umumi*) does not draw on these meanings. Islamic teachings that are closest to the principle of popular sovereignty/control are two religious duties: (1) ‘commanding good and forbidding evil’ and (2) ‘advising the

⁹Regarding supervision see my article ‘Nezarat bar amalkard-e vali-ye faqih’, Kadivar (2001a).

leaders of Muslims'.¹⁰ These two religious duties are firmly supported in the Qur'an and Prophetic traditions as well as by the religious practices of Muslims. The duty to command good and forbid evil binds Muslims to be diligent in propagating virtues such as kindness and goodness and to eradicate vices such as wickedness and foulness. The duty to advise the ruler binds Muslims to advise the leaders of an Islamic country to be benevolent, critique lies and dissimulations and support praiseworthy actions.

From one perspective, these two religious duties bind Muslims, without any exception (men and women, free and enslaved, religious scholars and laypeople, the industrious and the libertines) to command good and forbid evil and to advise their leaders. Therefore, no section of the public sphere (economic, political, cultural, social, military, international and domestic institutions) is outside the reach of these two religious duties. Relying on these two obligations implicitly requires all Muslims (including the nobility and royalty, army commanders and the rich, the influential and even the common people) to actively participate in governmental and popular oversight.

The relationship between these two religious duties and popular sovereignty/control is that societal supervision or control over the performance of the state and government in an Islamic society becomes necessary for the implementation of religious duties. None of these obligations to uphold virtue and prohibit vice, advice, direct, or critique rulers is possible without popular sovereignty/control. If Muslims cannot access the necessary information about management, leadership and governance, neither of these two duties will be fulfilled. In the same way, without the realization of these two religious requirements, popular sovereignty/control cannot be based on Islamic teachings.

Given that these duties include not only being informed and overseeing government, but also the possibility of physical action (including armed insurrection against the government such as we saw in the revolt of Hussain bin 'Ali against the Caliphate of Yazid bin Mu'awiya in seventh century), it is clear that the reach of these two duties is greater than that of the principle of popular sovereignty/control. In any case, there is no place in the principle of popular sovereignty/control for violence in

¹⁰Regarding propagation for the good and against the wrong, see Montazeri (1987, pp. 213–304).

the form of physical force or verbal harassment. The idea of sovereignty/control does not extend beyond gaining information, admonishing officials and making them aware of public opinion, and at most turning them over to the judiciary.

The outcome then of these two religious duties is that all Muslims have the right to question every state official, in particular, the leader (*rahbar*) and the Imam. This questioning does not need to be confidential, invisible, or secret. Muslims have the right to openly question and critique the leader, commanders and other governmental officials. On this issue, it is worth recalling both the customs of the Muhajerun (the first converts to Islam who migrated from Mecca to Medina with the Prophet) and the Ansar (those Arabs in Medina who welcomed the Prophet Muhammad and converted to Islam), including the followers of Abu Zar Ghaffari, and the humane administrations of the first four caliphs, particularly those of Imam 'Ali bin Abi Talib.¹¹ Islamic teachings stress the importance of a humane governmental administration which is vital to the security and survival of the state.

When we compare the principle of popular sovereignty/control (which is based on democracy) to the religious duty of commanding the good and forbidding evil (which is rooted in Islam), several common and compatible points arise. Yet we also see a number of differences or, at the very least, areas where compatibility is questionable. These questionable issues include:

1. In democratic thought, the principle of popular sovereignty/control is premised on administrative institutions and specific legal mechanisms such as free elections, a just legislative and executive branch, government, directly and indirectly, accountable to the people through the political, legal and financial spheres, the independence of the legislative and judicial branches from the executive branch, the freedom of expression and assembly, the right to trial and to participate in associations and institutions independent of the government. Although in traditional Islam an institution called '*hasabbah*' was envisioned for the administration of the government, an institution of the people for administering the activities of government had not been devised. This does not mean that

¹¹In this regard, see Ali ibn Abu-Talib and Seyyed Razi (2006, Sermon 31, p. 216).

traditional Islam opposes building institutions to supervise governments. Rather, this issue raises the perspective that historical Islam lacks popular administrative institutions to oversee the state. Reformist Islam, however, fundamentally conceives of institution building as a rational, human, and temporal matter and *not* as one of the duties anticipated by religion. Thus, for reformist ideology, the lack of popular institutions in traditional Islam is not viewed as problematic.

2. Since the two religious duties of commanding good and forbidding evil and advising the leaders of Muslims are only required of Muslims, popular sovereignty/control is reduced to Muslim sovereignty/control. Therefore, the other religious members of society (including Christians, Jews and Zoroastrians) or those who do not believe in the revealed religions (whether believers in non-revealed religions, non-religious, or atheists) are excluded. In other words, popular sovereignty/control is a religious duty only for the Islamic community (*ummah*). Traditional Islam has not given non-Muslims the opportunity to access the necessary information to administer governmental matters over Muslims. The Qur'an states that those who 'rejected the path [of God]' (*nafi al-sabil*),¹² non-Muslims are not allowed such exalted positions. In such an interpretation, most non-Muslims enjoy the blessings of security and a peaceful life under the shelter of an Islamic government, but are not invited to engage in societal and governmental matters. From this perspective, historical Islam does not combine well with democracy.

However, reformist Islam accepts the concept of citizenship rights that is not dependent on a particular religion. Additionally, it accepts that the right of popular sovereignty/control is open to both Muslims and non-Muslims. This interpretation of Islam emphasizes the right of popular sovereignty/control in terms of religious duties and governmental oversight. Furthermore, though it accepts Qur'anic rule over non-believers, it does not see this rule as relevant to the administration of non-Muslim citizens.¹³ Reformist Islam believes that 'if your conscience is clear, you have

¹²See Quran 4:141.

¹³Regarding rule of rejection of path of God, see Bojnourdi (1998, pp. 185–207).

no reason to be afraid' (Sa'di & Newman, 2004, p. 42). The superiority of Islam must be realized in a free and just environment. Ultimately, from this perspective, reformist Islam has no issue with democracy.

3. In traditional Islam, women are denied from certain offices such as social, religious, legal and political leadership. Given that administering the public sphere includes overseeing these offices, women would likewise be excused from public administration. In other words, popular control of the public sphere is equated with male oversight and women are not permitted to enter the public sphere. Thus, traditional Islam and democracy are incompatible with regard to this issue. In contrast, reformist Islam neither considers barring women from important political and judicial positions to be appropriate nor does it consider overseeing the public sphere to be an exclusively male prerogative. Thus on this issue, reformist Islam does not contradict with democratic principles.

We can summarize the relationship between popular sovereignty/control and Islam as follows:

1. The principle of popular sovereignty/control is an aspect of two important religious duties, to command good and forbid evil and to advise Muslim rulers. These are the axioms of Muslim governments since the beginning of Islam.¹⁴
2. The principle of the popular sovereignty/control of citizens over government raises three problems for traditional Islam:

¹⁴Traditional interpretations assume an exclusive decision-making role for God in Islam; however, one may argue that God does not have a physical presence on earth and He does not speak directly to people. Human beings, namely the clergy, claim to speak on behalf of God (i.e. to be His representatives). Islam explicitly decrees that no person or member of an institution (e.g. the clergy or the state) has the authority to represent God on earth. According to the Islamic scriptures, with the exception of the Prophets, no human being is authorised to convey God's orders. Still, the Islamic scriptures do refer to human beings as the Caliphs of Allah on earth. Reformist reading of Islam argues for the reconciliation of God's authority with people's authority by asserting that people as a whole represent God on earth. This is a compelling standpoint from which to argue for popular sovereignty and the right of the people to exercise political authority.

- (a) The relationship between the institution of popular oversight of government alongside the institution of *hisbah*—the institution of governmental oversight of people.
- (b) The public administration of popular sovereignty/control of Muslims but the impermissibility of non-Muslims overseeing the public affairs of Muslims.
- (c) The impermissibility of women overseeing both the public sphere and important political and judicial offices.

Historical Islam is thus incompatible with democracy on each of the above issues. However, this incompatibility is not fundamental to Islam itself as reformist Islam has no problem with popular sovereignty/control and is compatible with democratic principles.

Second Principle: Islam and Political Equality

In each society, the law and its implementation is crucial to the facilitation of equality—including political equality. The aim of equality in implementing the law (equality before the law) is for the equal treatment of all individuals. Islam has accepted equality in the exercise of the law—the equality of individuals before the law. Thus, in implementing religious commandments (*ahkam*), which are considered the law (*qanun*) of Islam, no distinctions between people are recognized. Equality in implementation of the law has been among the honoured teachings of Islam since the very beginning. This principle was particularly defended during the time of the Prophet and the first four Caliphs. However, in terms of legal equality (equality in the substance of the law), we find two different discourses of equality and legal discrimination in Islamic teachings:

1. The first discourse of reformist Islam recognizes legal equality and denies legal discrimination based on skin colour, race, wealth (and poverty) and lineage. This legal equality contributes to political equality and is based on authentic narratives (*ravayat-e mu'tabar*) of the Prophet of Islam.¹⁵
2. The second discourse concerns traditional Islam's acceptance of legal inequality as necessary for justice and has, therefore,

¹⁵ *La fahkre lel- 'Arab 'alal- 'Ajam wa la lel- 'abyadhe 'alal- aswade ella bet- taqwa.*

recognized legal discrimination. The four arenas in which legal inequality manifest are as follows¹⁶:

- (a) The legal inequality of non-Muslims in relation to Muslims. Muslims of a specific sect have complete rights. In the second tier, Muslims of other traditions enjoy most rights. In the third tier, people of book (i.e. Christians, Jews and Zoroastrians) enjoy some rights on the condition that they accept *dhimmi* regulations and sign a pact with Islamic countries. In the fourth tier, all other people (i.e. non-Muslims who are not lawful *dhimmis*), including those in a state of war with Muslims, are barred from most rights. Political inequality thus exists as Muslims of a particular sect are given preferential treatment due to their adherence to Islam (submission) and Iman (faith). Therefore, Muslims from other traditions are barred from election and appointment to these posts. Cultural security is also among the privileges of believers (*mu'minan*). While mocking, slandering, falsely accusing and speaking ill of believers is forbidden, same prohibition is not extended to non-believers. Thus, non-Muslims (including the people of the book and those who have signed treaties) are barred from being in key political offices, political rule, the presidency and ministerial positions. They are only permitted to occupy low-level administrative positions. The right to ownership and the security of life, property and reputation would be protected within the framework of *dhimmi* or treaty regulations. However, this group of people would be legally forbidden to head the executive branch or represent people in parliament. Non-Muslims who are not *dhimmi*, have signed no treaties and are not protected, are denied all political rights. Political inequality and the four tiers of legal distinctions are accepted practices of traditional Islam. This political discrimination relies upon verses found in the Qur'an and Sunna.
- (b) Traditional Islam views women as unfit for political leadership—guardianship (*vilayat-e 'amr*), the presidency, political rule, the governor and, therefore, ministerial positions, governorship, or mayorship, judgeship and leading Friday prayers. In the traditional reading of Islam, just as the biological

¹⁶See Kadivar (2009b).

differences between men and women are self-evident, so too are legal differences. Gender discrimination and political inequality are legal assumptions of traditional Islam.

- (c) The political inequality of free and enslaved peoples,¹⁷ based on religious commandments regarding slavery, which still enjoys credibility in traditionalist discourse. Male and female slaves are the property of their masters and are prohibited from undertaking activities or enjoying property rights without their masters' permission. Any political activity of the slave is dependent on the owner's permission.
- (d) Political inequality between laypeople and jurists¹⁸ in the public sphere is premised on traditional Islam's elevation of jurists in the public sphere. The majority viewpoint does not accept their privileged position. The second viewpoint, which is a distinctly minority position, locates the jurists in a position of privilege. According to this view, public issues related to politics entail inequality. Laypeople and righteous jurists are not equal in administering political matters and in managing society's issues based on religious commandments. Laypeople are incapable of leadership and in need of a religious guardian in all public affairs, social issues, political concerns and particularly in the management of society. Laypeople are considered to be 'in need of supervision' due to lack of sufficient knowledge or intelligence. Any participation of or intervention by laypeople into public issues requires the prior permission or subsequent authorization of jurist. The standard for decision-making in the public sphere is determined by the jurist. The jurist guards over the people but does not represent them. Thus, in administering society, he is not, unlike a representative, bound to enact the views of his constituents. It is the people who must conform to the views of the jurist. If the jurist thinks it advisable, he might delegate some small matters—not important political and social issues to the people. However, even in these matters, the guardianship and final responsibility remain in the hands of the jurist.

¹⁷I have dealt with this issue extensively in 'Mas'aleye barde-dari da islam-e mo'aser' (The Issue of Slave Holding in Contemporary Islam.) in Kadivar (2008a).

¹⁸I have discussed the fourth sphere in detail in my book (Kadivar, 2008b).

Traditional Islam dictates that ‘the two principles of equality and freedom are harmful in that they destroy the conventional pillars of divine law, since the strength of Islam is in devotion not freedom, and the foundation of its commandments is in adding and subtracting violations, not in equality’.¹⁹ As traditional Islam does not accept political equality in terms of religion or gender and accepts both slavery and the political privilege of the jurist, it is incompatible with democracy.

Reformist Islam believes in political equality and espouses the following: (1) for believers (Muslims), there are no privileges or special rights in the public sphere; (2) maleness is not a condition for holding office; (3) slavery is to be abolished; and (4) the political guardianship of the jurist lacks basis in the Qur’an, authentic narratives and rationality.

In a majority-Muslim society, Muslim leaders are expected to be chosen in free elections. However, it is still unacceptable to have legal prohibitions against non-Muslims holding office. Muslim candidates often garner more public confidence. To legally bar women from political leadership positions is to resort to anachronistic social relations that is neither just nor rational. Similarly, viewing politics as a branch of religious jurisprudence and accepting the jurists or clergy as political authorities is simplistic, an incorrect interpretation of jurisprudence and defies reason. As reformist Islam accepts the principle of political equality, it is compatible with democratic principles.

Reformist Islam’s principle of political equality can be summarized as follows:

1. Accepts political equality in terms of race, class, wealth, aristocracy and lineage.
2. Accepts political equality between laypeople and jurists.

Third Principle: Public Decision-Making

No policy or law is greater than the will of the people. Any law is only valid while it has public support and once the people no longer approve of a given policy or law it is no longer valid. All laws, rules and policies are considered changeable so that the period of their validity is commensurate with the public will.

¹⁹Torkoman (1995, pp. 59–60).

Traditional Islam disagrees with each of the above points and clearly views Islam and democracy as incompatible. From this point of view, since only God is able to organize life, the best laws are divine laws. As one scholar argued, ‘Creating laws, whether general or specific ones, conflicts with Islam. This work [of devising laws] belongs to the Prophet; a Muslim does not have the right to create laws’.²⁰ It is legally forbidden and a heretical innovation to write a constitution and take into account the majority view even on matters that are open to debate (*mubah*).²¹ The people’s sovereignty is a rejection of God’s sovereignty. As Sayyid Qutb argued, ‘believing in the sovereignty of God means revolting in all ways against the forms, faces, examples, regulations, and laws of human government, as well as absolutely denying all the laws on this earth that hold humanity to be sovereign and place the source and origin of legal power in human hands’.²²

Here, the contradiction between Islam and democracy is clear—the source of legitimacy is God. In democracy, the source of legitimacy is the people. Religious laws and commandments are enacted through God’s mediation. Because they are designed based upon what is right, they are constant and unchangeable. Yet in a democracy, laws and regulations are enacted based upon the will and desires of the majority of people.²³

In Traditional Islam, as in other historical religions: (1) Enacting laws and required commandments is a divine matter; (2) Because humanity is ignorant of the Day of Judgment and lacks knowledge, Prophets are required to discern the true path; (3) A law is valid as long as it is based on truth, regardless of whether people want it or not. Thus, the understanding of the majority has no impact on the validity or invalidity of a law.

Reformist Islam differentiates between a ‘religious commandment (*hukm-e shar’i*)’ and a ‘customary law (*qanun-e urfi*)’. The founder of a religious commandment is God or the Prophet, and no human being has the right to legislate religious commandments. Yet, law, as a tool for

²⁰Torkoman (1995, pp. 56–58).

²¹Torkoman (1995, pp. 104, 106).

²²Qutb (1996, vol. 9).

²³Al-Tabatabai (2004). See the discussion of social relations in Islam at the end of al-Omran Sura, vol. 4. Also see ‘Velayat va za’amat dar Islam’ (Guardianship and Representation in Islam) in Al-Tabatabai (1990, p. 182).

social order, cannot be realized until it is accepted by each member of society or, in practice, by the majority of people. The validity of law is dependent on the people's consent. This 'validity' is distinct from 'righteousness'. It is possible for a law to be in agreement or in conflict with ethical, spiritual, or religious criteria. A law is ethically righteous when it conforms to ethical principles and foundations and religiously righteous when it is compatible with religious criteria and values. The consent of the people is proof of neither righteousness nor the lack thereof. However, their consent or dissent absolutely affects the validity of law (regardless of its righteousness). Ignoring this 'validity', which is based on public consent, invites force, compulsion and despotism. If believers find a law contradictory to sublime religious values and commandments, then they must convince the public, through rational legal critique. It was the Prophet's custom to propagate goodness so that the people would desire goodness. Islam is optimistic about humanity and believes that people will choose correctly if rightly guided. In any case, the criterion for the validity of a law (right or wrong) is the people's consent.

Any religious commandment that they would turn into a law must first pass through the filter of public consent. That commandment remains legally valid as long as public opinion supports it. As soon as, for any reason, they do not accept it and vote on its alteration or removal, then that rule will lack legal validity—although its religious righteousness will remain both before and after its removal. Reformist Islam maintains that no religious commandment can be forced onto a society as law. Many religious commandments have been removed from the legal sphere in Islamic societies *not* because the people pursue worldly things or lack faith, but rather because changeable and time-bound commandments from the period of revelation have been misunderstood as constant and applicable to other societies and eras. Without a doubt, some of the commandments of the Prophet's age were designed for the organization of a particular society but with the change of time and place, these commandments are less relevant. We find these time-bound and variable commands not only in Prophetic traditions, but also in the Qur'an. All religious commandments during the period of revelation were just, rational and superior to other solutions based upon the custom of the

time—and the believers accepted them for this reason.²⁴ Based upon the customs of our own time, some of these commandments have become unjust and irrational. It is for this reason that they are not accepted as law in many Islamic societies. Many of the religious commandments that are considered in conflict with human rights fit this description.

Reformist Muslim scholars do not suggest that all the religious commandments not related to worship are irrational. Any understanding of the holy texts is based on human understanding and interpretation. Reformist Islam, thus, is compatible with the principle of public decision-making for the following reasons:

1. The validity of laws is based on the consent and opinion of the people (even though their righteousness is not).
2. People can enact, change, or repeal any law.
3. If the current, repealed, or changed law opposes indisputable religious commandments, the religious scholars will endeavour to convince the people and public opinion that they should not accept, change, or repeal this law.
4. Religious scholars are unable to sway public opinion, and the people do not accept their claims, the use of force, compulsion and pressure is never permitted in Islam. In a situation where the decision made is democratic but incorrect from a religious point of view, any attempt to repeal the law must use recognized legal approaches.

Having examined the three principles of democracy within the framework of two interpretations of Islam, it is evident that reformist Islam and democracy are compatible. In contrast, traditional Islam is incompatible with democracy as it rejects the principles of popular sovereignty control and political equality, accepts subordination of non-Muslims

²⁴Islam accepted and practiced many of the pre-Islamic-established rules pertaining to socio-political matters in order to achieve justice (Kadivar, 2002: 427). They can be valid insofar as they are seen to be just and rational according to the conventions of time and space. Thus, all precepts which are not just and rational in the context of the conventions of time and place ought to be abolished. Instead of modifying these precepts, we should see them as outdated and disqualified from practice. Rational laws ought to be issued by the collective reasoning of people, and these laws must not be attributed to religion (Kadivar, 2002: 429).

to Muslim control and the subordination of women to the domination of men.

CONCLUSION

For more than a century, the question of the compatibility of Islam and democracy has been extensively investigated by various scholars representing both political and theological perspectives. Although a reasonably large corpus of literature has undertaken to address this seemingly simple question, in the main, the extant scholarship not only appears somewhat perplexing, but also falls short of reaching a consensus on the substantive issues underpinning this debate. To a large extent, this perplexity is due to the problematic premise of the question. Prior to any effort to interrogate the question of the compatibility of Islam and democracy, one ought to clarify the definition of democracy and, perhaps more importantly, what interpretations of Islam are to be addressed. Three principles—popular sovereignty, political equality and citizens' equal and effective engagement in public decision-making—are the foundational elements of democracy. More crucial is the need to rethink the concept of Islam and acknowledge the increasing heterogeneity of interpretations of the Islamic teachings. The recognition of this heterogeneity should prompt us to speak of 'Islams' in the plural sense rather than advocate a single version and understanding of Islam. Apropos the controversy surrounding the compatibility versus incompatibility of Islam and democracy, at least two principal readings of Islam are identifiable: a traditional/historical reading and a reformist interpretation. The traditional understanding of Islam differs greatly from reformist Islam, specifically in the spheres of: (a) the comprehensiveness and eternity of the religious commandments; (b) religious freedom; (c) equality and discrimination based on gender and religious conviction; (d) the trustworthiness of human wisdom; and, finally, (e) the permissibility of using coercion and violence, particularly in religious affairs. Scrutiny of the divergent approaches of reformists and traditionalists to these issues can help to make sense of their opposing positions vis-à-vis the question of the compatibility of Islam and democracy. The traditional articulations of the above points eliminate any possibility of the coexistence of Islamic teachings and democratic principles. In contrast, by challenging the traditional articulations and highlighting the sovereignty of the people over

their own lives, property and futures, reformist perspectives emphasize the compatibility of the essence of Islam and democracy.

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The Politics of Islamism

Diverging Visions and Trajectories

Esposito, J.L.; Rahim, L.Z.; Ghobadzadeh, N. (Eds.)

2018, XV, 292 p. 1 illus., Hardcover

ISBN: 978-3-319-62255-2