Operational Concepts of Islamic Democracy- Khilafah, Shura, Ijma, and Ijtihad

Tauseef Ahmad Parray*
Department of Islamic Studies, Aligarh Muslim University (AMU), India.
*Corresponding author, Email: tahirtauseefamu@gmail.com

ARTICLE INFORMATION

ABSTRACT

The debate over democracy and its relation with Islam – its concepts & values – is strongly debated and discussed by the diversity of voices, ranging from those who argue that Islamic system of governance contains a number of ‘concepts and values’ which are present in democracy to those who deny a connection between the two. In the Islamic tradition, concepts like Shura, Khilafah, Ijma, Ijtihad and values like freedom, justice, equality, human rights, public welfare, peace, tolerance, etc. are utilized by scholars for providing an effective foundation of Islamic democracy. In this direction, this paper attempts to explore the doctrines of Islamic democracy, by making an assessment of four ‘operational key Islamic political concepts’: Shura, Khilafah, Ijma, and Ijtihad. It is supported by the views and arguments of Muslim modernists who favor this discourse. The main thesis here is that the Islamic heritage, in fact, provides a foundation for developing authentically Islamic forms of democracy based on the operational key concepts and on the values and qualities that are inherent in it.

© 2011 HATAM Publishers. All rights reserved.

1. Introduction:

The debate over the relationship between democracy and Islam and its socio-political concepts and institutions, values, positive features and notions has continued for a long time and has gained an impetus from the final decades of 20th century CE. Democracy in Islam is strongly debated, defined and discussed by the diversity of voices – proponents, opponents, Islamists, Islamicists, modernists/reformists, and others – ranging from those who argue that Islamic system of government contains a number of concepts and values which are present in modern democracy to those who deny a connection between Islam and democracy. In the Islamic tradition, concepts like Shura, Khilafah, Ijma, and Ijtihad, and values like freedom, justice, equality, human rights, public welfare, peace, tolerance, etc are utilized by scholars for providing an effective foundation of democracy in Islam or ‘Islamic democracy’. Throughout the Muslim world – from Pakistan and Bangladesh in South Asia, Indonesia and Malaysia in Southeast Asia to Algeria and Morocco in North Africa; from Egypt, Syria, Tunisia, and Oman in Middle East to Central Asia – majority of the reformist/modernist Muslim intellectuals accept the ‘term’ democracy as well as ‘consistency and compatibility’ between Islam and democracy with an re-interpretation of Islamic political key concepts and values, embedded in the primary sources of Islam – the holy Qur’an and Sunnah.
2. Islam and Democracy Discourse

Religion – both in Muslim belief and history – has occupied an important place in public life, in its ideology of the state, its institutions and in the conduct of Muslim politics from the beginning of the 7th century CE. History itself confirms Islam’s dynamic force, as its principles are dynamic and were/are able to support society’s political life; and this is not due to change, but as per its norms and directions. Moreover, at certain times it even reformed existing political systems and transformed the city-state of Medina (and others) into numerous empires and sultanates such as the Ottoman, the Saffavid and Mughal Empire. These states faced the challenges of the socio-political changes of the modern transformation but the relationship between Islam and politics has been a major theme in these transformations of the past two and a half centuries. From the final decades of the 20th century to present, “religious resurgence” and “democratization” are two of the major developments (Esposito and Voll, 1996, 4). The debate over democracy and democratization in the Muslim societies, claims Zoya Hasan, its definition and fundamentals, as well as its impact on governments’ domestic and foreign policies has “continued for a long time”, but, as it has acquired an impetus in recent years, this debate has now highly intensified (Hasan, 2007, 11).

In the discourse of Islam and democracy relation, such questions as ‘is democracy compatible with Islam?’, ‘what elements are present in Islamic tradition in the service of democracy?’ (among others) etc. are generally raised.

In this direction, in this paper, an attempt has been made to reveal and unfold that in the Islamic tradition there are various concepts and values – and here we are concerned only with the concepts: concepts that are regarded as the operational key concepts of democracy in Islam – that provide an effective foundation for describing democracy in Islam or Islamic democracy. In Islam, speaking of democracy and the concept of democratic participation does not mean that the word ‘democracy’ is a Qura’nic term explained in the Qur’an or in the Sunnah. It means, however, that the ‘positive’ features and values of democracy are compatible with the Islamic teachings that are based on the Qur’an and the Sunnah. It also means that the attitude towards the self and the other and the combination of the political and sociological propensities upon which the modern attitude of democracy is established and the assets upon which the democratic system in any modern society depends are compatible with Islam. This approach does not confine democracy to the paradigm of those dry and limited meanings that are routinely expressed through the lexicon or linguistic and dictionary terms. Democracy here is, however, a wider concept with qualifications and values: (i) towards the self, (ii) towards the other, and (iii) a combination of the sociopolitical conditions that are necessary for world peace, international relations and the formation and development of the welfare of individuals and society. In other words, it means two things: (a) that the Islamic heritage contains key concepts and values that are the foundation of Islamic perceptions of democracy and (b) its positive features and values, e.g., the rule of law, government responsibility, the general welfare, freedom, justice, equality, human rights, etc. are compatible with Islamic teachings.

These principles (and many others) are inherent in an Islamic political order, as Khurshid Ahmad argues:

The Islamic political order is based on the concept of Tawhid [monotheism/Unity of Allah] and seeks its flowering in the form of popular vicegerency (Khilafah) operating through a mechanism of Shura [mutual consultation], supported by the principles of equality of humankind, rule of law, protection of human rights including those of minorities, accountability of the rulers, transparency of political processes and an overriding concern for justice in all its dimensions: legal, political, social, economic and international (Ahmad, 2000, 2).

That is to say, there are many operational and key concepts in the Islamic tradition which are proof for the Islamic system of government being democratic in the real sense. These concepts are Shura (mutual consultation), Khilafah (man’s vicegerency), Ijma (consensus of the community), Ijtihad (independent reasoning or independent interpretive judgment), etc. The Constitution of Medina – the Principles of which were based on holy Qur’an and Sunnah – is also interpreted not only as a source of constitutionalism, democratizing reform, but also of pluralism as well. It is regarded as the “first Constitution of democracy in the history of constitutional rule” (Khattab & Bouma, 2007, 32). In other
words, for modern Muslim scholars, the constitution of Medina is hailed as a predecessor to modern constitutionalism and rule of law equivalent to the Magna Carta and is often cited as “key precedent for constitutionalism, rule of law, collective leadership, and democratizing reform” (Blankinship, 2001, 171).

Before going into details on this discourse, it is necessary here, to throw some light on the concept of democracy, as it has evolved in the West – from its beginning in the city-states of Greece to the final decades of the 20th century.

3. Democracy in a Historical Development

Democracy – the most comprehensive, most ancient and complex of all political concepts – means different things to different people. No definition of democracy can adequately comprise the vast history which the concept connotes. It is a variety of many things that evolved many different meanings during different ages – classical, medieval, and modern. The term ‘democracy’ indicates a set of ideals and principles and a political system, a mechanism for governance and a politico-legal culture. To some it is a form of government, to others a way of social life; for some it is a political system that ensures political equality and self-rule; to others (it is) a system that allows the presence of equal opportunities and rights. Democracy has been, so to say, discussed as a form of government, a form of state, a form of society, a way of life or philosophy, an ethical value system, etc, having not only political and social aspects, but moral and economic dimensions as well. So, no definition of democracy can comprise the vast history which the concept connotes. In a nutshell, it is hard to define democracy in concrete institutional terms and identify it with any specific institution.

3.1 Meaning and Development during Ancient and Middle ages:

Democracy, literally meaning, ‘rule by the people’ – derived from the Greek ‘demos’, meaning ‘people’ and ‘kratos’ meaning ‘rule’ – had its beginning, according to Encyclopedia Britannica 15th edition (EB15), in certain of the city-states of ancient Greece in the 4th century B.C. notably in the Athens (EB15, 1994, 4:5). Greek democracy was based on the direct participation of the people who decided their collective matters in the meetings where each citizen was directly involved in it. The development of democracy in Greece – regarded as the classical model of democracy – is a central source of inspiration for modern political thought as it was based on certain ideals, and respect for the law; and in the words of G.B. Forrest, it was based on two co-ordinal principles: (a) on an absolute acceptance of the laws (including the constitution); and (b) on the belief that everyone who was admitted to the society governed by these laws had an equal right and almost an equal duty to administer and maintain them (Forrest, 1966, 221).

Christianity played an important role in the heritage of the West (in the spread of democracy) during the 4th century AD, particularly under Constantine, the Great (r.312-337 AD), who himself adopted the Christian faith and made it the official religion of the Roman Empire. However, later on, with the decline of Holy Roman Empire the Pope-emperor relationship was replaced by church-state theory (Elliot & McDonald, 1949, 289-90; Shafiq, 1987, 86-87). In the middle ages, during the Renaissance and Reformation movements in Europe, Niccolo Machiavelli (1469-1527), the Renaissance thinker, demanded the separation of state in his writings: The Prince and The Discourses (Held, 2006, 40). Regarded as the first theorist of modern state politics, Machiavelli linked the case for forms of elective government and participative politics to the prospects of civic welfare and civic glory.

Similarly, the autocratic rule of the kings of England gave birth to new awakening and people started to oppose the despotic rule of the kings and demanded for tolerance, freedom and such campaigns became stronger until the 19th century Europe became more and more democratic in its institutions (Shafiq, 1987, 87).

3.1.1 Modern Democracy

During the 17th and 18th centuries three revolutions took place in England, France and America – contributing a lot to the emergence of modern democracy. In other words, modern democracy started
developing in the 17th and 18th centuries. The Glorious Revolution of 1689 of England is regarded as the land mark in the history of democracy; because by this revolution the seeds of democracy were able to grow again for the first time in Europe (West) since the Greeks. Thereafter, the American Revolution of 1776 (which stood for self-government as the American colonies were not well-represented by the British parliament; thus making U.S. as the first example of a modern state to carry out the principles of democracy) and French Revolution of 1789 (which was the outcome of suffering of the people under despotism of French monarchs) led to the “Declaration of the Rights of man and of the citizen” which became the preamble to the Constitution of France in 1791 (EB15, 10: 9-10; Sharma, 1993, 81-83).

In the 19th century, equality, freedom and fraternity became the watch-words of modern democracy, and as noted by Encyclopedia Britannica, “modern democratic ideas” were shaped to a large extent by ideas and institutions of medieval Europe, notably the emergence of “natural rights and political equality” during the enlightenment and the American and French Revolution. In the 19th and 20th centuries, “representative parliaments, freely elected under universal franchise”, became the central institutions of democratic governments and in many countries, democracy implied “freedom of speech and the press, and the rule of law” (EB15, 4:5).

In the emergence of modern democracy, various political thinkers played an important role. To mention only a few: Thomas Hobbes (1588-1679), John Locke (1632-1704) and Jean Jacques Rousseau (1712-1778) popularized the ideas of liberty and democracy. Hobbes and Locke’s theory of ‘Social Contract’ aiming at to preserve Natural Rights and Rousseau’s theory of General-Will was a fillip to democracy. Charles Baron de Montesquieu (1689-1755), the French philosopher and political theorist, stood for the “separation of powers” to check autocratic rule. He distinguished between “the executive, the legislature, and judiciary” (Held, 2006, 65, 67).

These ideas found expression in the American Declaration of Independence (declared on July 4, 1776). The declaration proclaims:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty, and the pursuit of Happiness.- That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. -That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or it abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their Safety and Happiness (EB15, 6:283-84; Shafiq, 1987, 90-91).

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

In this way, democracy has emerged in the West as a system of government where the will of the people represented through their elites, protection of individuals’ rights, separation of powers, rule of law and religious tolerance are regarded as its common ideals. The founding of these principles of democracy is, of course, a struggle towards individual freedom and social betterment as against the despotic and absolutist rule.

Thus, from the beginning of the democracy in Greece to the revolutions of England, America, and France, and from 19th century to the present day – as is evident from the above brief overview – democracy appeared in various forms indicating that the concept of democracy has changed and developed in the shade of variety of social, political, and economic developments.
It also becomes clear, from this outline, that democracy is a concept meaning different things to different people, and no definition of democracy can comprise the vast history which the concept connotes. It is an established fact that there is no more universally accepted or clearly defined model of democracy so throughout the world, scholars and common people are actively involved in the effort to create more effective democratic structure of democracy.

4. The Islamic Heritage

Throughout the Muslim world, from North Africa to South and Southeast Asia, and from Middle East to Central Asia, Muslim modernist scholars are sincerely and actively engaged in defining and interpreting democracy in Islamic traditions, i.e., they are greatly involved in developing, defining and establishing an authentic and viable form of Islamic democracy taking help of utilizing longstanding traditions and conceptualizations (mainly) of Shura (mutual consultation), Khilafah (Vicegerency), Ijma (consensus) and Ijtihad (independent reasoning): the main and operational key concepts of Islamic polity. There is diversity of voices that discuss and debate Islamic democratic discourse – or relationship between Islam and democracy – ranging from those who “deny a connection between Islam and democracy” to those who argue that “Islam requires a democratic system” (Esposito & Voll, 2001). Many argue that if democracy is meant a “system of freedom, justice, equality and human rights” then Islam has the inclination and capacity to work them better (Khattab & Bouma, 2007, 40). In other words, these values and systems are inherent in Islam, for the primary sources of Islam and its law, the Qur’an and Sunnah/hadith, throw ample light on them.

As various intellectuals have been actively engaged in defining, discussing, debating Islam, its institutions, systems and concepts; they have been writing prolifically on Islamic doctrines, law, politics, science and other fields. The Islamic movements and its legacy produced “generations of reformers from Egypt to Indonesia”: Jamal al Din Afghani, Muhammad Iqbal, Sir Syed Ahmad Khan, Abul Kalam Azad, Chirag Ali, M. Natsir, Muhammad Asad; the major “founders of Neo-revivalist movements” from the pioneers (Hassan al-Banna, Mawlana Abu Ala Mawdudi and Syed Qutb) to present day movements that constitute the “backbone of the second and third generation of Muslim and activists” across the Muslim world; few among them are: Sudan’s Hassan al-Turabi and Sadiq al-Mehdi; Tunisia’s Rashid al-Ghanoushi; Iran’s ‘Ali Shariati and Abdul Karim Soroush; Algeria’s Dr. Ali Abbas al-Madni; Pakistan’s Prof. Khurshid Ahmad; Egypt’s Hasan al-Hanafi, M. Saleem al-’Awwa; Indonesia’s M. Kamal Hasan, Abdul Rehman Wahid and Malaysia’s Anwar Ibrahim (Esposito, 1999, 680-81). This broad spectrum and diversity does provide important insights into understanding the complex relationship between Islam and democracy in the contemporary world.

4.1 The Islamic Terminology

What elements in the Islamic tradition have Muslim thinkers redefined and reconceptualized in the service of democracy? Despite the great dynamism and diversity in contemporary Muslim political thought, certain concepts are central to the political positions of virtually all Muslims. In other words, contemporary Muslim scholars present certain concepts from within the Islamic tradition as the ‘operational key concepts to democracy’ in Islam. What varies is the ‘definition of the concepts’ – not ‘recognition of the concepts’ themselves (Esposito & Voll, 1996, 23).

According to Mawlana Abu Ala Mawdudi (1903-1979, a significant South Asian Muslim thinker and founder of the Islamic revivalist organization, the Jama’at al-Islamî), “The political system of Islam has been based on three principles, viz; Tawheed (Oneness of God), Risalat (Prophethood) and Khilafah (Caliphate). It is difficult to appreciate the different aspects of the Islamic policy without fully understanding these three principles”. (Mawdudi, 1967, 40)

Professor Khurshid Ahmad of Pakistan (b.1932) – prominent Islamic scholar, leader, activist, ideologue of the contemporary Islamic revival, versatile writer and preacher, who is at the forefront of this effort – in his paper on the theme of Islam and democracy, explicitly declares that within the context of Islamic faith, culture, history and contemporary experience there are clear lines of guidance which suggest a unique and distinct political framework that can be described as truly participatory, both in substance and spirit and capable of establishing a political order committed to the twin goals of ‘adl (justice) and Shura (consultation), the real substance of operational democracy. Criticizing the despotic and arbitrary rule, he argues that there is “no contradiction between Islam and essence of
democracy”. Whatever despotic or arbitrary rule exists in the Muslim countries is part of an alien and imposed tradition, against which the forces of Islamic resurgence are struggling. Islam and democracy are two sides of the same coin. As such, democratic processes and Islam would go hand in hand. Democratization is bound to be a “stepping stone of Islamization”. The fulfillment of Islamic aspirations would become possible only through the promotion of democratic processes. Despite freedom from the colonial yoke, the Muslim Ummah (community) is still “struggling for its right – its democratic right – to develop freely its polity, society and economy in light of its own ideas, values and aspirations” (Ahmad, 2000, 19-20). In the conclusion he rationally argues that Muslims struggle for the “right meaning of democracy” commenting that if democracy means “rights of a people to self-determination and self-fulfillment”, that is what Islam and the Muslims have been “striving” for – nothing more and less than its real meaning (Ibid).

Mawliana Abul Kalam Azad (1888-1958) in his book Islami Jumhuriyya (Islamic Democracy) writes that the Islamic democracy is the real picture of democratic system of government, whose base is the Religion of Allah – Islam; established by Prophet Muhammad (pbuh) himself, and carried on successfully by the Khulfa al-Rashidin (rightly guided caliphs). Islam is a democratic system of government, first, to provide (and guarantee) human rights and equality of people. It is established only by (such procedures as) Ra’i (opinion of Ummah), Niyabah (Vicegerency) and Ba’yah/Intikhabat (Oath of allegiance/elections). The holy Qur’an uses the term “Shura” for system of governance (42:3), what else term other than Shura can we use for describing democratic system, emphasizes Azad (Azad, 1956, 1-3).

John L. Esposito and John O. Voll in ‘Islam and Democracy’ explicitly declare that the absolute Sovereignty and Oneness of God as expressed in the concept of Tawhid and the role of human beings as defined in the concept of Khilafah (caliphate/vicegerency) provide a framework within which scholars have in recent years developed distinctive political theories that are self-described and conceived as being democratic. They involve special definitions and recognitions of popular sovereignty, and an important emphasis on the equality of human beings and the obligations of people in being the bearers of the trust of government and they represent important perspectives in the contemporary global context of democratization (Esposito & Voll, 1996, 27). In particular, they argue, “Islamic democracy is seen as affirming with longstanding Islamic concepts of consultation (Shura), consensus (Ijma) and independent interpretive judgment (Ijtihad). These terms have not always been identified with democratic institutions and have a variety of usages in contemporary Muslim discourse. However, regardless of other contexts and usages, these terms are central to the debates and discussions regarding democratizations in Muslim societies. These concepts are central to and are very basis of Islamic democracy as:

Consultation [Shura], consensus [Ijma] and Ijtihad [independent interpretive judgment] are crucial [and important key] concepts for the articulation of Islamic democracy within the framework of the oneness of God [Tawhid] and the representational obligations of human beings [Khilafah]. These are the terms whose meanings are contested and whose definitions shape Muslim perceptions of what represents legitimate and authentic democracy in an Islamic framework. ... [T]hey provide an effective foundation for understanding the relationship between Islam and democracy in the contemporary world (Esposito & Voll, 1996, 31; Italics emphasized).

Thus, these views clearly show that various modern scholars – Muslims as well as non-Muslims – accept Khilafah, Shura, Ijma, and Ijtihad as the basis of Islamic democracy, i.e., these are the main operational key Islamic political concepts of democracy in Islam or Islamic democracy.

5. Operational Concepts of Islamic Democracy

5.1 Shura (mutual consultation)

Shura, an Arabic term occurring – with its other derivatives and forms – thrice in the holy Qur’an, means mutual consultation; opinion; to express opinions with each other; consideration; to point out; indicate; advice, counsel; conference; deliberation and to confer (or to have discussions) with other individuals or groups (see, Azhar, 1975, 11: 810; Lewis, 1997, 9: 504; al-Baghdadi 2001, 1: 406; Rehman, 1998, VI: 395)
Shura, generally translated as consultation/mutual consultation, is the very soul of Islamic democracy, and without it Islamic democracy is meaningless. The term Shura is the Qura’nic alternative for democracy in the modern terminology. The Qur’an used the word to emphasize on the democratic spirit of Islamic polity. Shura signifies that the political body is a set up for consultation on any problem. The word Shura is, in the words of Dr. Fahd, “an act, an idea, a social technique and a political institution” (Fahd, 2006, 5). For him, verse 159 of sura Aal e ‘Imran (3:159), “and Consult with them on the matter and when you decide, put trust in Allah” leaves no room for any doubt that Shura was one of the “basic principles of the Islamic political system and one of the highest values which the Muslim Ummah should always and under all circumstances adhere to” (Fahd, 2006, 16). The importance of Shura as a part of Islamic system is widely recognized.

The authors of ‘Democracy in Islam’ argue that Shura (consultation) is a basic principle in all spheres of Islamic political and social systems. It is also “essential for the proper functioning of the organs of the state, its overall activity and Islamic identity” (Khattab & Bouma, 2007, 91-92).

Muhammad Hamidullah (1970, 116-117) places consultation in a generally accepted framework. He argues that the “importance and utility of Consultation [Shura] cannot be too greatly emphasized. The Qur’an commands the Muslims again and again to take their decisions after consultation, whether in a public matter or a private one.

John L. Esposito, regarding the importance of Shura, argues:

The necessity of consultation [Shura] is a political consequence of the principle of the caliphate of human beings. Popular vicegerency in an Islamic state is reflected especially in the doctrine of mutual consultation (Shura). The importance of consultation as a part of Islamic systems of rule is widely recognized (Esposito, 1991a, 149).

Quoting these statements in ‘Islam and democracy’ Esposito and John O. Voll agree that consultation is an important operational concept and element with regard to the relation of Islam with democracy. Particularly, during the 19th and 20th centuries, they argue, “there have been significant efforts to broaden the conceptualization of consultation, and this is associated with advocates of Islamic democracy. … Shura thus becomes [in this perspective] a key operational element in the relationship between Islam and Democracy” (Esposito & Voll, 1996, 28; Italics emphasized).

The importance of Shura is best understood only when we look back to the political system of Prophetic era and of khulfa-i-rashidin, and a thorough study of political system of Prophet (pbuh) and of the four caliphs will reveal that the system was truly “democratic in spirit”, because its political technique was “common consultation and election of representatives” and that in form it was fully “representative”. These constitute the essential and integral features of an Islamic State (Fahd, 2006, 9).

The principle of Shura (mutual consultation or consultative decision-making) is not only interpreted as the source of democratic ethics in Islam, but is regarded as an alternative and synonymous for describing democracy in Islam. That is, it is interpreted as the very basis of democratic government in Islam. In the contemporary period, to put in other words, modern Muslim scholars tend to conflate Shura with the modern concept of democracy. Modern Muslim theorists sought to compare the Qura’nic concept of consultation with the modern western notion of democracy.

Shura is regarded, as mentioned, as the main key element and the very basis of democracy in Islam. Majority of the Muslim scholars interpret it as the main source of democracy in Islam, that is, much emphasis have been laid on the concept of Shura for describing Islamic perceptions of democracy. Sadek Jawad Sulaiman (b.1933), an Omani intellectual, for example, accepts the compatibility of democracy and Shura on the grounds that Shura, as a concept and a principle, does not differ from democracy. In his ‘Democracy and Shura’, he argues:

Both Shura and democracy arise from the central consideration that collective deliberation is more likely to lead to a fair and sound result for the social good than
individual preference. Both concepts also assume that majority judgment tends to be more comprehensive and accurate than minority judgment. As principles, *Shura* and democracy proceed from the core idea that all people are equal in rights and responsibilities. Both thereby commit to the rule of the people through application of the law rather than the rule of individuals or a family through autocratic decree. Both affirm that a more comprehensive fulfillment of the principles and values by which humanity prospers cannot be achieved in a non-democratic, non-Shura environment (Sulaiman, 1998, pp.96-98, esp. p.98).

Democracy and *Shura* are same and synonymous in conception and principle, although they may differ in details of application. He goes further to argue that both democracy and *Shura*

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

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

Muhammad Asad (1962, 43) states that *Shura* caters for the continuous temporal legislation of our social existence, and Tariq Ramadan (2001, 81), while describing the institution of *Shura* in general terms, describes it as "the space which allows Islam the management of pluralism". In the words of Sadek Sulaiman (1999), *Shura* principle in Islam is predicated on three basic precepts. First, that all persons in any given society are equal in human and civil rights. Second, those public issues are best decided by majority view. And third, that the three other principles of justice, equality and human dignity, which constitute Islam's moral core are best realized, in personal as well as public life, under *Shura* governance.

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

5.1.1 *Khilafah* (Caliphate/ Vicegerency)

*Khilafah* – an Islamic principle which determines both the actual status of man as well as shapes the socio-political order of the society – is the second important concept related to contemporary Muslim understanding of democracy. The *Qur'an* (2: 30) refers to Prophet Adam (AS) as the embodiment of the *fitrah*, or primordial norm, and as the caliph, representative or vicegerent (*Khilafah*), of God on earth (Glasse, 1989, 84). It is the other name of the God’s trust/amanah bestowed by Allah to man; and is one of the basic principles of Islamic political order as well as a basic principle/concept in the development of Islamic democracy, amplifying democracy in several ways:

Firstly, *Khilafah* is bestowed on the entire group of people, the *Ummah* (community) as a whole and is not restricted to few individuals. To put in other words, it is a kind of popular vicegerency, not limited to any particular person, family, tribe, or race, as every Muslim is a *khilafah* and everyone is answerable and accountable to Allah. In the *Qur'an*, caliph refers to all humans, identifying them as the deputies or agents of God on earth. As such, it provides a possible foundation for an Islamic democratic perspective. This made Mawlana Mawdudi (1967, 44; 1991, 140; 1960, 149) to call the political system of Islam as a "perfect form of democracy— as perfect as a democracy can ever be", and proclaimed that *Khilafah* as popular vicegerency is the "real foundation of democracy in Islam" (italics emphasized). That is to say, Mawdudi utilized this concept of caliphate as a basis for finding democracy in Islam:
The real position and place of man, according to Islam, is that of the representative of God on this earth, His vicegerent [caliph]; that is to say…he is required to exercise Divine authority in this world within the limits prescribed by God.

This interpretation has specific implications for the political system in that

The authority of the caliphate is bestowed on the entire group of people, the community as a whole, which is ready to fulfill the conditions of representation after subscribing to the principles of Tawhid. ... Such a society carries the responsibility of the caliphate as a whole and each one of its individual shares the Divine Caliphate. This is the point where democracy begins in Islam. Every person in an Islamic society enjoys the rights and powers of the caliphate of God and in this respect all individuals are equal (Mawdudi, 1967, 43-44; Italics emphasized).

Secondly, there is no discrimination of race, colour and language in sharing the responsibility of the state, each is equal in participating in it affairs, for, there is no superiority of one individual over another (except on the basis of taqwa or good deeds) and as Prophet Muhammad (pbuh) has explained in clear terms:

‘No one is superior to another except in point of faith and piety. All men are descendents of Adam and Adam was made of clay.

An Arab has no superiority over a non-Arab nor a non-Arab over an Arab; neither does a white man possess any superiority over a black nor a black man over a white man, except in point of piety.’ (See Mawdudi, 1991, 141).

In Islamic society, thus, there is no place for dictatorship of any person or group (as everyone is Khalifah). Nobody can deprive the people of their rights to popular vicegerency and declare himself as the absolute ruler. For the purpose of ruling the state, by their will and choice people concentrate their power or entrust Khilafah in a person – on whom Khilafah is centered by virtue of his merits – who on the one hand is accountable to Allah whose commands he enforces and on the other to the people who entrust (their) Khilafah on him. He has to abide, in all respects, by the divine principles and keep away from any arbitrary and totalitarian acts. He is obeyed by the people as long as he rules according to the Shari‘ah (Islamic Law) and, if he deviates from it, adherence to him becomes unacceptable as there is no obedience in disobeying the divine principles. Mawdudi in this regard, writes, Islam seeks to set up on the one hand, this “superlative democracy” and on the other it has put an end to that individualism which militates against the health of the body politics. The relations between the individual and the society have been regulated in such a manner that neither the personality of the individual suffers any diminution, nor is the individual allowed to exceed his bounds to such an extent as to become harmful to the community, namely, the execution and enforcement of Divine Law and the acquisition of God’s pleasure (Mawdudi, 1991, 143; 1960, 149).

Thus, for Mawdudi, the caliphate, when discussed in its real sense and perspective, is the point where democracy begins in Islam. Regarding these views of Mawdudi, Esposito and Voll, argue that this “perception of ‘caliph’ not only becomes a foundation for concepts of human responsibility and of opposition to systems of domination, but also provides a basis for distinguishing between democracy in Western and in Islamic terms” (Esposito & Voll, 1996, 26).

For Sadek Sulaiman, the concept of Khilafah, which means God’s delegation of authority to the Ummah to maintain peace, justice, and prosperity on earth, is universal in that every individual member of the Ummah is legally obligated to ensure the proper execution of the delegated authority. Representative governance, through which alone this collective obligation can be properly fulfilled, thus becomes constitutionally mandatory in Islam. Absolute, cosmic Sovereignty belongs to God, but He has delegated the sovereignty on earth to the Ummah, the people, through the mandate of istikhlaif. By collectively enjoining the right and forbidding the wrong {amr bi al-Maru‘f wa nasyh an al-
Munkar), the Ummah would move ahead, achieving unprecedented heights in human development, argues Sulaiman (Sulaiman, 1999).

The absolute Sovereignty and Oneness of God as expressed in the concept of Tawhid and the role of human beings as defined in the concept of caliph (Khalifah) thus provide a framework within which Muslim scholars in recent years have developed distinctive political theories that are “self-described and conceived as being democratic” (Esposito and Voll, 1996, 27). They involve special definitions and recognitions of popular sovereignty, and an important emphasis on equality of human beings and the obligations of the people in being the bearers of the trust of government.

5.1.2 *Ijma* (Consensus)

*Ijma* (literally ‘Assembly’ or ‘consensus’) – regarded as the third fundamental source of Islamic Shari'ah, after the Qur'an and Sunnah – is an Arabic term referring ideally to the consensus of the scholars of Islam. It is another important operational concept regarding democracy. The foundation for the validity of *Ijma* is the often cited hadith that Prophet Muhammad (pbuh) stated “Never will Allah make my Ummah (Community) agree on a wrong course” or “My Community will never agree upon an error” (see Asad, 1961, 38).

*Ijma* is a consensus, expressed or tacit, on a question of law. Along with the Qur'an, Hadith/Sunnah, it is basis which legitimizes law (Glassee, 1989, 182).

Shura and *Ijma* (consultation and Consensus), along with other concepts and values, are frequently seen as the basis for Islamic democracy in modern times. Many Muslim writers have claimed, as noted by Wikipedia, that the use of *Ijma* makes Islamic law compatible with democracy. *Ijma* played a ‘pivotal role’ in the development of Islamic law and contributed significantly to the corpus of the law or legal interpretation (see Wikipedia; Esposito, 1991b, 45, 83; Esposito and Voll, 1996, 28). In the modern times, Muslim thinkers have imbued the concept of consensus with new possibilities. Dr. Louay M. Safi - (a Syrian-American scholar of Islam and the Middle East, and an advocate of Arab and Muslim American rights) in the conclusion of his paper on the conceptual framework Islamic state – claims that the “legitimacy of the state depends upon the extent to which state organization and power reflect the will of the Ummah”, for as classical jurists have insisted, the “legitimacy of the state institutions is not derived from textual sources but is based primarily on the principle of *Ijma*” (Safi, 1991, 233).

On this basis, *Ijma* can become both the legitimation and the procedure of an Islamic democracy, or in other words *Ijma* (consensus) offers both the “legitimation of Islamic democracy and a procedure to carry it out” (Esposito and Voll, 1996, 29). M. Hamidullah argues that *Ijma* need not be static as it offers “great possibilities of developing the Islamic Laws and adapting it to changing circumstances” (Hamidullah, 1970, 130). *Ijma*, thus, also represents the democratic idealism in Islam.

5.1.3 *Ijtihad* (independent interpretive judgment/ Independent Reasoning)

*Ijtihad* (Lit. ‘Effort’), and generally translated as ‘independent interpretive judgment/ independent reasoning’, is another operational element/concept of major importance and basis of Islamic democracy. *Ijtihad* – to strive with one’s total ability and efforts to reach a goal which in this case is to endeavor to deduce the divine laws of Shari’ah from the reliable sources and proofs – is regarded, by many Muslim thinkers, as the key to the implementation of God’s will in any given time or place. Prof. Khurshid Ahmad presents this position clearly when he argues that

God has revealed only broad principles and has endowed man with the freedom to apply them in every age in the way suited to the spirit and conditions of that age. It is through the *Ijtihad* that people of every age try to implement and apply divine guidance to the problems of their times (Ahmad, 1976, 43).
Virtually all Muslim reformers of the 20th century and of contemporary era show enthusiasm for the concept of Ijtihad; Allama Muhammad Iqbal, Professor Khurshid Ahmad, Taha Jabir al ‘Alwani, Dr. Muqtedar Khan, and Altaf Gauhar being few of them. In the context of modern world, the advocacy of Ijtihad is described by Altaf Gauhar in the following words:

The present represents a great opportunity to reconstruct our society. … We have to break out of our present state of intellectual stagnation. It is possible for a secular leader to suggest that power flows out of the barrel of a gun. In Islam power flows out of the framework of the Qur’an and from no other source. It is for Muslim scholars to initiate universal Ijtihad at all levels. The faith is fresh; it is the Muslim mind which is befogged. The principles of Islam are dynamic; it is our approach which has become static. Let there be fundamental rethinking to open avenues of exploration, innovation and creativity (Gauhar, 1978, 307).

Taha Jabir al ‘Alwani argues that from the second hijri century until the present day, “the reality, the essence, the rules, the conditions, the premises, the means, and the scope of Ijtihad have remained a source of debate engaging some of the Islamic world’s greatest theologians, scholars of al-usul, and fuqaha” (al Alwani, 1991, 129).

Regarding Ijtihad as the “principle of movement in the structure of Islam”, Muhammad Iqbal, the great South Asian poet-philosopher and Muslim intellectual reformer, in specifically political terms, had already noted (in the 1930s) the relationships between Ijma, democratization and Ijtihad:

The growth of republican spirit and the gradual formation of legislative assemblies in Muslim lands constitute a great step in advance. The transfer of the power of Ijtihad from individual representatives of schools to a Muslim legislative assembly which, in view of the growth of opposing sects, is the only form Ijma can take place in modern times will secure contributions to legal discussion from laymen who happen to possess a keen insight into affairs. In this way alone can we stir into activity the dormant spirit of life in our legal system outlook, and give it an evolutionary outlook (Iqbal, 1934, 165).

Ijtihad is one of the several fundamental Islamic concepts to have been either misused or misunderstood by Muslims. Because of the danger of misuse, “ijtihad has always been a controversial concept” and the need of the hour is to “interpret Ijtihad in such a way that it can be used to justify the results” (Esposito and Voll, 1996, 30; al Alwani, 1991, 129).

5.1.4 Effective Foundations of Islamic Democracy

Thus, Shura, Khiafah, Ijma, and Ijtihad, are not only the basic concepts for understanding the relationship between Islam and democracy, but they provide an “effective foundation” to build an Islamic basis for democracy as well (Esposito & Voll, 1994, I: 3). These are the terms whose meanings are contested and whose definitions shape Muslim perceptions of what represents legitimate and authentic democracy in Islamic framework. In a nutshell, these are the concepts for the articulation of Islamic democracy. Presently there are various scholars who are sincerely devoted to the Islamic political issues; they are sincerely in search of resurgence of Islam and have been engaged in a lively debate on ‘Islam and modernity’ (e.g., the outlook of Islam on democracy, equality, human rights, minority, gender issues and women’s rights).

Thus the efforts to utilize longstanding traditions and conceptualizations of Shura (consultation) and Ijma (consensus), Khilafah (vicegerency) and Ijtihad (independent reasoning) reflect concern to create more effective forms of participatory democracy. In this regard Esposito and Voll argue that the development of “democratic institutions and practices across significant cultural boundaries” over the millennia, it seems at least possible that the “forces of globalization” will not eliminate wars but will make it possible for different “experiences of democratization” to assist and influence each other (Esposito & Voll, 1996, 32).

Professor Khurshid Ahmad’s argument makes it clear that Islam is compatible with democracy but when it is defined as ‘form of organization’, not as ‘Philosophy’. He argues that democracy as a
‘philosophy’ and democracy as a ‘form of organization’ is not the ‘same’ thing. In the form of organization, “Islam has its own system of democracy” but as a Philosophy, the two, i.e. “Islam and western democracy, are basically different, rather opposed to each other” (Ahmad, 1967, 160).

There are some basic differences between Islamic and Western democracy. These main differences are on the basis of concept of Sovereignty, Law, and law-making; and in the words of Mawlana Mawdudi,

Of course what distinguishes Islamic democracy from Western democracy is that while the latter is based on the concept of Popular Sovereignty the former rests on the principle of Popular Khilafah. In Western democracy, the people are sovereign, in Islam Sovereignty vests in God and the people are His Caliphs or representatives. In the latter the people make their own laws (Shari'ah) in the former they have to follow and obey the laws (Shari'ah) given by God through His Prophet. In the one the government undertakes to fulfill the will of people; in the other the government and the people who form it have one and all to fulfill the purpose of God. In brief, Western democracy is a kind of absolute authority which exercises its powers in a free and uncontrolled manner where as the Islamic democracy is subservient to the Divine Law and exercises its authority in conformity with the injunctions of God and within the limits prescribed by Him (Mawdudi, 1967, 44-45; Italics emphasized).

Regarding the differences between Islamic and Western democracy, Professor Khurshid Ahmad argues that the co-ordinal difference between the two is on the basis of concept of sovereignty; he writes:

The Islamic State is different from a secular democracy as it is diametrically opposed to the concept of Sovereignty of the people. Allah the Supreme Law-Giver and the Shari'ah is the law of the land. Within the framework of the Shari'ah, new problems are faced and their solutions worked out. This represents the co-ordinal difference [between the two] (Ahmad, 2000, 14).

The Islamic Political order is based on the concept of Tawhid and seeks its flowering in the form of popular vicegerency (Khilafah) operating through a mechanism of Shura, supported by the principles of equality of mankind, rule of law, human rights, accountability of rulers, transparency of political processes and an overriding concern for justice in all its dimensions, from legal to international. The Shari'ah provides the “broad framework” within which the people under one umbrella of Divine Guidance “participate in developing a civil society” and its institutions, including all the organs of state (Ahmad, 2000, 2).

It is evident, now, that all aspects of human life including governmental/ governance system require first the submission of the people and those who govern them to the ultimate Sovereignty of the law outlined in the Qur’an and Sunnah. This however does not mean that governance in Islam takes the form of theocracy because those who rule are not divinely set apart and they remain subject to the scrutiny of the people, who may remove them if they enact legislation or behave in ways that are contrary to the Shari’ah. Also, the role of Shura (consultation) is “central to Islamic governance or system of government” in all of this there are “features of Islamic governance which resemble western forms of democracy” and other features which give the system its “Islamic Identity” (Khattab & Bouma, 2007, 27).

6. Opposition to Islam-democracy Compatibility

As mentioned in the very opening pages above that democracy in Islam is strongly debated, defined and discussed by the diversity of voices, mainly by supporters and opposers. The spectrum of those Muslims (and some organizations as well) who believe that Islam and democracy are incompatible (usually termed as conservative Muslim scholars) has been broad and diverse: Sayyid Qutb (d. 1966), Hizb ut-Tahrir and its founder Taqiuddin al-Nabhani (d.1977), S. Fadlallah Nuri (d. 2010), Hassan al-Turabi (b.1932), etc being only a few among them.
For example, in Iran during the Constitutional Movement of 1905-11, Shaykh Fadlallah Nuri (d. 4th July, 2010), in debates over the constitution’s formulation, argued that one key democratic idea – the equality of all citizens – is “incompatible” in Islam. He maintained that unavoidable and insurmountable inequalities exist; for him Islam does not have any shortcomings that require completion. He argues:

The equality of all citizens was impossible in Islam, for it would be nonsensical to put believers and unbelievers, the rich and poor, husbands and wives, the learned and ignorant on the same plane. Moreover, there was no need for a legislative body because Islam does not have any shortcomings that require completion (Nuri, 1982, 296).

Sayyid Qutb (October 9, 1906 - August 29, 1966) – Egyptian author, educator, Islamist, poet, and the leading intellectual of the Egyptian Muslim Brotherhood in the 1950s and '60s – strongly objected to any notion of popular sovereignty as incompatible with God’s sovereignty. Although he stressed that Islamic state be based on the Qura'nic principle of Shura/Consultation (Holy Qur’an, 3: 159 & 42: 38), he believed that Shari’ah, as a legal and moral principle, is so complete that no further legislation is possible. In addition, he believed that for one group of people to legislate for others was contrary to the equality and absolute dignity of believers (Esposito, 1999, 675).

On the issue of Islamic governance, Qutb differed with many modernist and reformist Muslims who claimed democracy was Islamic because the Qura'nic institution of Shura supported elections and democracy. Qutb pointed out that the Shura chapter of the Qur'an was revealed during the Makkah period, and therefore, it does not deal with the problem of government. It makes no reference to elections and calls only for the ruler to consult some of the ruled, as a particular case of the general rule of Shura and argued a ‘just dictatorship’ would be more Islamic (Wikipedia; New World Encyclopedia).

Dr. Hassan ‘Abd Allah al-Turabi (b.1932) – commonly known as Hassan al-Turabi, an influential religious and Islamist political leader in Sudan – argues that Western style democracy is flawed because it grants ultimate authority to the people. The Qur’an, by contrast, declares that God has ultimate authority. Furthermore, the democratic systems are based on imperfect human reasoning and factional interests that prevent them from promoting real political equality, unity, and freedom (Esposito, 2004, I: 125).

The group Hizb ut-Tahrir (Party of Liberation) – an international pan-Islamic political organization founded in 1953 in Jerusalem by Taqiuddin al-Nabhani (1909 - December 20, 1977), an Islamic scholar from Palestine – published a book titled ‘Democracy is a System of kufr’ that strengthens the view that Islam and democracy are incompatible (Zalloom, 1995).

Hizb ut-Tahrir rejects democracy as a western system and un-Islamic despite aspects of it such as elections existing in the Islamic political system. Hizb ut-Tahrir argues democracy is a system of kufr (unbelief). It has no connection whatsoever with Islam. It completely contradicts the rules of Islam whether in the comprehensive or partial issues, in the source from which it came, in the “Aqeedah from which it emanated, in the basis on which it is established and in the thoughts and systems it has brought” (Zalloom, 1995, p.4).

It further argues that democracy, a Western term, is applied to

‘ruling of people, for the people by the legislation of the people’. The basis of the democratic system is that people possess the right of sovereignty, choice and implementation. ... it is a Kufr system because it is laid down by man and it is not from the Shari’ah Laws (Wikipedia).

Allama Iqbal also makes a distinction between Islamic democracy and the democracy of the West on this basis of sovereignty. Iqbal, as quoted by A. Aleem Helal (199, 285), argues:
What distinguishes Islamic democracy from the democracy of the West is that in an Islamic democracy, sovereignty is vested in a democratic caliph or president, while in the Western democracy sovereignty is vested in the parliament. Thus while Islam recommends a democratic Caliphate or a Presidential form of government, the political thinkers of West have recommended a parliamentary form of government.

About western democracy, at least the variant practiced at that time, Iqbal was very critical, regarding which Esposito (1983, 184) argues that Iqbal’s “criticism of western democracy flowed from his belief that the western capitalist system suppressed the individual and his growth and made true democracy impossibility”.

Conclusion

Having outlined in the above discussion some of the fundamental elements of Islamic political theory and its similarity to democracy, and focusing on the modern interpretations of these concepts/traditions of political principles by modern reformist intellectuals and their attempts to promote democratic and human values from within Islam itself, the above discussion, thus, leads to the conclusion that the Islamic heritage, in fact, contains concepts that provide a foundation for contemporary Muslims to develop authentically Islamic forms of democracy based on the key concepts of Islamic tradition – Shura, Khilafah, Ijma, and Ijtihad – and on the values and qualities like freedom, justice, equality, and human rights.

In fact the term ‘democracy’ is capable of multiple interpretations and applications and the acceptance of its contested nature – and as W. B. Gallie (1964, 158) calls it an “essentially contested concept” – its diversity and dynamics of development, enables the recognition that there can be alternative rival uses of the term, and taking everything into consideration, there is no problem to accept the term democracy under certain conditions.

The views, arguments and observations presented by various scholars, regarding the operational concepts of Islamic democracy, reveal two important points: (a) that it is the misconception of those who argue that Islam and democracy are totally incompatible and that there is no democracy in Islam (or Islamic democracy) at all; and (b) that (keeping aside few basic differences) there is much harmony, compatibility and consistency between Islam and (true) democracy. The advocacy of democracy by Muslim intellectuals is not only to achieve modernity and development but also to ensure a better practice of Islam and good governance also becomes clear as the concepts regarded as the watch-words of modern democracy – freedom, equality, justice, human rights – and the notion of democratic participation are inherent in Islamic tradition, divinely-ordained by the Holy Qur’an and practiced by holy Prophet (pbuh) and especially by first four caliphs in its true spirit.

Furthermore, a great deal and more research and reflections are required among Muslim thinkers to present in real perspective Islamic key concepts (especially Shura) and their relation to democracy or democratic practice. Last, but not the least, it is this writer’s contention that this endeavor of reconciliation of Islam and democracy is not anti-West but a sincere move towards expanding the concerns of humanitarianism, justice, and peace on genuine and reasonable grounds; or in other words, instead of clash and conflict, it is an endeavor of bridging the gap and building harmonious relationship between civilizations.

References


Journal of Humanity & Islam, Volume 1, Issue 1, April 2011


Encyclopedia Articles:


Declaration of Independence [1789]. In EB15, 6: 283-84.


Electronic sources:


‘Hizb ut-Tahrir’, from Wikipedia, the free encyclopedia http://en.wikipedia.org/wiki/Hizb_ut-Tahrir (as accessed on 03/10/2010)


