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Islam & Democracy

Law, Gender and the West

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Reconciliation
and Conflict Resolution 2

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Reconciliation and Conflict Resolution
Volume 2

Edited by
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Introduction

Ralf K. Wüstenberg, Thies Münchow, Zeina M. Barakat

It is not uncommon to argue that there is an almost unresolvable contradiction between Islam as a religion and democratic principles. The history of Islam shows that Muslims have usually determined the relationship between state and politics pragmatically. In contrast, Muslim political rule has mostly sought to derive its fundamental legitimacy from religion. There have been periods of very close ties between politics and religion – for example, in the early days of the Islamic community in Medina – and those periods in which a *de facto* separation prevailed, with faith often being utilized for political purposes. For most Muslims in Germany, Islam is compatible with democracy because the Quran does not develop a specific theory of politics and government.

However, the fundamental flaw in understanding the Islamic concept of democracy remains linked to a pervasive ignorance about its religious doctrine. Governments and Islamic movements grapple with issues of democratization and civil society. Are Islam and democracy reconcilable? How have governments in the Muslim world responded to the contemporary challenges of Islam and democracy? Will focusing on education, media, law, and policy offer viable solutions for anti-democratic trends deeply rooted within the conservative Muslim world?

'Islam and democracy' is a timely subject due to the ongoing events in the local and global sphere. We might think of Egypt or Saudi-Arabia and quickly assume that democratic values and human rights (involving questions of gender equality or liberty of press) are irreconcilable given the day-to-day press releases on those Islamic countries. The issue of whether Islam has anything in common with Western liberal thought still resounds around the West. Many Muslim scholars have argued that Islam does share democratic ideals with Western civilization but offers a democratic tradition of its own, a position that will be reflected in this volume and discussed at length because there are as many arguments raised by non-Muslims about the democratic nature of Islam as there are about the anti-democratic nature of the Muslim religion in general.

I. A Side View to Christianity and Democracy

Islam today has been subjected to numerous forms of discrimination and criticism. The assumption that Islam is irreconcilable with democratic values and norms is just one of many aspects. However, Christian observers tend to forget the long road it has taken (and is still taking) to reconcile Christian political thought with democracy. First, the dialogue between religion and democracy is anything but easy in the history of Christianity (cf. for general encounter Tödt 1981) and, second, the relationship between human rights and Christian ethical thought is anything but self-explanatory (cf. Huber 1992).

The shortcomings that Christian observers are quick to point out when judging Islamic political thought were at stake in Christian political ethics until the 20th century. The core of Islam's observations is a critique of direct equations between politics and religion. Such equations could be made in two ways: either by claiming for the political sphere the right to be determinative in the theological field or, on the other hand, by arguing for the religious sphere the right to determine decisions in the area of politics. Whereas Islam, and particularly Islamic countries, are under suspicion for fostering the second claim (namely allowing religious insight the right to determine decisions in the area of politics), examples for the first claim were also evident in Christianity. In living memory, we need only recall the failure of mainline Churches during the Third Reich in Germany when The Deutsche Christen in Germany allowed their theology to be steered by a political agenda in addition to the introduction of the Arian paragraph into the Church law right at the beginning of the Hitler Reich.

II. Martin Luther's Political Ethics

In the history of Protestant Theology and Christianity on the European continent, theological discussion about the relationship between theology and politics has been conducted mainly in terms of Martin Luther's doctrine of the "two realms" or "twofold reign of God" (cf. Luther 1523). This doctrine came under particular criticism when supporters of the Nazis misused it during the Third Reich. In response, influential Swiss Theologian Karl Barth confronted the Lutheran doctrine

with a different one; namely, that of the *Königsherrschaft* Christi (the kingship or sovereignty of Christ). This doctrine, based on a more reformed reading of the New Testament, asserted the kingship of Christ over both the church and the world. Although this essay cannot go into the complex discussion of these influential ethical theories (cf. Wüstenberg 2009: 233–286), it is essential to highlight a significant difference among them. Whereas Karl Barth's approach stresses that it is both possible and necessary to draw analogies between personal Christian ethics and political ethics (cf. Barth 1946), Martin Luther's political ethic grants to the state a certain degree of autonomy in making decisions in the area of politics. Luther's key points are the following: (a) God is the Lord of both kingdoms, but rules each by different means (the law and the gospel) for other ends (peace and piety). (b) All Christians live in both kingdoms simultaneously: in the kingdom of God they are righteous and in the kingdom of the world they are sinful. (c) The two kingdoms are to be distinguished from one another in such a way that the realms of law and gospel are to be neither separated (as in secularism) nor equated (as in ecclesiocracy).

Both theories, the Lutheran and the Reformed, seem to depend upon a simplified and unilateral equation of ethics in the private sphere or in the political sphere. Although both theories avoid certain pitfalls – such as explicit equations between the political and the theological – both also suffer from apparent shortcomings, particularly those that inhibit a constructive theological discussion of current political events.

Apart from using terms and metaphors that clearly derive from a pre-democratic tradition such as an empire or kingdom in which God reigns, both theories are merely ethical theories, reflecting the question "to what extent a secular authority ought to be obeyed" (the subtitle of Luther's pamphlet 1523). They do not reflect the question of how Christian ideas, such as reconciliation or human rights, may themselves already impact or affect political decision-making or whether there are analogous religious or secular roots. Thus, both theories fail to reflect upon the key question, namely, how far theology can help in the search for indirect links or common shared religious and political language and accordingly, enable a genuine dialogue between theology and politics.[1]

[1] Cf. for exploration of Dietrich Bonhoeffer's political theology in light of such short-comings Wüstenberg 2008: 69–78. Here the argument is made that a genuine contribution

III. Justice, Morality, and Human Rights in Christianity

The mode of the Lutheran doctrine of the Two Kingdoms and the Reformed teaching on the Lordship of Christ correlates to the concept and interrelation between morality and justice ("Moralität und Legalität", for an overview cf. Reuter 1996: 93f.). Stated more simply: while in the (Lutheran) tradition justice is distinguished as relatively independent, there are indications of a classification conforming to the roots of theological justice in the (Reformed) tradition. While the former approach is in danger of separating justice from morality (so that the space of justice is relinquished in favour of legalism and there is an uncritical blending of the relative and absolute autonomy of justice, even as a divinely created order is accepted[2]), the latter approach hides the danger of combining justice and morality. At the same time, theological differences are scrapped, and the history of ideas of the western tradition of justice, which ultimately led to a secularization of its religious roots, remains unheeded. Against the background of the danger of separating morality and justice, it must be made clear that there are unalterable values at the core of the issue – such as human rights, which is to be upheld unconditionally – even if these values cannot be ultimately defined. They impact the corridors of state power which, by exceeding the autonomous boundaries of the legal sphere, extends to the theological perspective. It should also be emphasized that the danger of mixing morality and justice results in the realization that human rights is not

to a dialogue between religion and politics can be explored in the light of Bonhoeffer's ethics with respect to his protestant heritage, namely Luther and the Reformed tradition. Particularly in his manuscript "The Ultimate and Penultimate Things", Bonhoeffer is referring to both traditions (Luther and Barth) and conceptually transforming the language (such as "Kingdom") into one that adapts most adequately to questions of Political Theology today and related questions, such as human rights (cf. Bonhoeffer 1940/1941). Bonhoeffer's distinction between the ultimate and the penultimate things is a constructive new interpretation of Luther's doctrine of the "two realms". On the one hand, Bonhoeffer overcomes the shortcomings from the Lutheran misinterpretation of the Two Kingdom doctrine in the 19th and 20th. On the other hand, he allows for an integration of elements in the Reformed understanding of political ethics, particularly in terms of the connection between human justice, divine justification and sanctification and thus between human rights, Christology and Pneumatology.

[2] Ernst Troeltsch has interpreted the Doctrine of the Two kingdoms in the sense of such autonomy (double morality), cf. Troeltsch 1923: 500f.

identical with realizing the righteousness of God, which is received in faith. "Thus, the proclamation of the Gospel frees the law for its own timeliness and worldliness." (Huber 2001: 450f., English transl. R. Lundell) Although we cannot go into detail, it might be illuminating to see that this basic position does not appear in the current debate on the ethics of law ("Rechtsethik"[3]). However, it does mark the extremes that are informative for a Protestant legal ethic. The Lutheran type is encountered in the current discussion as a modified legal ethic from the theological perspective, while the Reformed type is differentiated on several levels as a theological foundation for the law, in short: The 'Lutheran type' tends toward legal positivism, while the 'Reformed type' toward natural law (cf. Huber 2013: 113f.).

In conclusion, we assume that it still took time for a fundamental openness to be brought to the political ethic debate since it infers universal application and a Christian position on the foundation of human rights. The relationship between human rights and Christian ethical thought was anything but self-explanatory up till the 20th century. In this light, Dietrich Bonhoeffer's ethics played a large role in shaping a model of correlation and difference of human rights and Christian ethics as presently discussed (cf. Huber 1992). Its core idea is, on the one hand, to pose questions about correlations between the current form of human rights and the basic content of the Christian faith, and on the other hand, to take seriously the secular character of human rights regarding attempts to derive them theologically: "A look back into the history of all human knowledge of the law shows that it is opposed to falling back on natural law. An exclusively Christian foundation contradicts the fact that the concept of human rights itself is only taken seriously when everyone, independent of their religious and political convictions, is guaranteed (their human rights)." (Huber 2013: 267, English transl. R. Lundell) The unconditional value of human rights depends theologically on making the Lutheran distinction between the person and his deeds. The essence of human worth lies in the fact that it does not depend on conditions or any final accounting of itself, but transcends all. It is an ultimate thing; namely the justification of the sinner by grace alone. Wolfgang Huber concludes, "The fact that people may believe they are

[3] Legal ethics from the theological perspective accounts for the relative autonomy of law over against religion. Under the condition of a pluralistic political culture the systematic application of the law cannot be made dependent upon theological finalities, cf. Reuter 1996; cf. Kreuter 1997; cf. Wüstenberg 2009.

worthless does not mean there is any earthly reason to declare them as worthless." (Huber 2013: 266; English transl. R. Lundell)

IV. Islam and Democracy

Approaching various interrelations between religion and politics in Islam in light of what has been discussed, we highlight the key problems that will be in the focus of this volume, namely:

- balancing of secular and religious views on human rights
- avoiding the dominance of religion in the field of politics
- identifying religious sources for democracy, here from Islamic traditions
- exploring forms of religion, here within Islam, conductive to democracy and interreligious tolerance
- agreeing on criteria for distinguishing elements of democracy indispensable on the one hand and negotiable on the other

In light of the latter problem, *Jan Claudius Völkel* will pose the question of whether democracy only means that a government has been elected (electoral democracy) or whether democracy will also "require the protection of minorities, the freedom of speech, thought and religion, the equality of people and the fair competition between different political parties and worldviews (liberal democracy)?" The latter, however, will require that the other key problems listed above (e.g. the exploration of forms of religion conducive to such liberal democracy involving interreligious tolerance) are addressed thoroughly. This volume contributes, however, to such challenges.

The following first three contributions lay the groundwork for "Islam and Democracy". The fundamental paper by influential Jerusalemite Palestinian Social Scientist *Mohammed Dajani Daoudi* is first, mapping the challenges that arise when approaching large concepts like Islam and democracy in light of their rich intellectual history. Second, Dajani explores the roots of an Islamic democratic culture by drawing on the tenants of Islam as laid out the Quran and in literature with a particular focus on the decision-making processes in early Islam (e.g. the concept of *shura*, a council, similar to the democratic idea of parliament). According to this background, Dajani goes on to discuss the clashing perspectives be-

tween Islam and Democracy, namely the "Incompability-Thesis" as the currently still dominant paradigm (Fukujama, Huntington and others) on the one hand, and the "Compatibility-Thesis", on the other hand (Exposito, Halliday and others). Dajani concludes that education can narrow the gap between Islam and democracy: "To have an open mind, to understand and tolerate, one must acquire knowledge." German Islam scholar *Jan Völkel* empathetically refers to numerous personal incidences while living in Arab countries, focusing on the correct balance of secular and religious. His observations on such balance include the reference to the German constitution that declares in the first article the inviolability of human dignity. Völkel's sees in the universality of the German approach a key to the balance of secular and religious. The German constitution ("Grundgesetz") does not, particularly in light of the terror of the Nazi-Regime, exclusively refer to the dignity of Christians or of Germans or anyone else, but inclusively to all humans: *human* dignity that is be protected by all executive powers of the state ("Die Würde des Menschen ist unantastbar. Sie zu schützen und zu achten ist Verpflichtung aller staatlichen Gewalt", Art. 1,1 GG).

In conclusion, for Völkel, it is not so much the question of which religion you practice as a citizen, but how you understand your role as a citizen. Such a role will, according to Völkel, not only involve studying the Bible or the Quran but will involve taking responsible action as a mature citizen, which in most Islamic countries will involve civil engagement to end suppression or dictatorship. The third introductory contribution by *Islam Jusufi* rounds out the picture. Albanian political science scholar Jusufi paints a colourful but realistic picture regarding the implementation of democracy in the 57 Muslim countries by referring to scientific data. He concludes that most Muslim democracies "have either stagnated or slipped backward." Jusufi offers an analysis in the reasons for the backsliding of electoral democracies such as "poor domestic governance", "geopolitics," or the mere fact that "no Muslim Country is free of war."

V. Islam and Islamic Law (*Sharia*)

In the second chapter, this volume focuses on the overall question of "Islam and Islamic law (*Sharia*)", tackling key-problems such as the balance of the secular and the religious spheres and the dominance of religion in the field of politics. For

Western observers, the role of *Sharia* is often confusing. On the one hand, we read in newspapers about archaic punishment in some of the 57 Muslim countries (like cutting off the hand after a robbery, or others). On the other hand, we hear that *Sharia* law and human rights do not contradict each other.

In general, the word *Sharia* has three basic meanings. "First, there is the normative one or divine judgment on human conduct. Second, *Sharia*'s meaning primarily relates to the Arabic world in the sense of 'to lead to water.' In the desert, camels' direct path to finding water is important for their survival. If one can't find water, it means certain death. In a more extended sense, *Sharia* in a third sense means the 'way to God theologically.' And from this point, it is not difficult to come back to the first meaning, namely, the normative one. The normative perspective – the one that is the way to God and should be observed – has two sides: a legal side and a moral side. Thus, it is interesting that the smallest part of the written *Sharia* has a normative, legal character. The larger section, which consists of about 95 % of the texts that deal with the question of monotheism, ethics, and morality, are found in the 'full legal guide' in Surah 2:43: 'Keep up the prayer, pay the prescribed alms, and bow down with those who bow.'" (Wüstenberg 2019: 33, with reference to Cefli Ademi and Schmitz 2009 in footnotes).

We already see from this very broad introductory sketch that, in general, *Sharia* is not primarily meant to serve as "positive law", (i.e., the laws as laid out be governments to rule a country) and thus does not in itself contradict the legal side of any modern democracy. Since the 1980s, occurring first in Britain, there has even been discussion of "the introduction of shariah law" and, in general, of "European perceptions of Sharia" (Rohde 2015: 660).

In this light, it is not surprising that the three contributions in this volume under the heading "Islam and Islamic Law" argue that Islam and democracy are indeed reconcilable. For the reader not familiar with the basics of Islam, the first of these contributions by Palestinian Islam scholar from Hebron University *Loai A. Ghazawi* introduces in more detail the main ideas of Islamic law and continues to argue for both the "flexibility and stability of Islamic law". Whereas "beliefs and morals in Sharia law cannot be changed", "practical laws that govern day to day life … has changed from Prophet to Prophet based on their time, place and circumstances." Ghazawi concludes, "Understanding the concept of democracy in Islam can only derive from the flexible side of Islamic laws." Hebron University scholar *Samir Suleiman* embeds the discussion within the Islamic law-schools

(Hanbali, Maliki, Shafi'I; Hanafi) and highlights how both textualism and rationalism are dominating contemporary Muslim political thought, (e.g. of Salafism in Al-Qa'ida terrorists like Bin-Laden or fundamentalist textual approaches in Saudi Arabia). In An-Nahi (1928–2015), for instance, "democracy is virtually demonized as an innovation incompatible with Islam." Suleiman concludes that "there are obviously Muslims who reject democracy like An-Nahwi, mainstream thinkers like Al-Qaradawi consider democracy at least partly – and with regard to secular thinkers like Al-'Ashmawi even – or as completely compatible with Islam." Potsdam Islam scholar *Arhan Kardas* with background in the Erlangen Islam School of Mathias Rohe argues for a "civil Islam" in his contribution. Kardas is guided by a different hermeneutic approach, namely differentiating between an early period of civil Islam and a later period of political Islam. For Kardas, "Islam is a religion consisting of divine principles that invite people to accept those values which the Prophet brought. This religion could establish itself first civilly in Mecca, and after the hijra in Medina, it developed a political discourse in addition to its civil nature. This political discourse, however, does not make the core principles." Most compatible to democracy is, according to Kardas, the first period "in Medina between 622–683" because the manifestation in early Islam "was oriented in alliances of shared human values, particularly justice and consensus, aiming at individuals' spiritual perfection without considering a specific type of public order."

VI. Islam and the West

The three essays in the middle part of this volume deal in different ways with practical questions of the perception of Islam in light of human rights, democracy, and diplomacy from various West perspectives, involving specific countries (such as Turkey, Palestine, Rwanda and other). Islam scholar from Italy *Davide Tacchini* and British Theologian *Amédée Turner* present results from their practical encounter of organizing more than seventy discussion groups with Muslims across Western countries, including North America, Britain, France, Spain, Italy, and Germany. According to the contributors, the idea was to provide a window on the rich and diverse world of "Western Islam". As a result, a "clash of civilizations" was found in none of the working groups. Rather, "Democracy is a mere way to do things." Hamburg legal scholar *Gerd Hankel* from the Institut für Sozialwis-

senschaften will reflect in detail on the notion of democracy in international law, touching on the cases of Turkey and Rwanda. For Hankel it is self-evident that "without the observance of human rights and basic freedoms and without development there is no democracy. And, conversely, without democracy there is no observing human rights and basic freedoms and also no development." The case of Palestine after the Oslo agreements in 1993 is discussed by Political Scientist scholar from the Arab-American University *Dalal Iriqat*. She argues from the perspective of diplomatic studies for a two-state solution and concludes why diplomacy is still at stake: "Succeeding on the international level was supposed to oblige the PNA to harmonize national laws and guarantee citizen's rights of elections and democracy."

VII. Islam and the Question of Gender

The final three contributions on gender and Islam complete the present volume. The first two papers look at two different contexts: women in a male-dominated culture of the Arab world and the struggle of Muslim women in Europe. Jerusalem-born Palestinian Social Scientist *Zeina M. Barakat's* thorough contribution on *Women in Islam – Between Social Traditions and the Quran* lays the foundation by addressing "Muslim women's struggle for identity, education, justice, liberation, and rights in defiance of religious extremism, traditionalism, and conservatism." Referring to a storehouse of rich evidence from literature and her encounters, she concludes that undemocratic and "repressive practices" exercised within the male-dominated Arab culture "do not originate from the Quran but come from historical customs and traditions which Islam aimed to eradicate." Zeina Barakat observes that "Muslim women have struggled against human inequality and outdated social practices" with reference to *her own reading of the Quran*. Liberation comes from being liberated from the male-dominant reading and interpretation of the Quran. In light of Christian liberation Theology all over the globe and with reference to Christian humanism and Reformation (and its liberating slogans: *ad fontes*, *sola scriptura*), it is fascinating to see examples of a feminine reading of the holy scripture in Islam. The Dutch protestant Christian Theologian *Wietske de Jong-Kumru*, in her contribution to *Muslim Feminism in the Netherlands and its Discontents*, refers to the European Context by way of dealing with the case of Shi-

rin Musa, "a feminist with a Muslim background" who "faces hostilities from all sides." De Jong-Kumru's contribution sheds light on various areas of Islamophobia in Europe in general and the Netherlands in particular. The Dutch encounter with Islam goes back to the time of colonialism. Islam, at that time, was "mostly a distant, colonial affair." Wietske de Jong-Kumru's multi-perspective contribution examines "the ways in which Islam and Muslims are designated as 'the other' and the mechanisms through which they are kept in that position of being 'the other.'" In order to overcome the dualistic paradigm of "otherness," in particular the Muslim woman in opposition to everything associated with "the West," in her conclusion de Jong-Kumru suggests a culture of invitation, "inviting the accounts of Muslim women who are faced with Islamophobia whilst also fighting for rights withheld from them by their community." Flensburg Theologian *Thies Münchow's* contribution analyses Michel Houellebecq's novel *Submission*. Even though the novel does not deal with Islam or with democracy in a literal way (though numerous associations on gender and Islam are made), Münchow argues that there are conclusions to be drawn from the novel's "peculiar engagement of religion and politics." Some of Thies Münchow's observations take us back to fundamental questions raised at the beginning of this Introduction, namely the appropriate relationship between politics and religion and its conditions – be it in light of Islam or of Christianity. For Michel Houellebecq's novel *Submission* "leaves us with the task of revisiting and critically examining the phenomenon of 'political theology'."

VIII. Closing Remarks and Acknowledgment

The volume is rounded up by two concluding contributions from both Christian and Muslim perspectives on the discussed relationship between Islam and Democracy. We are grateful to our Cambridge colleague *Colin H. Williams* and to American Islam scholar *Qamar-ul Huda* for studying all contributions and providing final perspectives on Islam, modernity, liberalism, and Christian faith.

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I. Islam and Democracy

Islam and Democracy – Exploring the Islamic Democratic Culture

Mohammed S. Dajani Daoudi

I. Introduction

In 1889, the Indian-born English novelist and poet Rudyard Kipling coined the phrase, "Oh, East is East, and West is West, and never the twain shall meet" (cf. Kipling 1940: 233–236). In modern times, the thesis of the incompatibility and compatibility of Islam, a religion revealed in 6th-century pagan Arabia, to democracy, a Western concept practiced in Athens around the sixth century B.C. and developed through unceasing reformation, raised a heated controversy among theologians, academics, writers, and scholars. Some attribute the Muslim world's lack of democracy to Islamic teachings and view Islam and the West on a collision course. Having originated in the East, Islam is viewed by Western democracies with suspicion (cf. Saikal 2003). On the other hand, there are those trying to prove Islam and democracy are compatible and in harmony with one another. Similar to other religions, scholars interpret Islam in a variety of ways. While Muslim moderates interpret Islam as compatible with democracy, an extreme interpretation of the faith interprets it in total conflict with democratic ideals.

This article explores and analyzes the multifaceted, dynamic relationship between Islam and democracy as grounded in the Holy Quran. It addresses the questions: What links Islam to democracy and in what ways Islam and democracy are compatible or incompatible, and what is the significance this holds to humanity? Does Islam hinder democracy and democratic development? Does Islam promote a democratic culture and call for creating a democratic political system? Can nearly twenty million Muslims living in the West be integrated within these democratic and secular communities? Will democratic interpretations of Islam narrow the gap between East and West? What is education's role in bridging the gap between religion and politics, Islam, and democracy?

The article is divided into five parts. The first introduces and defines the main concepts. The second explores the democratic ethos and the principles of democ-

racy. The third explains the tenets of Islam as related to a democratic creed. The fourth discusses the controversy of the compatibility and incompatibility of Islam and democracy. It provides a concrete, real-world explanation for the lack of democracy in the Muslim world. It concludes with an assessment of both arguments challenging the notion of an inevitable clash or confrontation based on religion. The fifth and last part explores the role of education in bridging the gap between Islam and democracy. It provides a vision of the future for education in empowering democracy molded-in Islamic culture throughout the Muslim world.

Definition of Terms

One main hurdle facing researchers studying Islam and democracy's intricate relationship is that Islam is used to convey diverse meanings and to serve different objectives. Simultaneously, "democracy is essentially a contested term" (Esposito/Voll 1994: 14), and there is no universally agreed definition of what democracy means and what constitutes a genuinely democratic system. David Robertson argues that democracy is "the vaguest of political terms in the modern world" (Robertson 1985: 80). *The Merriam-Webster Dictionary* defines the term democracy as: "Government by the people; especially, rule of the majority; a government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections; the common people especially when constituting the source of political authority; the absence of hereditary or arbitrary class distinctions or privileges."

Scholars in the field offered a variety of definitions for the term democracy. Schumpeter defines democracy as "that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide to utilize a competitive struggle for the people's vote." (Schumpeter 1943: 269) Schmitter and Karl define democracy as: "Modern political democracy is a system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their elected representatives." (Schmitter/Karl 1991: 76)

Samuel Huntington defines democracy as a political system in which the "most powerful collective decision-makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes, and in which virtually all

the adult population is eligible to vote." To him, democracy "implies the existence of those civil and political freedoms to speak, publish, assemble and organize that is necessary to political debate and the conduct of electoral campaigns" (Huntington 1991: 7).

Larry Diamond defines democracy as a political system that has "extensive civil liberties (freedom of expression, freedom of the press, freedom to form and join organizations)" (Diamond 1995: 10).

II. The Democratic Ethos

The golden age of democracy was ushered in by the prominent Greek statesman Pericles (495–429 BC) in Athens more than four hundred years before Christ (cf. Stockton 1990; cf. Raaflaub et al. 2007; cf. Ober/Hedrick 1996). But the democracy we praise today brought to a tragic finale the great philosopher's life. The Athenian court issued a death sentence against the 71-year-old Socrates (470–399 BC), obliging him to drink hemlock poison for an education they perceived to be corrupting the minds of the Athenian youth (cf. Plato 1986: 65).

Socrates is portrayed by his talented student Plato (427–347 BC) "as a man with a deep sense of mission and absolute moral purity" (Stunpf/Fieser 2008: 31). He was an original philosopher who developed a new method of intellectual "inquiry" (ibid.: 33), a man "who was, of all the men of his time, the best, the wisest and the most just" (ibid.: 40). He perceived the verdict as grossly unjustified and unwarranted. The trial and death of Socrates distressed his talented student Plato and deeply disillusioned him about Athenian democracy. Not only was democracy unable to produce great leaders, but it executed one of its most noble citizens. "And so tyranny naturally arises out of democracy," Plato writes in *The Republic* (Plato 1999: 264).

Rather than ruling out the democratic creed, Plato diagnosed what was wrong with democracy and how to fix it. His diagnosis was that ignorance infected democracy. He concluded that the only way to save democracy from demagoguery is through education. Plato envisioned that only by having the captain of a ship equipped with adequate navigation can it be guided to its final destination. A captain without such knowledge, he argued, would only move the ship in circles. Plato established 'The Academy of Athens' as "the first university to emerge in the histo-

ry of Western Europe" (Stunpf/Fieser 2008: 42), which produced philosophers who set the agenda for the major intellectual traditions that were to follow (cf. Dillon 2003). Its twin goal was to equip future leaders with adequate knowledge to rule wisely and have their students "pursue scientific knowledge through original research" (Stunpf/Fieser 2008: 42). Until 1760, no polity in the world was democratic (Potter et al. 1997).

With the Athenian democratic experience on their minds, the American Founding Fathers opposed direct democracy. They considered it 'tyranny of the majority' and viewed it as 'mob rule' (cf. Ackerman 2007; cf. Bouton 2008). George Washington believed that democracy led people to make bad, emotional decisions. Consequently, the Declaration of Independence of 1776 and the new constitution of 1787 did not include the word democracy. In an 1807 essay, John Adams cautioned that democracy would soon degenerate into anarchy. That explains why the Electoral College elects the president and not the popular vote.

Correspondingly, the French Revolution of 1789 raised the slogan: 'Liberty, Equality, Fraternity,' avoiding using the term democracy. Both the American Revolution and the French Revolution did not view 'democracy' in favorable terms as their leaders believed it unleashed populist passions that overcame rational reasoning. Particularly those nations at the time were far from being real democracies due to their lack of democratic education and practice.

The challenge Western civilization faced was how to transform societies from autocratic rule and religious domination to democratic, popular, and secular authority, as Abraham Lincoln later described it in his famous 1863 Gettysburg Address: "Government of the people, by the people, for the people, shall not perish from the earth." (cf. Conant 2015; cf. Wills 1992)

In 1916, the American educational thinker John Dewey (1859–1952), following in the footsteps of Plato, emphasized in his book *Democracy and Education* the importance of education in building a democratic culture. In his celebrated book, Dewey points out that democracy is about voting rights and equipping citizens to take on the responsibility to make informed, intelligent choices and decisions leading to the public good. If democracy is to work, Dewey argued, it requires aware, informed, knowledgeable, and wise citizens, and, therefore, education has a moral purpose.

In the aftermath of the Second World War and in reaction to its extreme devastation and human casualties, peace-centered education and democratic education

ushered in a focus on peaceful coexistence and non-violent resolution of conflicts (cf. Potter 1997: 1–40). Thus, both democracy and Islam tend to designate a 'system of government' and a 'way of life.'

The Principles of Democracy

As a 'system of government,' democracy is a political scheme that recognizes the people as the source of power, influence, and authority. It refers to a governmental system having a constitution guaranteeing popular sovereignty and the people's right to participate in decision-making on public issues. Citizen participation through free contested elections is a critical criterion of a democratic system. In a democratic system, citizens vote to choose their government through free elections and deliberations on vital issues through public referendums. A democratic system guarantees civil liberties, including freedom of the press, speech, expression, assembly, association, demonstration, and religious belief. All citizens are treated equally before the law.

As a 'way of life', democracy means practicing specific values within society such as liberty, freedom, human rights, religious freedom, fraternity, brotherhood, egalitarianism, peaceful dialogue, moderation, temperance, diversity, pluralism, universalism, diversity, and peaceful coexistence (cf. Diamond 2003; cf. Huntington 1984).

III. The Tenants of Islam

The best way to understand Islam is through studying its core source – the Holy Quran. According to its text, purity, righteousness, morality, peace, justice, and prosperity are Islam's primary goals. The Quran includes justice, temperance, love, compassion, mercy, modesty, self-sacrifice, tolerance, freedom, equality, diversity, and fairness. Followers who genuinely live according to these moral precepts are highly refined, thoughtful, tolerant, generous, kind, trustworthy, and accommodating. It calls upon the believers to spread these values, treat others with gentleness, respect parents and the elderly, help the sick, the weak, and the poor, speak the truth, and do what is right. The true principles upon which Islam's spiritual ed-

ifice is structured reveal its nature as a religion of moderation and middle ground. From its core values, it emanates respect for life, human rights, and human dignity, affecting all ideals and actions that guide the day to day lives of its followers (cf. Afkami 1995). According to the Quranic scriptures, God is the most merciful who shows what is right and warns against evil. Thus, the revealed codes are perfectly suited to universal needs, human rights, and civil liberties.

The general principles of democracy find prominence in the teachings of Islam. The spirit of Islam is the soul of democracy. Upon examining the Islamic tenants, we see the democratic ethos deeply ingrained within the Quranic scripture.

The Egyptian Islamic scholar Abbas Mahmoud al-Aqqad in his path-breaking book *Democracy in Islam,* published in 1952, identifies four fundamental principles for Islamic democracy: individual responsibility, equality of rights, *shura* (consultation)*,* and cooperation (cf. al-Aqqad 1952). Khaled Abou El-Fadl, in his book *Islam and the Challenge of Democracy* (2004), states that though the Quran did not specify a particular form of government it identified a set of social and political values that are central to a Muslim polity. According to him, the three matters of particular importance are: pursuing justice through social cooperation and mutual assistance (Quran 49: 13; 11: 119); establishing a non-autocratic, consultative method of governance; and institutionalizing mercy and compassion in social interactions (Quran 6: 12, 54; 21: 107; 27: 77; 29: 51; 45. 20) (cf. Abou El-Fadl 2004).

As a 'System of Government,' Islam embodies six fundamental democratic concepts: *shura* (consultation and dialogue), *bayʿah* (loyalty and allegiance), *ijma (*consensus and plurality), *'adala* (justice and fairness), *musawa* (egalitarianism and equality), and *musa'ala* (transparency and accountability).

To begin, *shura* is a vague term. There is no agreement among religious scholars on what it means, what it encompasses, and to what extent it is binding. Indeed, it is the characteristic of this vagueness that led some Muslim religious scholars to maintain that *shura* is the other face of the democratic coin, while others declared: "Democracy No; *Shura*, Yes!".

Linguistically, the term *shura* in Arabic means to counsel, seek advice from others, and guide someone to the right path. Ibn el-Munther, in his glossary *Lisan al-Arab* explains that *shura* in Arabic means "to extract the truth on a certain matter from learned men" (el-Munther n.d.: 2356). For instance, they say: 'He counseled him to do so and so'; also, 'Caliph Umar ibn al-Khattab (634–644) left

the Caliphate *shura*', i.e., to be decided through consultation (cf. *al-Munjid fi al-Lughat* 1984).

In Islamic political thought, *shura* means "exploring the opinion of those people of knowledge and experience to reach the nearest to what is right" (Rahman/Khaleq 1975: 14). Others explained the term in more general terms: "the exploration of the *Ummah*'s opinion or of its representatives in matters of public concern" (al-Ansari 1980: 4). According to Sa'ad el-Din al-Husseini, every Muslim should have input in all matters of vital concern to him so long as there is no Quranic text or a genuine Hadith (cf. El-Din al-Husseini 1993). *Shura* is a mere expression of "the benefits God Almighty as a supreme legislator has ordained to his believers within the boundaries of maintaining their faith, lives, thoughts, offspring, and wealth under a certain arrangement among them" (al-Sayed Abed Rabo 1978: 84).

Cyril Glasse maintains that the term refers to "representative democratic institutions rooted in Islamic tradition, and in particular to parliamentary democracy" (Glasse 2008: 492). She identifies the main elements embodied in the *shura* concept to be the rights of the *umma* [nation/community] to the following: "(a) to express its views in crucial matters such as the selection of the ruler; (b) to have its views heard in all public matters of significance; (c) to rule itself in accordance to its will and for the sake of its welfare; and, (d) to check and oppose, criticize and reform freely" (ibid.).

Through *shura*, the Quran instructs the Prophet to consult with the believers on vital public interest issues to reach the right decision for the community's best welfare. In addition to having a chapter titled "*Surat ash-Shurah*," the Quran mentions the term *shura* regarding governance in two verses:

{"And those who answer the call of their Lord and establish worship, and *whose affairs are a matter of counsel among themselves* [conducting their affairs by mutual consent]."} (Quran 42: 38).

In this verse, the call for counsel is preceded by the instruction to pray, linking seeking guidance with praying to be guided along the right path through counsel. An example of the Prophet seeking counsel and getting favorable results is the Battle of Badr fought in March 624. The Prophet drew a military plan for the deployment of his meager troops. One of the followers then asked him, "Is this positioning revelation from God so that we have to abide by it without question, or is it an opinion of strategy and plan?" The Prophet responded it was indeed the latter. The Muslim then suggested an alternate plan of deployment. The Prophet

agreed with him and adopted his scheme; the outcome was a resounding victory (cf. Hathout 2008: 56).

The second Quranic verse states:

{"So, it was by the mercy from God, [O Muhammad], that you were lenient with them [gave in to them]. And, had been rude and harsh in heart, they would have dispersed [disbanded] away from around you. So, pardon them, ask forgiveness for them, and *consult them* in the matter. And when you have decided, then rely upon God. Indeed, God loves those who rely [upon Him]."} (Quran 3: 159).

In this verse, God commands the Prophet not to be harsh and unkind to his followers for having opposing views, to forgive his followers, and continue seeking their counsel in the conducting of affairs. The verse's background is that during Uhud's Campaign, the Prophet consulted the Muslims on the battle strategy. The Muslims had fortified themselves within their dwellings in Madina. His opinion was to remain within the city's periphery and wait for the infidels to attack. However, the majority insisted on marching outside the city to engage the enemy and desert their fortified positions. The Prophet "yielded to the majority opinion in compliance with the principle of Shura" (ibid.). This move proved to be disastrous for the Muslims, causing their defeat. Prophet Muhammad was upset for having yielded to them. Thus, God starts the verse by instructing him to pardon and forgive them, not reprimand them, and not abandon the notion of *shura*.

In his book *Fi Zilal al-Quran* [In the Shadow of the Quran] published in 1954, the Egyptian Islamic theologian Sayyid Qutb (1906–1966) comments on the failed experience. He writes: "The Prophet could have saved the Islamic community the bitter experience it had to endure had he executed his plan for the battle, depending on his prophetic instinct which leads him to believe that the city is a fortified shield. He could not have consulted his companions or could have rejected the view that transpired from the consultation. However, the principle of *shura* requires the ruler to initiate consultations on essential matters where there is no clear Quranic text dealing with it." (Qutb 2003: 500; cf. idem 2009)

The Prophet adhered to the *shura* principle, as did the four caliphs succeeding him, seeking counsel with the community. He consulted with al-Ansar leaders when in 627, in *Ghazwat al-Khandaq* (Battle of the Ditch), he wanted to sign a truce with the army of the infidels laying a siege around *al-Madina al-Munawara* to withdraw their combatants in exchange for part of the city's product of dates. As the Prophet was unable to conduct prayers in his final days, he asked Abu Bakr

(632–634) to lead the prayers. The Islamic community took that as a signal that the Prophet had chosen Abu Bakr to be his successor. However, they did not consider that guidance to be obligatory and met and discussed the succession matter further. After considering other potential candidates, they decided to swear their allegiance unanimously to Abu Bakr. According to Al-Raysuni in *Al-Shura* (2011), the consultation in choosing a successor to the Prophet took place among both individuals and small groups. Similarly, it took place among the Supporters as well as among the Emigrants". (Al-Raysuni 2011: 99)

When Caliph Abu Bakr felt his death is near, he wrote a letter appointing the Prophet's companion Umar ibn al-Khattab to be his successor. Following his death, Umar stood in the mosque and asked to open and read the testimony saying: "Let me read to you Abu-Bakr's will." He was interrupted by a Muslim shouting: "*Ya* Umar, do you know what is the content of this will?" And Umar responded: "No, I do not." The man then replied: "But I know. Abu Bakr has chosen you now as you had chosen him before." So, Umar set aside the wrapped will and allowed the people to express their views. Following their deliberations, the people asked Umar to read Abu Bakr's choice and *bay'a* – swore to him their allegiance though they could have chosen someone else.

The Muslim theologian Jamal al-Din al-Afghani (1838–1897) was among the first to point out the significance of *al-shura* in Islam. He rejected absolute rule and stressed *shura* as an obligation for the nation to safeguard its interests. (cf. Keddie 1968)

In *al-Hurriyat al-A'amah fi al-Dawlah el-Islamiah* [Public Freedoms in the Islamic State] (1993), Sheikh Rashed al-Ghanushi considers *shura* to be a fundamental pillar of the Islamic system. He views it as a testimony of the nation's right to governmental public participation and legal duty and responsibility. Sa'ad al-Din al-Husseini confirms that *shura*'s nature is not, as some incorrectly suppose, confined to a select few. When the issue under consultation affects every Muslim, then the Muslim community leaders are to consult each individual. (cf. el-Din al-Husseini 1993: 63)

Some Muslim scholars argued that since God asked His messenger to seek counsel and guidance from the Islamic community, it is ordained that this practice is to be an obligation for Muslim rulers to follow and to keep that tradition (cf. al-Nabhan 1994: 9). Khalid Muhammad Khalid disagrees: "*Shura* is not binding. It will be the right of any Muslim sovereign to gather around him his close ad-

visers and listen to their views and opinions, but the final word and decision will be his and his alone." (Khalid 1985: 184) He further observes: "Those who argue *shura* is binding are Muslim religious scholars, and those arguing it is not binding are also Muslim religious scholars." (Ibid.: 188) In his book *Shura in Islam,* Muslim scholar Imam Mohammad al-Shirazi notes in "drawing from this holy verse; *shura* is two types: first is the Muslim ruler's consultation of the Muslims about affairs concerning them; and second is the consultation among Muslims about how to administer their affairs. Therefore, it is a duty of both the governor and the governed." (al-Shirazi 1989: 13; cf. al-Shirazi 2014) Sheikh Muhammad al-Ghazali in *Azmat al-Shurah* [The Crisis of Shurah] argues *shura* is obligatory to prevent rulers' tyranny since the essence of religious thought is to prevent despotism. (Ghazali 1990: 87)

Like democracy, the *shura* process begins with the individual who chooses the ruler or his representative in the *shura* council (parliament). The member of the community is to keep in touch with his chosen representatives. On the other hand, both rulers and representatives are to make decisions on important issues in consultation with their constituencies. The notion of *shura* is deeply rooted in Islamic culture reflected in the following proverbs: 'Two heads are better than one', and 'one hand alone does not clap.'

The second Quranic concept related to governance is *al-bay'a* (pact/allegiance), which refers to the ruler's recognition by his subjects. Citizens freely offer an oath of loyalty to the ruler after being chosen by the *umma*. "This is performed to the ruler by the subjects, or, on their behalf, by the body of religious scholars (*ulama*), and political leaders." (Glasse 2008: 93) It grants legitimacy to the ruler and his regime. Only the one receiving the people's allegiance by consent and free choice can legitimately become the ruler (caliph). The Companions of the Prophet swore allegiance to him on various occasions. The first time the Muslim community practiced *al-bay'a* following the Prophet's death was when the *umma* chose its first caliph Abu Bakr to succeed him.

The third Quranic concept is *ijma'*, a term in Arabic meaning agreement, unanimity, and consensus of the Muslim mainstream community (*al-jama'a*), referred to in the democratic creed as 'majority/pluralist rule.' However, there is also no agreement among the *'ulama* Muslim theologians and scholars as to what precisely constitutes '*ijma*' (cf. Hamid Ali 2010). The distinguished theologian Imam Muhammed al-Shafi'i (767–820) defines the term *ijma'* as the community's public

opinion expressed through the most learned jurists. (cf. Khadduri 2011) It indicated that the Muslim community's decisions ought to enjoy the people's consensus and their blessings. However, it does not mean there could be no dissenting views. Based on Hadith, the consent of the *umma* should be the moral compass guiding the ruler.: "My community shall never agree in error" or "My nation will not unite on misguidance, so if you see them differing, follow the majority" (Glasse 2008: 238).[1] Here, the assumption is the Islamic *umma* will not unanimously agree on falsity or misguidance.

The fourth Quranic concept is *'adala* (justice) commended as "the highest moral virtue" (Abou el-Fadl 2002: 62) in Islam. The following passages display the centrality of justice and administering justice in the Quranic scripture:

{"God commands you to render trusts to whom they are due, and when you judge between people and judge with justice …"} (Quran 4: 58);

{"We have revealed to you the scripture with the truth that you may judge between people by what God has taught you."} (Quran 4: 105);

{"O you who believe, be upright for God, and (be) bearers of witness with justice. Let not the hatred of a people swerve you away from justice. Be just, for this is closest to righteousness."} (Quran 5: 8);

{"If you judge, judge between them with justice."} (Quran 5: 42);

{"And the Word of your Lord has been fulfilled in truth and justice. None can change His Words."} (Quran 6: 115);

{"God commands justice and fair dealing." (Quran 16: 90);

{"Say: I believe in the Scripture, which God has sent down, and I am commanded to judge justly between you."} (Quran 42: 15);

{"We sent Our Messengers with clear signs and sent down with them the Book and the Measure to establish justice among the people."} (Quran 57: 25);

{"God does not forbid you from doing good and being just to those who have neither fought you over your faith nor evicted you from your homes."} (Quran 60: 8).

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[1] Although this is a widespread Hadith but its narration is weak and as we saw at the Trench Campaign, the *ijma'* of the Muslim community proved wrong. However, the meaning has been upheld within the Muslim tradition being desirable. Some Muslim religious scholars among them Ibn Mas'ūd argued: "The Jamāʿah is what agrees with the truth, even if one is alone". Others such as Nuʿaym ibn Ḥammād shared a similar view saying: "If the Jamāʿah becomes corrupt, then one should follow what the Jamāʿah was upon before it was corrupt even if one is alone." (Cf. al-Qayyim 2011: 115).

Justice in Islam transcends considerations of race, religion, ethnicity, gender, color, and creed. To render justice is a trust God conferred to man and its fulfillment is an integral part of the faith. The caliph should treat all humans equally and fairly in terms of rights, responsibilities, and duties. The Quran commands both rulers and ordinary people to be just to their friends and foes alike, and even to testify against themselves: {"O you who believe! Stand out firmly for justice, as witnesses to God, even if it be against yourselves, your parents, and your relatives, or whether it is against the rich or the poor."} (Quran 4: 135); {"When you speak, speak with justice, even if it is against someone close to you."} (Quran 6: 152).

The fifth Quranic concept is *musawa* (egalitarianism and equality) [Quran 9: 71; 3: 195; 4: 124; 16: 97; 40: 40]. The Quran says, "O people, we created all of you from the same male and female, and we made you into nations and tribes to recognize each other. The best among you is the most righteous. God is omniscient cognizant" (Quran 49: 13). Since humans are all equal before God, they should be equal before the law and be treated equally by the ruler.

Once upon a time, the second Caliph Umar, while walking in Mecca's suburbs, came across an older man begging. He asked him: "What made you beg?" The old man responded: "Poverty and old age." Then Umar explained: "But as old and poor you are entitled to aid from Beit al-Mal (treasury)." The man explained: "I do not receive any aid being a Jew." Umar led him to Beit al-Mal and gave instructions to give him and all other non-Muslims monthly allowances. The message of Umar was that all citizens should be treated equally irrespective of faith. However, with time, the egalitarian rejuvenation once associated with early Islam lost steam. It became more and more institutionalized in the state's hierarchical power structure and the resurgence of the traditional family and tribal attachments in Muslim society.

The sixth concept is *musa'ala* (accountability). When Abu Bakr gave his acceptance speech, he declared: "O people, I have been appointed to be your governor though I am not the best among you. So, if I do good, support me and if I do wrong, guide me." He continued: "Obey me so long as I obey God and His Prophet, but if I go astray and disobey them, then you should not obey me." Similarly, his successor Caliph Umar ibn al-Khattab declared in his acceptance speech, "Should I go astray, guide me." One of those in attendance shouted: "Yes, should we notice that we will set you on the right track with our swords."

Under the Prophet's early successors, the Rightly Guided Caliphs (*al-Khulafa' ar-Rashidun* Abu Bakr, Umar ibn al-Khattab, Uthman ibn 'Affaan, and Ali ibn

Abi Talib), observed the fundamentals of an Islamic democratic system. However, the *Umayyads* and *Abbasids* caliphates that followed soon smothered them. Since then, the Muslim world has been governed by political systems of varying democratic to authoritarian tendencies.

As a 'Way of Life', the Quran advocates and supports human rights (cf. Mayer 1995). An Arab once said to the Prophet: "Be fair, O Muhammad, for this money is not yours, nor is it your father's." The companion of the Prophet Umar bin al-Khattab withdrew his sword and wanted to slew the Arab for his insolence and rudeness, but the Prophet cooled him, saying: "Leave him Umar, for the man has a right to have a say."

A Muslim wife should have an equal say with her husband regarding family matters (cf. A'la Mawdudi 1973; cf. Muhajir 1968). In the following Quranic verse, God instructs parents that should the mother of a newly-born baby decide not to feed the baby from the milk of her breast for two whole years, then both parents should consult and reach an agreement by consent to determine the right choice to take in the baby's best interest. The Quran instructs: {"And if they both desire to wean through mutual consent from both of them *and consultation*, there is no blame upon either of them."} (Quran 2: 233)

As a way of life, Islam exhibits the following characteristics: *hurriyya* (freedom and liberty) [Quran 2: 256 and 18: 29]; *mujadala* (dialogue and discourse) [Quran 16: 125]; *tanawwu'a* (diversity) [Quran 30: 22]; *taa'ddudiyya* (pluralism) [Quran 11: 118]; and *ta'aayush silmy (peaceful coexistence)* [Quran 8: 61 and 6: 108]. Moreover, it calls for *akhawiyya* (brotherhood) [Quran 49: 10]; *tasamuh* (reconciliation), t*ahammul* (tolerance) [Quran 109: 6]; and *wasatia* (moderation and middle-ground) [Quran 2: 143] (cf. Nasr 2004).

IV. Two Clashing Perspectives

1. The Dominant Paradigm: The Incompatibility-Thesis

In the aftermath of the collapse of the Soviet Union in 1989, the Japanese-American political scientist Francis Fukuyama published an article in *The National Interest* titled "The End of History?" (cf. Fukuyama 1989), which he later expanded in a book titled *The End of History and the Last Man*, published in 1992. In both the

article and book, he advances the thesis that Islam is 'resistant to modernity and democracy.' He blames Islam for the ills in Muslim countries, claiming "there does seem to be something about Islam, or at least the fundamentalist version of Islam that has been dominant in recent years, that makes Muslim societies particularly resistant to modernity" (Fukuyama 2001)[2].

American political scientist Samuel Huntington adopted his student's thesis as pronounced in *The End of History* in an article published in 1993. He expanded it into a book titled *The Clash of Civilizations and the Remaking of World Order,* published in 1996. Huntington argued that the Islamic world is an infertile ground for democratic development. Hence, the underlying problem for the West is not Islamic fundamentalism but the religion of Islam itself. He viewed it as an infertile civilization whose adherents are convinced of their culture's superiority and are obsessed with the inferiority of their power (cf. Huntington 1993; cf. idem 1996: 217). Huntington attributed the source for this hostility to lying in the "inhospitable nature of the Islamic culture and society to Western liberal concepts" (Huntington 1996: 114), resulting in a clash between Islam and the West. He noted that "the West's simultaneous efforts to universalize its values and institutions, to maintain its military and economic superiority, and to intervene in conflicts in the Muslim world generate intense resentment among Muslims" (ibid.: 211). Huntington viewed the world order in the 20th century to have shifted into a clash between the West and the East, specifically between Western and Islamic cultures. In his view, Muslim resistance to the concept of democracy, democratic development, and modernity highlights this clash which he attributes to the inferior nature of their faith. His hypothesis is summarized as follows: The "democratic prospects in Muslim republics are bleak" (ibid.: 193).

Benjamin Barber in Jihad vs. McWorld supported the premise of the incompatibility of Islam and democracy by identifying Islamic fundamentalism as a counter-force to the spread of liberal democracy (cf. Barber 1996). Barber uses the term *"jihad"* to refer to the competing forces of tribalism and religious fundamentalism, emphasizing Islamic fundamentalism.

In his article entitled "*Does God Matter, and If So Whose God: Religion and Democratization*", John Anderson notes that except for Turkey and Pakistan, which

[2] Al-Braizat criticizes Fukuyama's notion that Islam is incompatible with modernity, and by implication, to democracy (cf. al-Braizat 2002).

he considers fragile 'democracies', – democracy has generally failed to be entrenched in Muslim countries (cf. Anderson 2004: 197).

Such claims created the West's dominant paradigm of 'Islam's undemocratic nature'; denoting the reason why the Islamic world is antagonistic to democracy and its structure incompatible with democracy. According to this philosophical tendency, where Islam is dominant, democracy cannot exist due to Islamic emphasis on divine sovereignty, while democracy attributes power to the people (cf. Ahmad 1976).

The hypothesis is based on the assumption that belonging to a specific religious tradition is crucial in predicting support for democracy at the individual level and that some religions are more 'suitable' for democracy than others. Per this school, Islamic religious tradition is inherently incompatible with democratic governance and is not supportive of democratic development. Consequently, the tendency for democratic leaning within the Islamic community is low.

Some Islamists also supported the incompatibility thesis, but from a different perspective. They argue that while democracy calls for the people to be governed by the people, Islam determines that God rules exclusively. Islamists perceive democracy with suspicion and contempt since it is part of the western heritage. In rejecting Western values, they reject democracy perceiving it to aim at Western imperialist domination by their proxy pro-Western authoritarian regimes.

Fatima Mernissi explains in *Islam and Democracy* that Muslim fear of the Other, the West, and their contempt for democracy is because they view it as a Western product (cf. Mernissi 1992). In one of her exciting thoughts, she maintains that the Arab perceive the West, in Arabic "*al-Gharb*", as foreign, in Arabic "*Gharib*" – an outsider. According to her, the Arabic-speaking Muslim world fears the foreign West and thus identifies democracy as a Western disease.

Abdel Mun'im Mustapha Halima in *The Ruling of Islam regarding Democracy and Pluralist Parties* describes democracy as the religion of the "*Taghut*" (Satan/devil). At the same time, Islam is the "Religion of God," and as such, he raises the rhetorical question, "How can they meet?!" (Halima 1993: 9). He suggests two ways to deal with democracy: "Preparation for Jihad and Jihad for the sake of God." (Ibid.: 123f.)

Muslim scholars rejecting democracy often quote the following verses to ascertain the incompatibility of Islam with democracy:

{"O you who believe! Obey God and obey the Messenger (Muhammad) and those of you who are in authority. (And) if you differ in anything amongst your-

selves, refer it to God and His Messenger, if you believe in God and the Judgement Day."} (Quran 4: 59);

{"He shares not His legislation (judgment/decision/rule/authority) with anyone."} (Quran 18: 26);

{"You worship not besides Him except [mere] names you have named them, you and your fathers, for which God has sent down no authority. The legislation is not but for God. He has commanded that you worship not except Him. That is the right religion, but most people do not know."} (Quran 12: 40)

2. The Challenging Paradigm: The Compatibility-Thesis

Scholars supporting the Islam-democracy compatibility thesis consider Islam to take precedent in determining the human democratic outlook. Voll and Esposito uncover the democratic potential within Islamic traditions, arguing that Islam and democracy are reconcilable.[3] They affirm that the Islamic heritage "contains concepts that provide a foundation for contemporary Muslims to develop authentically Islamic programs of democracy" (Esposito/Voll 1994). Bromley notes, "Islam is, of the three great Western monotheisms, the one closest to modernity and by implication, therefore, the one closest in principle to democracy" (quoted in Anderson 2004: 202). Wright finds neither Islam nor its culture to be a major obstacle to political modernity (cf. Wright 1996).

In *Islam and the Myth of Confrontation,* Fred Halliday dismisses the incompatibility thesis between Islam and democracy. He points out its false premise that there exists one 'Islam' ruling over social and political practice. He points out there is no one sect, or singular form of Islam practiced by all Muslims throughout the Muslim countries, but there exist many forms and sects of 'Islam' (cf. Halliday 1999: 116).

Sardar and Davis argue democracy "clashes with Islam only when it conceives itself as a doctrine of truth or violates one of Islam's fundamental tenants." (Sardar/Davies 2004: 125) They assert: "Indeed, many concepts of the Islamic worldview,

[3] John O. Voll and John L. Esposito, in their essay titled "Islam's Democratic Essence," published in the September 1994 issue of *Middle East Quarterly* and later expanded into a book.

such as the notion of accountability and the injunction to consult (shura) the population, can lay the foundation of democracy in Muslim societies." (Ibid.)

In his book entitled, *Who Speaks for Islam: What a Billion Muslims Really Think (2007)*, John Esposito suggests that Muslims admire the West for its democracy and freedoms. However, Muslims aspire to a political system that is democratic but with an Islamic flavor. He asserts "Muslims want self-determination, but not an American-imposed and defined democracy." (BBC News 2008) Esposito maintains that Muslims do not want a Western-imposed democracy and prefer to build their version of a democratic system that will speak to their issues and concerns rather than Western interests (cf. Esposito et al. 2016).

In her book, *Reconciliation*, the Pakistani Muslim leader Benazir Bhutto views Islam as an open, pluralistic, and tolerant religion (Bhutto 2008). She affirms her conviction that Islam and the West need not be on a collision course toward a 'clash of civilizations.' Bhutto offers a plan for how to stem the tide of Islamic radicalism and rediscover the values of tolerance and justice that lie at the heart of Islam. She presents an image of modern Islam that defies the negative caricatures often seen in the West.

Clinton Bennett *in Muslim Women of Power* explores to what degree culture rather than Islam aided and abetted the roles of five women who have served as leaders of Muslim countries in order to study whether it is sustainable to distinguish Islam from culture (cf. Bennett 2010). The five women have served as leaders of Muslim countries, namely Megawati Sukarnoputri (Vice President of Indonesia, 1991–2001 and President 2002–4), Benazir Bhutto (PM of Pakistan, 1988–90 and 1993–6), Sheikh Hasina (PM of Bangladesh, 1996–2001), Khaleda Zia (PM of Bangladesh, 1991–5 and 2001–6) and Tansu Çiller (PM of Turkey, 1993–6). This example challenges the widespread Western misperception that the Quran instructs Muslim men to oppress Muslim women.

One may conclude that the question of whether Islam is compatible with democracy is a misguided one. As Asef Bayat proposes in his book *Making Islam Democratic* (2007), democratic ideals have less to do with the essence of any religion than it does with practice. The book outlines how student organizations' social struggles, youth and women's groups, the intelligentsia, and other social movements can push Islam in a democratic direction (cf. Bayat 2007).

To some extent, compatibility and also incompatibility exists between Islam and democracy. Both possibilities are probable, depending on from which perspective

one views the matter. Here, one is reminded of the Indian parable of the blind men who were asked to describe an elephant (cf. Arberry 2002: 208; cf. Tolstoy 1904).[4] Each gave a different answer since they define an elephant based on touching the animal. With limited knowledge and experience, they were all wrong but they were also all right since they were describing the part each investigated without being able to see the whole picture.

While Islam shares essential characteristics with democracy, it differs in others. Both Islam and democracy share the concept of egalitarianism. All rights among people are familiar, equal, and well-protected; there is no distinction between one person and another based on ethnicity, linage, family, or wealth. Also, there is the concept of individual responsibility where no individual person is held responsible for guilt committed by another. Solidarity and social welfare among all community members belonging to different sects and faiths is valued in order to accomplish the public good. And liberty of the individual is valued to express ideas and views.

Both governance systems of Islam and democracy are founded on a constitutional government but with one main difference. The democratic system of governance is founded on a human-designed constitution that may be amended. In contrast, the Islamic governance system is based on the God-revealed written Quran which no other authority can alter or change. Muslims thus consider the democratic creed produced by human thoughts as no match for the divinely inspired Quran.

In a democracy, the majority comprises the source of law, while in Islam, the Quran itself is the source of law. God is the lawgiver, and the *umma* is required to implement and enforce God's laws known as *sharia*. In a democracy, the social contract lays the foundation for democracy. Similarly, *shura* includes a fundamental contract based on *al-bay'a*, which specifies rights and obligations between the ruler and the ruled (cf. Badawi 1976; cf. idem 1986: 102). The *sharia* reflects man's interpretation of the Quran, and as such, there are different versions of Islamic laws – the tough and the soft, the strict, and the humanistic. For instance, some societies practice death by stoning for female adul-

[4] The American poet John Godfrey Saxe (1816–87) introduced this Indian parable "The Blind Men and the Elephant" to western readers with his famous poem (cf. Saxe 1876: 259–61).

terers which is not prescribed in the Quran, and most avoid inflicting the amputation of a thief's hand, which is mentioned in the Quran.

Democracy, in principle, is a concept based on the separation of religion and state whereas Islam combines government and religion. In a democracy, most of the community elects a government to decide for the community as they see fit within the constitution's limits, restrictions, and the laws. Islam allows community members to express their views through parliaments within the Quranic limitations and rules.

Religion is not required to be in harmony with politics. Islam, and for that matter any faith, is not required to be in concord with democracy; compatibility between Islam and democracy is not an essential requirement for believers to adhere to their faith. In addition, there is no added value to any religion should it be proven to be compatible with democracy and no damage done if it is shown to be incompatible with democracy. Thus, compatibility between Islam and democracy is not an essential criterion by which to judge Islam or any other faith.

Graham E. Fuller criticizes scholars who proclaim Islam to be incompatible with democracy "as if any religion in its origins was about democracy at all" (cf. Fuller 2002). Islam is a significant religious and political force worldwide as the second-largest faith and allegations that it is incompatible with democracy will not shake it. When two and half billion Christion believed in Jesus and adopted Christianity as their faith, they never wondered about its compatibility with democracy. The same is true in Islam: one and a half billion have adhered to Islam without considering its compatibility with democracy.

In all religions, the adherents believe in the tenets of their faith no matter how far-fetched they may seem to a rational, scientific mind. Jews believe Moses was empowered by God and parted the Red Sea to allow his people to cross to safety, while the sea drowned the pursuing Pharaoh and his army. Christians believe Jesus resurrected the dead and was himself resurrected after being crucified. In his nocturnal visit, Muslims believe Prophet Muhammad traveled on a winged steed called *al-buraq* from Mecca to al-Aqsa Mosque in the Holy Land to ascend to heaven where he met the other Prophets and negotiated with God how many times a day Muslims should pray.

Some expert political scholars view democracy as a failed system for multiple reasons. First, it a system in which 51 % have exclusive decision-making authority over the other 49 % of the people. Another problem with democracy is how easy

it is for demagogues to gain power in such a system and turn it into mob rule or a dictatorship. The third hurdle is that democracy offers radical parties the opportunity to gain power. Once in control of the government, they exploit that privilege to clench to power and not relinquish it. For instance, Islamists, such as Hamas in Gaza, "drawing on populism, majoritarianism, and of course faith" (Abou el-Fadl 2004: 224), could gain political control of governments in Islamic states through the democratic ladder. Once in power, they used force and repression to remain in power.

Bernard Lewis, in his book *The Crisis of Islam,* observes that the ideology of the democrats requires them to give freedom and rights to the Islamist opposition. However, he correctly points out:

"The Islamists, when in power, are under no such obligation. On the contrary, their principles require them to suppress what they see as impious and subversive activities.

For Islamists, democracy, expressing the will of the people, is the road to power. Still, it is a one-way road, on which there is no return, no rejection of God's sovereignty as exercised through His chosen representatives. Their electoral policy has been classically summarized as "One man (men only), one vote, once." (Lewis 2003: 111f.)

Consequently, the trend has shifted to advocate a pluralist system where decisions reflect a consensus among the people on significant public concern issues.

Many current Islamic states lack the attributes of a functioning democracy, such as protections for civil liberties, legitimate opposition parties, free and fair elections, freedom of the press, and free labor unions. Their rulers exercise the final decision making with and without any consultation. However, whether Muslim states are democratic, authoritarian, or autocratic has nothing to do with the faith people hold, but with the political system they create. Governing is about having power and maintaining control, whatever it takes. It may be true that democracy is not deeply rooted in Muslim countries, but it is not all that entrenched in other non-Muslim nations, even those with assumingly democratic systems. No Islamic state adopts the Quran as its constitution, but uses its content to guide the process of drafting its constitution. These laws are not implemented literally in Islamic countries that opted for a combination of Western and Quranic laws.

Here, it is not Islam that is incompatible with democracy, but governments and the people are blamed for the lack of democratization in their countries. As the

Quran asserts: {"God will not change the condition of a people until they change what is in themselves."} (Quran 13: 11)

The linkage between Islam and democracy is significant, noteworthy, and substantial. High levels of moderation among Muslims help to endorse democracy and support a democratic political system to govern their countries. But democracy in Muslim countries needs to be coated with an Islamic flavor. No doubt, democratic interpretations of Islam would help narrow the gap between Islam and democracy.

V. Narrowing the Gap between Islam and Democracy through Education

Scholars have pointed out different conditions favorable for democratic development and be global success. Putnam describes the necessity for a democracy to be successful: to have a choral society, "a society where everyone is involved with their community" (Putnam, 1994). In his book *The Power of News,* Schudson points out the media's persuasive power, emphasizing the need for it in democratic societies to provide impartial, uncensored information by avoiding governmental influence (cf. Schudson 1996). Smith identifies the prerequisites for a thriving democracy as 'economic development, equality, political culture, and the development of civil society' and the support for democracy (cf. Smith 1996).

Mesquita and Downs conclude that long-term economic growth promotes democracy by creating an 'educated middle class' that wants control over its fate, and a non-democratic government will thus be forced to give in (cf. Mesquita/Downs 2005). Norris points out the conditions for a thriving democracy are the "role of wealth, the size of nation-states, colonial legacies, regional diffusion, and the degree of ethnic heterogeneity" (cf. Norris 2008: 79). He cites Seymour Martin Lipset "the more well-to-do a nation, the greater the chances that it will sustain democracy" (Ibid.: 80; cf. Lipset 1959: 75). Inglehart argues development leads to democracy and indicates that certain conditions need to be in place for democracy to be successfully implemented. In his view, the requirements for a thriving democracy appear in countries and 'modernization' advances these conditions (cf. Inglehart/Welzel 2009).

The Quran reveals that God bestowed knowledge to humanity (cf. Nadwi 1988). Education has always been one of the greatest means of acquiring and transmit-

ting knowledge from one individual to another, from one people to another, from the past to the present. Education has been the most effective means of disseminating knowledge and passing it on from an earlier to succeeding generations.

To have an open mind, to exhibit understanding and tolerance, to acquire knowledge and a vast, rich understanding necessitates a superior, high-quality education. For conditions to be favorable for democracy to develop and be successful in the Muslim world, the message of democratic Islam should be an integral part of the school and the university curricula to create a democratic culture through study and scholarship.

In her book *Civil Democratic Islam,* Cheryl Benard notes: "Committed adult adherents of radical Islamic movements are unlikely to be easily influenced into changing their views. However, the next generation can conceivably be influenced if the message of democratic Islam is integrated into the educational curricula and public media in the pertinent countries." (Benard 2003: 63) The quest to learn and understand is a spiritual journey in Islam. God favored Adam over the angels with the gift of knowledge (Quran 2: 31). The revelation of the Islamic faith began with the word: "Recite!" (Quran 96: 1). The Quran praises the virtues of education and learning (Quran 20: 114; 34: 6; 29: 43). Islam is a democratic faith, but one needs to study it to understand its compatibility with democracy.

The association between Islam and democracy is substantial. However, with their traditional social structures and authoritarian regimes, Muslim societies tend to oppose the notion of democracy and therefore have fewer tendencies to promote the Western-style democratic model. One effective way to overcome this hurdle and to modernize is to implement sweeping reform in the educational system to wipe out ignorance and illiteracy. Increasing public participation in government as a 'component' of Islamic democracy is also crucial to its success.

The assumption that Islam hinders democracy and democratic development and is the cause of democratic deficiency in the Muslim world is invalid. The lack of democracy in the Muslim world, like in the non-Muslim world, as Plato prescribed it many centuries ago, is attributed to pervasive ignorance and lack of education. The majority of Muslims prefer to have their Islamic version of a democratic system, and only *wasatia* education may provide such a plan for them.

The failure of creating a democratic political culture in the Muslim world does not lie in the faith people adhere to, but in the authoritarian governments they

have. It lies in the ruling elite's unwillingness to create a democratic culture by adopting a rigorous system to prepare the youth for the democratic system.

At present, education in most Muslim states, generally speaking, promotes the creation of a passive and compliant generation rather than reflective, well-informed, critical decision-makers. The Arab countries use their funds as Western products consumers, doing little to improve their citizens' quality of education. They have failed to develop intellectual capital and remain scientifically and technologically inferior to the West. To bridge the gap, they should place a higher priority on their educational system.

The current educational curriculum fails to develop the intellect, provide motivation, and promote wisdom of youth to become democratically oriented citizens in a democratic society. Muslim leaders need to critically question established beliefs and revise their educational system to meet the needs of changing times. Schools and universities have a responsibility to nurture their students' democratic character and teach knowledge and skills. By introducing reform into their educational system, Muslim societies would be more receptive to a Quranic interpretation of democracy, benefiting from Western democratic values of non-violence, dialogue, egalitarianism, diversity, pluralism, and universality to address their needs and concerns. Western democracy is not the only form of democracy, and the Muslim world is entitled to have its version of democracy based on the Quranic scripture.

Moderate Islam would like the Muslim world to pursue a path that would narrow the gap between Islam and democracy, but the question this poses is, how? The answer lies in advancing knowledge of the mosaic nature of democracy and Islam. Scholars from both sides need to engage in promoting their understanding of faith and democracy carefully. Through learning and education, dialogue and diplomacy, brotherhood and cooperation, compassion, and empathy, democracy may become an integral part of the Islamic way of life. A democratic culture could transform a heart of stone into a heart of flesh, creating a prosperous and peaceful future for the next generation. According to Zahidi, in the last two decades alone, over 50 million Muslim women entered the workforce in Muslim-majority countries, bringing the total number of working women in these areas to over 150 million. One of the biggest reasons behind this is the emphasis on education in Muslim-majority countries (cf. Zahidi 2018; cf. Haq 2020).

By establishing the Wasatia Graduate School for Peace and Conflict Resolution at the Europa-Universität Flensburg, we follow Plato and Dewey. As educators,

we are committed to pursuing knowledge and seeking the truth since truth and knowledge are the twin foundations of a moral life.

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"… But Tie Your Camel" – Islam and Democracy

Jan Claudius Völkel

I. Introduction

The thematic focus of this edited volume, Islam and Democracy, hints at a topic discussed for a long time among various academic circles from religious studies and theology, sociology, Middle East studies, cultural studies, and even economics; not least, it is an exciting question for political science researchers. For political scientists working on the contemporary Middle East and North Africa (MENA), this topic is particularly attractive, challenging, and provocative at the same time. It seems "easy" at first sight, but delving deeper opens perspectives into a fascinating mix of different aspects, from religion and politics, concepts of Islam and democracy, the potential clash of different cultures, the role of individual citizens in state and society, and many others.

The topic is therefore also a difficult one, as both its sides, "Islam" and "Democracy", are highly complex concepts each of which deserves thorough analysis, deconstruction, and critical assessment. It has been a longstanding argument in Islamic Studies that "Islam," as such, does not exist (Cook/Stathis 2012). Given its multiple appearances, branches, and manifestations, it would be an undue simplification to claim that "Islam" would fit anything. Similarly, debates about "Democracy" are plentiful, with concepts and ideas about "the people's power" developing from ancient Greece to medieval England, from the French Revolution to the "End of History" (Fukuyama 1992), from its "Third Wave" (Huntington 1991) to an era of post-Democracy (Crouch 2004). In addition, scholarship has developed many "adjective democracies" (Collier/Levitsky 1997), such as defective democracy, electoral democracy, deliberative democracy, façade democracy, pseudo-democracy, and so on.

The terms "Islam" and "Democracy" are thus contested. Their combination offers even more reason for arguing. The question of whether Islam and Democracy go well together deserves neither a simple "yes" nor a simple "no." We are certainly aware of the usual accusations that critics of Islam typically refer to when arguing

that Islam and Democracy were not compatible: Islam would need a "reformation" (Hirsi Ali 2015), Muslims would live in societies where especially women are often blatantly discriminated against, their communities could thus never be democratic, and overall, in literally every country with a Muslim majority liberal democracy could hardly exist; proof enough that Islam and democracy would probably clash (Huntington 1993; 1996) and not harmonize. Huntington's culturalist observations culminate in his famous and often-quoted statement: "The underlying problem for the West is not Islamic fundamentalism. It is Islam, a different civilization whose people are convinced of the superiority of their culture and are obsessed with the inferiority of their power" (Huntington 1996: 217).

Such stark conclusions usually result from culturalists' speculation that the broad and deep belief in an omnipotent God, which they see still so widespread in many, if not all Muslim countries, would hinder the creation of a politically critical citizenry that would not dare to speak out against the ruling elite. Assuming that this elite is of either the Prophet Muhammad's descendance (as is the basic concept in the Caliphate, but also lives on in the monarchies of Jordan and Morocco) or at least benefits from God's blessing, both forbid criticism from ordinary citizens, but demand uncontested obedience (Kedourie 1992: 7) – since, if God had not supported the incumbent ruler, then this person would have never become the king, the president, or a revolutionary leader. Thus, the rash and often heard conclusion claims: Islam needs enlightenment first otherwise it will never comply with democratic (which also means: secular) principles (El Ghazzali 2017).

While those claims have repeatedly been rejected by historical research, insisting instead that it was precisely European colonialism that brought many of the conservative attitudes to an otherwise much more open MENA region (Megahed/Lack 2011). These attitudes have been increasingly brought back into the discussion in European and North American discourses (i.e., the core countries of liberal democracy) especially since 9/11 and the rise of "Islamist terrorism" around the globe. Those claims, according to Asef Bayat (2007: 5), "have greatly intensified Western anxieties over the 'threat' of 'Islamic fundamentalism,' and thus have reinforced more than ever the notion of the 'peculiarity of Muslims.'"

Such sentiments about the incompatibility of Islam and Democracy are only to be heard among critical observers in the West but they are also similarly defended within the Muslim world itself. Not only is "Democracy" often dismissed as a "Western concept," something alien to Middle Eastern traditions (Youngs 2008:

155), but certain Salafis and Islamists reject any political involvement of Islam for principal reasons of principle; namely, full concentration on God and their religion forbids political activism. Since this world is only temporary, and paradise eternal, they claim that life on earth is just a step toward one's real destination. Thus, democracy is a state concept where the people are the origin of all power and are also invited to get politically involved and engaged, a stance that is genuinely alien to them. The colloquial "*In sha'Allah*" gets literal here: "If God wants/Should God want," certain developments will happen; if he does not want, they will not happen – so why should we bother?

In this essay, I will tackle the question from a very personal point of view. After four years of living and working experience in Cairo, Egypt (from 2013 to 2017), plus many travels across the Middle East and North Africa (MENA), including countries such as Bahrain, Iraq, Jordan, Lebanon, Morocco, Pakistan, Palestine, Qatar, Saudi Arabia, Tunisia, Turkey, United Arab Emirates, and Yemen, including personal encounters at academic conferences as well as in private settings, I know that Muslims can be excellent democratic citizens. They are already democratic citizens in countries where the conditions allow them to be it. Yet, at the same time, it is a matter of fact that the Muslim world has been comparatively resistant to any attempts at democratization, even after the "Arab Spring" in 2012. In the end, it brought tangible political improvements to Tunisia only – a country with 11 million inhabitants, representing just a tiny part of the 700 million in the whole Arab world. The rest continue to live under pseudo-democratic regimes at best, if not under harsh dictatorships or catastrophically failing states.

However, as reality is never unidimensional or straightforward, the world cannot be painted in black and white. Religious and political concepts are complex constructions, and the compatibility of Islam with democracy is a complex construction as well.

II. Trust in God, and Get Involved in Politics!

The first time I was personally confronted with the question of Islam and democracy was in November 2012, when I was invited to be a guest speaker at a conference on "The Arab Spring – Science as actor or object?," organized by the German Academic Exchange Service (DAAD) in Cairo. Egypt's capital and the whole country

at that time were still optimistic about the ongoing political developments. After the breathtaking end of the Mubarak regime in February 2011, and some considerable quarrelling with the Supreme Council of the Armed Forces (SCAF) during the initial months after the revolution, the Egyptians had now elected for the very first time their president and parliament in democratic elections for the very first time and the new constitution was just about to be drafted. In this atmosphere, a mix of ongoing enthusiasm and careful optimism dominated (though admittedly, some pessimistic warning signs were already visible then). I had the task of speaking about the role of researchers and scientists in democratic transformation processes. There were approximately one hundred people in the audience. Many of them were well established and esteemed university professors from all over Egypt. I was excited to find the right words that would neither euphemize the actual situation nor criticize it too harshly. Though traditionally universities were meeting places for oppositionists from both the Islamist and the secular spectrum, they had also been a vital part of authoritarian rule in Hosni Mubarak's Egypt. Many established professors were unsure about future developments and what they would bring for them personally.

When my talk was over, an elderly man raised his hand. Once he got the microphone, he stood up, smiled at me, and said: "Well, all our efforts are useless if Allah does not support them. Why should we take action if God alone knows what will come; if he wants, he will care about us, and democracy will succeed, *in sha'Allah*. If not, then not."

This was a difficult situation for me, as I did not want to say anything inappropriate to this vast audience. Religion is an intimate matter, but it is also a social convention in Egypt, so one better thinks twice. Everybody stared at me, waiting for my reply. And, thank God, from somewhere the old saying from the Hadith of well-known Islamic scholar Abu Isa Muhammad al-Tirmidhi (824–892 AD, 209–279 H) suddenly came to my mind, which also has become a famous Arab proverb: "Tie your camel and place your trust in Allah."[1]

I did not recall the hadith's literal wording but answered in a relatively free interpretation: "God is almighty, but you have to tie your camel."

[1] The full hadith reads: "When Prophet Muhammad (pbuh) saw that a Bedouin had left his camel untied, the Prophet (pbuh) asked him, 'Why don't you tie down your camel?' The Bedouin answered, 'I placed my trust in *Allah*.' The Prophet (pbuh) replied, 'Tie your camel and place your trust in Allah'." (quoted in Siddiqiu 2013: 203).

There was a moment of silence in the room, but then, luckily, everyone started smiling, and a round of applause set in. It seemed I had found the right answer.

Indeed, I believe that this proverb from Prophet Muhammad is a very good illustration of my first and basic conviction when we speak about Islam and democracy, any religion and democracy, or any other personal identity and democracy: democracy does not arise on its own. It does not grow on trees, and it does not fall from heaven. Even if God is almighty and holds the whole world in his hands, we must get involved in political and public affairs as citizens. If *we* do not engage in local activities, if *we* do not help to make our schools and universities better, if *we* do not ask critical questions about global injustices, social inequalities and the overall legitimacy of those in power, and if *we* do not demand our indispensable rights as citizens, as human beings – then democracy will never happen. The form of polity we live in is not a mere gift from God – we need to work very hard for it.

This, of course, does not apply only to Islam but to any religion. Also, within Christianity, there has been a long-standing theological dispute as to whether Christians should serve a worldly ruler or only God. You still find specific Christian communities that, in principle, prefer to abstain from politics and concentrate on their religious duties instead (Phillips 2006).

The debate whether Islam and democracy go well together and are compatible with each other is indeed likewise an old one. Here, I want to argue very strongly that there are no fundamental barriers between Islam and democracy. That being said, there are, of course, challenges that need to be tackled, such as: What forms of Islam are conducive to democracy, and which ones are not? What parts of democracy must be seen as indispensable, and which are "negotiable"? Is democracy only a question of whether a government or parliament has been elected (electoral democracy), or is it a concept that also requires the protection of minorities, the freedom of speech, thought, and religion, the equality of people, and the fair competition between different political parties and worldviews (liberal democracy)?

III. A Clash Within the Civilizations, Not Between Them

These questions do not only arise in Islam. In Western, largely secularized societies people are confronted with some large challenges as well – particularly during

these times when populists and right-wing movements enjoy unprecedented support, a time in which the "enemies of an open society", as Karl Popper (1945) would have called them, are directly among us and next to us, not somewhere in remote areas in central Afghanistan, rural Pakistan or all over Saudi Arabia. The German federal basic law, the "Grundgesetz," the constitution of the Federal Republic, which in 2019 celebrated its 70th birthday, stipulates directly at the beginning in Article 1:

"Human dignity shall be inviolable. […] The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world" (German Bundestag 2018; own omission).

How does this statement align with the current mass protests against the protection of refugees, the hundreds if not thousands of attacks against foreigners in German cities, the demonization of immigration as "the mother of all problems," and the racist movements that currently receive so much public attention and support not only in Germany but all over Europe? The German federal basic law, drafted in 1948–1949 under allied control and in the shadow of the immense horror of the Nazi empire, speaks of "*human* dignity;" not only the dignity of Germans, Christians, whites, heterosexuals, the rich and the privileged but it speaks of the dignity of everyone.

Were the German basic federal law drafters naïve and too idealistic in taking the position that inviolable and inalienable human rights should be the basis of every community, and of peace and justice in the world? It may seem so. Huntington's idea of a "Clash of Civilizations", published first in an article (1993) and then extended in a full book (1996), provoked many written rebuttals. Carl Gershman (1997) and Akeel Bilgrami (2003) wrote two articles with the exact same title, "The Clash within Civilizations", in which they correctly diagnosed the fundamental problem of cultural conflicts: it is not that different civilizations were *eo ipso* incompatible with each other, rather, these civilizations struggle internally with their "own" extremists – who might be violent racists here, and radical jihadists there. Understanding these internal struggles opens up a view to the real problem: it is not "them" who cause all problems (and which therefore need to be changed, if not defeated), it is "us;" it is our problem, and thus it is our responsibility to contain and ultimately resolve the conflict.

If this is indeed the case, why then is there so little democracy in the MENA region? All leading democracy indices, whether the Varieties of Democracies proj-

ect at the University of Gothenburg (V-Dem), the Freedom House Index from the equally named New York-based organization, or the Bertelsmann Foundation's Transformation Index (BTI) show devastating results for the polities located south and east of the Mediterranean (Völkel 2019). Table 1 illustrates the findings of the Bertelsmann Transformation Index BTI 2020. Of the 19 MENA countries included in the index, only Tunisia and Lebanon count as democracies (though only with the label "defective" and "highly defective", respectively). All other countries are ranked as autocracies including Turkey, which used to be the region's best-performer as "defective democracy" but has gone through an unprecedented downturn since the government's rigorous purge against real and suspected opponents after the failed coup attempt in July 2016.

Democracies in consolidation	**Defective democracies**	**Highly defective democracies**	**Moderate autocracies**	**Hard-line autocracies**
–	Tunisia	Lebanon	Turkey Algeria Kuwait Jordan	Iraq Qatar U. A. Emirates Morocco Egypt Bahrain Oman Iran Libya Saudi Arabia Sudan Syria Yemen

Table 1: The state of political transformation in the MENA region according to the BTI 2020: The states are ranked according to the score they received on the BTI Democracy ranking. Palestine and Israel are not part of this index.

Several observations from these findings are remarkable. First, the region as a whole is by far the most undemocratic in the world (as measured by the BTI). While other countries might have similar bad scores in the BTI democracy index (e.g., Eritrea, North Korea, or Somalia), there is no other conglomerate of countries so similarly undemocratic as in the MENA region. Second, the MENA region's average score in this BTI 2020 is much worse than the same score was in the BTI 2010, shortly before the Arab Spring. The only country that improved significantly is Tunisia (which used to be ranked in the "hard-line autocracies" group under Ben Ali). All the others stagnated or got even worse. Important also is the observation that even "traditional bad-performers" lost even more democratic quality, deteriorating from a bad to an appalling level. The reason for this is two-fold: first, hard-line autocracies like Libya or Syria devolved into violent civil wars, erasing the former comparatively well-functioning state structures causing them, in the second place, to loose ground in the democracy index. In addition, authoritarian regimes all over the region learned their lesson from the 2011 uprisings and quickly realized that they needed to prevent any new uprisings from weakening their position. As a result, many regimes have further reduced democratic liberties in their countries, However, the recent mass protests against the regimes in Algeria and Sudan's may be counted as an exception to the rule. In any case, irrespective of the factual changes that they may be able to achieve, it is clear that the incumbent regimes in neighboring states will continue to learn their lessons and subsequently try to maintain stability with even harsher rule.

So, given these disheartening findings about the condition of democracy in the MENA region does this allow us to conclude that Islam and Democracy are per se incompatible with each other?

My response to the above question is "no."! Ellen Lust, writing in a remarkable article she published in 2011 shortly after the outbreak of the Arab revolutions, convincingly argues that Islam as such is not the biggest obstacle to democracy in the MENA region, but rather the *fear* of Islam. She accepts the idea that in the ideology of the Muslim Brotherhood, many aspects must be seen as a significant concern for eligibility in a democracy. However, what she however saw as the biggest threat to the enforcement of democracy in the MENA region was the *threat* of Islam – a fear that the incumbent rulers in Cairo and Tunis, Amman, and Rabat craftily cultivated in their ruling strategies and exploited for their own purposes. The biggest reason to legitimize oppressive regimes in Algeria and Riyadh, in Sa-

na'a and Baghdad was the imminent fear that if these regimes were not in power anymore, something much worse would take over and an Islamist regime would eventually push these societies back into the Middle Ages. Not least politicians and decision-makers in Europe believed this argument and acted accordingly, closing their eyes to the outrageous human rights violations of Hosni Mubarak, the omnipresent torture in Bashar al-Assad's dungeons and prisons, and the rampant corruption of Ali Abdullah Saleh. Within Arab countries, the fearmongering regarding take-over by Islamists elegantly silenced the secular opposition, which subsequently collaborated with the existing regimes rather than earnestly exerting pressure on them: "Better the devil you know" seemed to be their credo.

And yes, the pictures and news stories that were coming from Ayatollah Khomeini's Iran, from the Taliban's Afghanistan, from the bombs and attacks, the shouting and condemnation of "whores" and "sinners" from angry mobs under the banner of "*Allahu akbar* (God is Greater)" in Pakistan – these all fed those who were happy to capitalize on the negative side: the dictatorial military rulers, the self-declared revolutionaries who ruined their own countries, the greedy monarchs with their bank accounts overflowing from oil, and last but not least, the many entrepreneurs and politicians in the "Occident" who did excellent business with those in the "Orient," including German weapon manufacturers and European oil companies.

IV. Are Islamists the Real Democrats?

So, do Islamists have a point when they claim that "Islam is the solution". Are they right when they claim that they would be the true democratically legitimate leaders because if elections across the MENA region were seriously free and fair, they would win with large margins? Would they be the real democrats if they would have the chance to exert their policies without repression from the various "deep states"?

I have my doubts but that is not because I believe Islam and democracy are incompatible with each other, as I have shown before. It is because I am afraid that the risk of simply replacing one repressive regime with another remains very high, as long as the citizens will not be able to claim their rights and to develop into self-aware, critical, and informed citizens; the kind of citizens without which no democracy can prevail. In early 2011 when people in Tunisia, Egypt, Libya, and

many other Arab countries went to the streets and protested against decades-long suppression, they did not call for a Muslim theocracy. Rather, they prayed on Tahrir Square, they prayed on Avenue Habib Bourguiba and they demonstrated for justice, for peace and equality, for bread, and dignity. They trusted in God, and they tied their camel – or at least they tried.

Democracy is more than winning an election and then wielding power in an uncontrolled manner. What happened in Egypt after 2011 was what many people perceived as precisely this: the Muslim Brotherhood had been democratically elected, but they did not democratically exert their rule. Did they care about the "human dignity" of everybody? Did they care about the dignity of women, Copts, Jews, atheists, artists, the young revolutionaries? Or did they instead care about the dignity of patriarchal members of their organization and supporters of their specific conception of religion and politics?

Islamists are not a homogeneous block of backward people who reject modern developments, but a broadly diversified group of people, thinkers, and activists. Bayat (2007: 20) identified "pluralist strategies" among Lebanon's Hizbullah, Egypt's al-Wasat Party, and Turkey's AKP Party (and from today's perspective he would have certainly added Tunisia's Ennahda as well), seeing these movements as part of a "post-Islamist" tendency. With this term, Bayat did not want to suggest that Islamism would come to an end but he intended to remind us that Islamism, in the form of an Ayatollah Khomeini or a Sayyid Qutb, not to mention an Abu Bakr al-Baghdadi, an Abu Musab al-Zarqawi or an Osama Bin Laden, is under constant challenge, not only from the outside in the form of the (questionable) war on terrorism, but also constantly challenged from the inside, where Muslims within these structures start to question the strict ideologies, including Islam's glorification, as a solution for whatever problem. What we are witnessing in the time of post-Islamism is "a departure, albeit in diverse degrees, from an Islamist ideological package which is characterized by universalism, monopoly of religious truth, exclusivism, and obligation, towards acknowledging ambiguity, multiplicity, inclusion and compromise in principles and practice" (ibid.: 20). This does not mean that Islamism in its plurality as non-conforming to liberal democracy is currently fading away. The shocking growth of the "Islamic State" has been a vital reminder that it is not fading away and the results will continue to take on other forms even after its apparent defeat. But it does mean that there is an on-going political struggle among Islamist-minded people across the MENA region, which

remained undetected (whether by ignorance or disinterest) by those Western critics who platitudinously keep on declaring that Islam would be inimical to democracy. In short, claiming that Islamism would be categorically unfit for democratic politics is a fundamental mistake.

In the end, democracy is not aligned to a specific person's religious position whatsoever. It is not a question of someone's faith or belief. Whether Islam or any other religion is compatible with democracy is not a question about whether I trust in God or not. The question of whether democracy can take root in a society rather depends on the question of what type of citizenry is to be found there: are there mature and educated citizens who are aware of their rights and demand them from government decision-makers, or are the citizens unaware and ignorant of their indispensable rights and their power of influence? Are they open to new ideas? Do they have a critical mind, or are they only following what others are telling them? Do they receive uncritically what they hear in churches, synagogues, and mosques or when preachers of hate are vocal on TV, the social networks, and the internet?

The BTI has one indicator that measures exactly this. It is called Indicator 5.4: "Social Capital." Although its label is often criticized for alluding to economics and being rooted in capitalism, it aims at measuring nothing less than "the level of trust between citizens, which fosters cooperation and mutual support for purposes of self-help, rather than primarily to further political objectives. Social capital may also be based on cultural patterns of interaction characterizing traditional societies" (Bertelsmann Foundation 2020: 24).

Unfortunately, all 19 MENA countries perform rather poorly in this indicator: the MENA average in the BTI 2020 did not reach more than an exact 4.0, which is described in the BTI 2020 codebook for country experts as: "There is a fairly low level of trust among the population. The small number of autonomous, self-organized groups, associations, and organizations is unevenly distributed or spontaneous and temporary" (ibid.).

This is a severe problem for implementing democracy, but it is also utterly irrespective of the potential level of religiosity.

Germany, as well as the whole of Europe, also suffers in this regard at the moment. Civic engagement is increasingly confronted with "shit storms" on the internet, if not even in real life. Supporters of refugee initiatives are engaged with hate campaigns, school kids and university students involved in the "Fridays for future" movement are criticized for being more interested in missing classes than

being concerned about the future climate, and advocates of an open society are increasingly discredited as "enemies" or "traitors of the people," clear references to terms used in Nazi propaganda.

The rise of xenophobic movements, the increasingly loud voices denying equal rights to certain groups of the population, and the populist politicians with governing responsibility in the United Kingdom, Hungary, and Poland – all of these show disregard for the first article of not only the German federal basic law, but also for the Charter for Fundamental Rights of the European Union, adopted in 2012, which similarly claims in its Article 1 that "Human dignity is inviolable. It must be respected and protected".

This charter has become legally binding for all EU member states. Therefore, it obliges all citizens and especially public figures such as prominent politicians to do precisely this: to respect and protect human dignity.

V. Conclusion

Religion can have a remarkable influence on democracy and the prayers on Tahrir Square in 2011 are but one prime example. In Latin America, the Catholic church played an important role in overcoming the lasting military dictatorships in the 1970s with its liberation theology. Pope John Paul II helped to keep developments in Poland mostly peaceful during the heated 1980s and his influence was undoubtedly crucial for the successful evolution of the peaceful revolutions across central and eastern Europe in 1989/1990. In Germany, the protestant church was no less critical in overcoming the dictatorial regime in the GDR by providing room for protest and organizing prayers for peace and action for political change.

At the same time, religion can also have a devastating influence when churches cooperate with authoritarian regimes, when imams legitimize autocratic rule, and when references to millennia-old sacred scripts are used for suppression, dispossession, and expulsion.

Thus, religion can be both useful and harmful for democracy.

So, the question is not which religion (or, as a guiding question for this essay: Islam) has to do with democracy, but what *people* can do in a democracy – in other words, how we understand our role as citizens, and how we execute the duties which are connected to our citizenship. We can sit and pray that democracy will

be served to us on a silver platter but if we do that, democracy will never happen, as religious as we otherwise may be. If we want democracy to succeed, if we want to end oppression and dictatorship, then it is not enough to study the Bible, the Qur'an, or other holy writings – we need to take action, to get engaged in political discussions, to build creative, resilient, and colorful civil societies, to help our neighbors, to educate our children, and to embrace new ideas. We need to get out of our well-trodden paths of tradition and stand up for social justice, economic inclusion, and political control. How this can happen and what obstacles might arise is undoubtedly dependent on each country and situation and the other articles in this volume discuss some concrete examples in greater depth.

What I would like to state at the end of this essay is that if we want to have a democracy, we can, of course, trust in God. This is undoubtedly a good thing and not a mistake. But it would not be enough – concrete action is needed as well. We need to "tie our camel." To make democracy succeed, we need to be, first and foremost, good democratic citizens. And whether a person then believes in God or not, is of no importance for this particular question.

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Tendencies of Backsliding and Regression in Muslim Electoral Democracies

Islam Jusufi

I. Introduction

The two significant aspects of the contemporary developments regarding democracy worldwide have been the democratic backsliding and decline in the number of electoral democracies in the Muslim world. While these developments have not been exclusive to the Muslim world, as democratic regression and backsliding has become common narrative to define the recent level of democracy around the world (Diamond 2015; Krastev 2011; Rupnik 2007; Levitsky/Way 2002), still the Muslim world has seen one of its steepest declines in measurements of democracy.

To better reflect on the situation in the Muslim world, it makes sense to classify Muslim democracies by category and thus determine which countries are 'electoral democracies' and which are not. Although electoral democracy is a constant variable in many ways, the literature tends toward broad agreement that it is a system in which citizens, through universal suffrage, can choose and replace their leaders in regular, free, fair, and meaningful elections (Diamond 2015).

In the states' modern history, there have been a series of cases of transition to democracy from communism, dictatorship, or authoritarianism. Transition to democracy has been labeled as occurring in a first, second, or third wave (Huntington 1991), describing the different transition periods to democracy. The Muslim world has also been part of a 'wave' of transitions to democracy.

There have been transitions to democracy in the Muslim world, but there have also been instances of breakdowns where a Muslim electoral democracy has fallen into 'grey zone' (Carothers 2002) or into 'competitive authoritarianism' (Levitsky/Way 2002) in which multi-party electoral competition is genuine and vigorous but flawed in some significant ways. This tendency is commonly labeled as 'backsliding' or 'democratic recession' (Diamond 2015). Most approaches that classify whether countries are electoral democracies or not rely on a continuous measurement of key variables such as political rights and civil liberties, as the Freedom

House does. Thus, this research relies on the 'list of electoral democracies' published annually as part of the Freedom House's annual 'Freedom in the World' report.

II. The growth and decline of electoral democracies in the Muslim world (1945 – Present)

The 'first wave' of democratization in Muslim majority countries occurred in the years immediately following the Second World War. This period featured the transition to democracy of Muslim countries like Turkey. The 'second wave' corresponded to the period of cold war or post-cold war era. Muslim countries have not yet experienced a 'third wave' of democratization (Huntington 1991), a situation where democracy becomes a common phenomenon for most Muslim countries. This is not yet the case for 57 countries (about 30 percent of the world's states) that can be labeled as 'Muslim,' owing to the fact that their population is majority Muslim by religion or are members of the Organization of Islamic Countries.[1]

The end of the cold war and communism in Eastern Europe in 1990 led to the emergence of eight new independent Muslim states in the Balkans (Bosnia and Herzegovina and Kosovo), Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan), and Caucasus (Azerbaijan). Only three of them transitioned to electoral democracy (Bosnia and Herzegovina, Kosovo, and Kyrgyzstan). Albania, another new Muslim electoral democracy emerging at the end of communism in 1990, was the only independent Muslim country in the East European communist bloc as Kyrgyzstan has not been able to sustain its electoral democracy.

[1] When I refer to the Muslim world, I mean the 57 Muslim states, namely Afghanistan, Albania, Algeria, Azerbaijan, Bahrain, Bangladesh, Benin, Bosnia and Herzegovina, Brunei, Burkina Faso, Cameroon, Chad, Comoros, Cote D'Ivoire, Djibouti, Egypt, Gabon, Guinea, Guinea-Bissau, Guyana, Indonesia, Iraq, Iran, Jordan, Kazakhstan, Kosovo, Kuwait, Kyrgyzstan, Lebanon, Libya, Mali, Maldives, Mauritania, Malaysia, Morocco, Mozambique, Niger, Nigeria, Oman, Pakistan, Palestine, Qatar, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Suriname, Syria, Tajikistan, The Gambia, Togo, Tunisia, Turkmenistan, United Arab Emirates, Uzbekistan, and Yemen (though Palestine is not yet a state and though Kosovo is not yet member of the UN).

With the eruption of mass movements calling for democratic change throughout the Arab world in 2011, hopeful analysts of global democratic prospects focused attention on the Muslim world. During the Arab spring of 2011, three Arab autocracies (Tunisia, Egypt, and Libya) fell (Butenschøn 2015). Only Libya and Tunisia transitioned to democracy, and only Tunisia had a chance of sustaining the democracy (Diamond 2015) while Libya fell again into turmoil. Although a brief window of opportunity for democracy opened up in Egypt, it suffered setbacks due to the 2013 military coup.

Given that democracy expanded to several countries where the objective conditions for sustaining it are unfavorable (due to poverty, for example, in Muslim Sierra Leone), it is impressive that reasonably open and competitive Muslim political systems have survived in so many places, including in Albania, Burkina Faso, Guyana, Indonesia, Kosovo, Senegal, Sierra Leone, Suriname, and Tunisia. According to the Freedom House, in 2020, they are the only nine Muslim countries classified as electoral democracies (See Table 1 and Figure 1), representing a decline by some 50 percent considering that there were 17 Muslim electoral democracies in 2016 (Freedom House 2016–2020).

Despite this resilience and success in nine of these Muslim electoral democracies, none of them have achieved the status of 'liberal democracy', as they score worse than a two on Freedom House's scale of political rights and civil liberties (where one is the freest and seven the most repressive). Liberal democracies are those regimes receiving a score of one – two (out of seven) on both political rights and civil liberties.

Having only nine out of 57 states considered as electoral democracy (only 15 percent of the Muslim states) in 2020 (See Table 1 and Figure 1) shows that the Muslim world does not have a critical mass of electoral democracies. A crucial group of democracies exists in every major world civilization save one – the Muslim world. Moreover, every one of the world's foremost cultural realms has become host to a significant democratic presence, albeit again with a single exception – the Muslim world. None of the Arab states, except Tunisia (since 2013) are electoral democracies. From Muslim electoral democracies, only Guyana, Indonesia, Senegal, Sierra Leone, Suriname, and Tunisia, have shown some resilience and have continuously remained in the list of electoral democracies of the Freedom House year after year in contemporary times (Freedom House 1999–2020). From among the 16 independent Arab states of the Middle East and coastal North Africa, Tunisia is the only

one to become an electoral democracy in 2020, which it has maintained since 2013. Libya is the second country in the Arab world ever able to become an electoral democracy (2013 and 2014) in contemporary times.

The Muslim world has not only seen a decline in the number of electoral democracies, there have also been situations of democratic regression, recession, or backsliding. The number of former Muslim electoral democracies has become trapped in competitive authoritarian rule patterns and have been slipping backward.

III. Backsliding and regression (1999–2020)

Democracy has been in recession globally (Diamond 2015) and the Muslim world has not escaped this trend. Muslim countries previously known as electoral democracies have lost their democratic status during different periods, and especially after 2016. The list of Muslim countries that have been backsliding includes Bangladesh, Benin, Bosnia and Herzegovina, Comoros, Cote d'Ivoire, Niger, Nigeria, Pakistan, and Turkey. In 2016, these countries were classified as electoral democracies. but lost this status by 2020 (See Table 1 and Figure 1).

Table 1 – Number of electoral democracies among Muslim countries

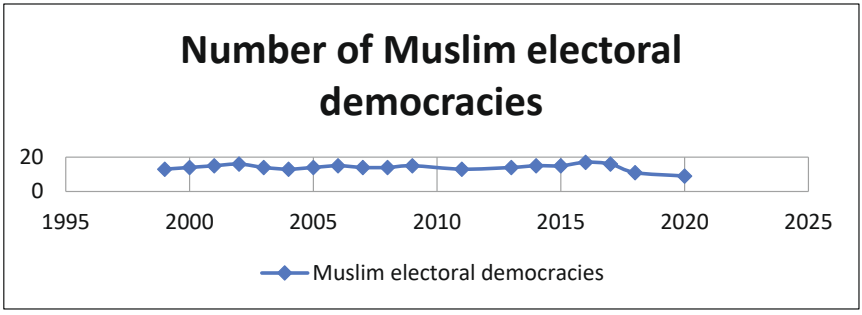
Muslim Electoral Democracies																					
Country	2020	2018	2017	2016	2015	2014	2013	2011	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999
Afghanistan	No																		
Albania	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Algeria	No																		
Azerbaijan	No																		
Bahrain	No																		
Bangladesh	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Benin	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bosnia and Herzegovina	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes
Brunei	No																		
Burkina Faso	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Cameroon	No																		

Chad	No																		
Comoros	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No
Cote d'Ivoire	No	No	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Djibouti	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	No
Egypt	No																		
Gabon	No																		
Guinea	No																		
Guinea-Bissau	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes
Guyana	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Indonesia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Iran	No																		
Iraq	No																		
Jordan	No																		
Kazakhstan	No																		
Kosovo	Yes	No	Yes	Yes	Yes	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Kuwait	No																		
Kyrgyzstan	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes
Lebanon	No																		
Libya	No	No	No	No	No	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No
Malaysia	No																		
Maldives	No	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No	No	No	No	No
Mali	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mauritania	No	No	No	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No	No	No
Morocco	No																		
Mozambique	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Niger	No	No	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Nigeria	No	No	Yes	Yes	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Oman	No																		
Pakistan	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	Yes
Palestine	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Qatar	No																		
Saudi Arabia	No																		
Senegal	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Sierra Leone	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Somalia	No																		

Sudan	No																				
Suriname	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Syria	No																				
Tajikistan	No																				
The Gambia	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	No
Togo	No																				
Tunisia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No
Turkey	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Turkmenistan	No																				
United Arab Emirates	No																				
Uzbekistan	No																				
Yemen	No																				
Year	2020	2018	2017	2016	2015	2014	2013	2011	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999		
Muslim electoral democracies	9	11	16	17	15	15	14	13	15	14	14	15	14	13	14	16	15	14	13		

Source: Freedom House 1999–2020.

Figure 1 – Growth and decline in number of Muslim electoral democracies



Source: Freedom House 1999–2020.

The democratic Muslim world has been in a protracted democratic regression since 2016. This has resulted from a significant and accelerating rate of failing democra-

cies in the Muslim world. Since 2016, we can count the number of failed democracies in the Muslim world, not only through blatant military or executive coups, but primarily through the subtle and incremental degradation of democratic rights and procedures that finally pushed the democratic system over the threshold into competitive authoritarianism. Some of these breakdowns occurred in several Muslim democracies. In each case, a system of reasonably free and fair multi-party electoral competition was either displaced or degraded to a point well below the minimal standards of democracy. There is a class of Muslim regimes that in the last years have experienced significant erosion in electoral fairness, political pluralism, and civic space for opposition and dissent, typically as a result of abusive executives' intent upon concentrating their power and entrenching ruling-party hegemony. The best-known cases in this category's democratic Muslim world have been Bangladesh, Benin, Bosnia and Herzegovina, Comoros, Cote d'Ivoire, Niger, Nigeria, Pakistan, and Turkey, where gradually the democratic pluralism was suffocated.

Democratic erosion and breakdowns have occurred in particular since 2016 in these former Muslim electoral democracies. In this context, it is important to track the major events or processes that brought about the breakdown in democracy and to determine the dates or year for a democratic failure in countries that lost their electoral status since 2016 (See Table 2) such as Bangladesh, Benin, Bosnia and Herzegovina, Comoros, Côte d'Ivoire, Niger, Nigeria, Pakistan, and Turkey. Table 2 briefly considers democratic breakdowns in other Muslim countries.

Table 2 – Breakdowns in Muslim Democracies, 2010–2019

Country	**Year/Period of Breakdown**	**Type of Breakdown**
Bangladesh	2018	Breakdown of the electoral process
Benin	2017–2018	Political appointments to the judiciary
Bosnia and Herzegovina	2018	Broader concerns about policing and the rule of law; elections irregularities
Comoros	2018	Abolishment of the previous system under which the presidency rotated among the country's three main islands; abolition of the Constitutional Court

Côte d'Ivoire	2010–2018	Post-conflict security concerns; electoral fraud
Guinea-Bissau	2010	Military intervention, weakening civilian control, the deteriorating rule of law
Maldives	2012	The forcible removal of a democratically elected president
Mali	2012	Military coup
Niger	2009–2018	Presidential dissolution of Constitutional Court and National Assembly to extend presidential rule; Elections plagued by severe irregularities; restriction of civil liberties
Nigeria	2016–2019	Endemic political corruption; communal and sectarian violence; extrajudicial killings and torture; civil liberties undermined
Pakistan	2018	Military's influence over policy issues; restrictions on civil liberties; attacks on minorities; manipulation of elections
Turkey	2014–2017	Executive degradation; partisan control over judiciary and bureaucracy; arresting journalists and civil society activists

Sources: Diamond 2015; Freedom House 2016–2020.

In brief, only in a few cases (Guinea-Bissau, Maldives, Mali), these breakdowns came from military intervention. Some of the breakdowns (Benin, Comoros, Niger, Nigeria, Turkey) resulted from the abuse of power and the desecration of democratic institutions and practices by democratically elected rulers. These failures involved the more gradual suffocation of democracy by democratically elected executives. Some others (Bangladesh; Bosnia and Herzegovina; Côte d'Ivoire; Pakistan) took the form of widespread electoral fraud. Overall, nearly every other Muslim electoral democracy since 2016 has failed.

IV. Features of these backsliding regimes

The critical problem is that the pace of decay in democratic institutions is not always evident to outside observers. In several Muslim countries where we take democracy for granted, such as Pakistan or Nigeria, we should be more vigilant. There is no single country in the Muslim world where democracy is firmly consolidated and secure the way it is, for example, in contemporary democracies like South Korea and Chile.

Many Muslim backsliding democracies struggle with the resurgence of 'competitive authoritarian' (Levitsky/Way 2002) tendencies. The modern form of bureaucracy is combined with the informal reality of unaccountable power and pervasive patron-client ties. Leaders who think that they can get away with anything erode the system of democratic checks and balances, hollowing out institutions by waving accountability, overriding term limits and normative restraints, and accumulating power and wealth for themselves and their families, cronies, clients, and parties. In the process, they demonize, intimidate, victimize, and occasionally even jail or murder opponents who get in their way. As a result, space for opposition parties, civil society, and the media is shrinking. Ethnic, religious, and other identity crises polarize many communities that lack well-designed democratic institutions to manage those disparities and the bureaucracy lacks the independence, neutrality, and authority to manage the economy effectively. Weak economic performance and rising inequality exacerbate the abuse of power, the rigging of elections, and the violation of democratic rules.

Two main tendencies vie for dominance in these backsliding Muslim democracies. One trend, which is dominant in these states, is a new authoritarian and anti-liberal tendency that allows informal practices of corruption and clientelism, unchecked governments, limited freedom of speech, weak civil society and media, and silenced horizontal institutions, such as that of the ombudsman. The incumbent governments and rulers in these Muslim countries have become very challenging to defeat because they feel and face limited constraints. The other trend is that of the liberal and democratic tendencies, which are placed in a weak and oppositional position in these countries. Thus, the quality or stability of democratic values has declined in several Muslim democracies.

Bangladesh has historically been one of the rare long-standing electoral democracies in the Muslim world. However, democracy broke down in 2018. Bangladesh's ruling Awami League consolidated political power through sustained harassment of the opposition and those perceived to be allied with it, including the critical media and voices in civil society. Corruption is a severe problem, and anti-corruption efforts were weakened by politicized enforcement. Due process guarantees are poorly upheld, and security forces carry out a range of human rights abuses with near impunity. In 2016 the government enacted a harsh crackdown that saw the arrest of some 15,000 people. The new prime minister and cabinet were installed by a legislature that was the product of deeply flawed parliamentary elections in late 2018 (Freedom House 2019).

Despite being one of the longest electoral democracies in the Muslim world and having witnessed multiple free and fair elections and peaceful transfers of power since it transitioned to democracy in 1991, there have been cases in Benin where critical media outlets have occasionally been suspended. Under President Patrice Talon opposition politicians have increasingly been targeted for prosecution. In contrast, judicial independence has been undermined by the appointment of the president's attorney as president of the Constitutional Court and by establishing a new anti-corruption court, which has been accused of targeting Talon's political rivals (Freedom House 2019).

Bosnia and Herzegovina are new democracies in the Muslim world. They have been characterized as electoral democracies for a while, however, their political affairs have increasingly been characterized by severe partisan gridlock among nationalist leaders from the country's Bosniak, Serb, and Croat communities. Corruption still remains a serious problem. There have been broader concerns about policing and the rule of law. The 2018 elections were marked by irregularities and mostly confirmed the positions of the entrenched nationalist blocs (Freedom House 2019).

Comoros has historically been one of the rare electoral democracies in the Muslim world. However, in 2018 a controversial referendum ushered in several significant systemic changes. The referendum was boycotted by the opposition, who denounced it as an unconstitutional power grab by President Azali Assoumani, and allegations of intimidation and fraud marred the process. Many figures who spoke out against the referendum faced persecution. The referendum extended

presidential term limits and abolished the previous system under which the presidency rotated among its three main islands. It also abolished the Constitutional Court, the country's highest court, and transferred its competencies to a Supreme Court's new chamber. Azali banned protests in 2018, ahead of the referendum, but anti-government demonstrations took place throughout the year and were often met with violence by security forces (Freedom House 2019).

Cote d'Ivoire has also been counted among Muslim countries that are regarded as an electoral democracy. However, post-conflict security concerns and interference by security forces can constrain freedom of expression and association. Also, unrest within the armed forces and growing tensions within the ruling coalition threaten stability. Several root causes of the country's violent conflict remain: ethnic and regional tensions, land disputes, corruption, and impunity. In addition, there have been allegations of electoral fraud in the 2018 municipal elections. Some protests erupted into violence, resulting in deaths. Elections to the country's new Senate were held in 2018, but the body was not fully functional at year's end due to a lack of resources and unresolved political disputes (Freedom House 2019).

The current regime in Niger was re-elected in 2016 in a polling process plagued by severe irregularities. The struggle to meet security challenges posed by active militant groups has served as an alibi for the government to restrict civil liberties (Freedom House 2019).

As the most populous Muslim country in Africa, Nigeria faces endemic political corruption, particularly in the petroleum industry. Security challenges, including the ongoing insurgency by the Boko Haram militant group and communal and sectarian violence in the restive Middle Belt region, threaten the human rights of millions of Nigerians. Military and law enforcement agencies' response to widespread insecurity often involves extrajudicial killings, torture, and other abuses. Civil liberties are also undermined by religious and ethnic bias and discrimination. The media landscape is impeded by criminal defamation laws and the frequent harassment and arrests of journalists who cover politically sensitive topics (Freedom House 2019).

In Pakistan, the military exerts enormous influence over security and other policy issues, intimidates the media, and enjoys impunity for indiscriminate or extralegal use of force. The authorities impose selective restrictions on civil liberties, and there are attacks on religious minorities and other perceived opponents. The 2018 elections that brought Khan to power took place following serious manip-

ulation of the campaign environment by the military and judicial establishment (Freedom House 2019).

Turkey today is not considered an electoral democracy and neither does The Freedom House, but many believe that it was an electoral democracy until very recent years and, according to Freedom House, until 2016. Since then, Turkey has not appeared on the list of electoral democracies. The Freedom House marks the year 2017 as the year when electoral democracy had its end in Turkey. In the case of Turkey, there was no single prominent event that brought democratic failure. The degradation and constriction of competitive space and freedoms in Turkey did not happen suddenly; it was a subtle and incremental process. But by now, the trend away from democracy appears to have crossed a threshold, pushing the country below the minimum standards of an electoral democracy. Diamond (2015) postulates that Turkey's political system fell well below the minimum conditions of electoral democracy beginning in 2014, as signaled by the electoral fraud and the executive degradation of political and civic pluralism that quickly followed (Jusufi 2019). For several years, there has been a gradual erosion of democratic pluralism and freedom in the country (Yabanci/Taleski 2018). The ruling AKP gradually entrenched its own political hegemony, extending partisan control over the judiciary and the bureaucracy, arresting journalists and intimidating dissenters in the press and academia, nationalizing oppositional businesses, using arrests and prosecutions in cases connected to alleged coup plots to jail and remove from public life an implausibly large number of accused plotters (Günay/Džihić 2016). There has also been a stunning and increasingly audacious concentration of power in the executive. Nevertheless, Turkey's regime has saved itself from being discredited despite mounting corruption and abuse of power, which have been very serious (Diamond 2015).

V. Reasons for backsliding: Why has democracy been regressing in many Muslim electoral democracies?

As shown above, the Muslim democratic world has been backsliding since 2016. Why is there has been democratic backsliding in these Muslim countries? Indeed, why is it that since 2016, approximately nine Muslim states (some 50 percent of the world's Muslim states) have lost their status as electoral democracies? Beyond

the concrete cases and events or breakdowns listed above that led to backsliding, there are several other reasons that require consideration. First, there has been a significant and, in fact, an accelerating rate of poor domestic governance in these Muslim countries. Second, there is geopolitics and the western position toward the backsliding. Third, there is the spector of violence and deepening authoritarianism in the Muslim world. Fourth, the loss of will and self-confidence on the side of the international community but particularly in the west to promote democracy in the Muslim world. I will briefly explore each of these in turn.

1. Poor Domestic governance

A problematic situation has been poor governance as measured by the Worldwide Governance Indicators of the World Bank. Backsliding Muslim democracies have performed poorly on all these measures. Muslim democracies also perform very poorly on the rule of law and transparency in the ratings by the Freedom House. The rule of law has declined across the democratic Muslim world since 2016 and the decay in governance has been evident in the backsliding Muslim democracies. The biggest problem for democracy in the democratic Muslim world is controlling corruption and abuse of power. And, as more and more of these states became wealthy, the quality of governance deteriorated further. Muslim voters came to value their economic well-being rather than governance or values.

2. Geopolitics

There has been an unfavorable geopolitical situation confronting the backsliding Muslim democracies. There has been growing and continuous interest by major powers in these democracies or in the regions where these democracies are located. As a result, there has been no outright external opposition to the backsliding, and often, it has been tolerated. This tolerance or support has come from unexpected major powers: the E.U. and the U.S., conferring on these backsliding Muslim democracies crucial economic resources, security assistance, political support and legitimacy. Under these circumstances, foreign aid has continued to flow to these countries. And, during this period of backsliding (2016–2020), E.U. and U.S.

development assistance to these democracies has continued at the same level as before. There has also been a considerable flow of other western economic and technical aid to these countries. This aid has made possible the regimes' key political strategy of spending massively on public jobs. It has also become a source of "rent" that these backsliding Muslim democracies use to entrench their new regimes and survive. The flow of aid gives these regimes the means to both co-opt and to repress (Diamond 2010). There has also been the fact that the international community has been only too happy to embrace these backsliding Muslim democracies in its quest for markets and strategic advantage (Diamond 2008).

3. Worsening of the overall situation in the Muslim world

The overall situation in the Muslim world regarding social freedoms and democracy has further reinforced backsliding. On the one hand, the wars and armed conflicts in the Muslim world have given the impression that no Muslim country is free of war. Countries like Afghanistan, Algeria, Burkina Faso, Cameroon, Chad, Iraq, Lebanon, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Palestine, Somalia, Sudan, Syria, Gambia, Turkey, and Yemen are places where wars and armed conflicts raged in 2020. On top of this, terrorism has been orchestrated by many Muslim groups like ISIS and al-Qaeda. This mass violence has fed the motivation for backsliding in the Muslim democracies. It has provided a ready and convenient means of diverting public frustration away from the corruption and human-rights abuses of the Muslim democracies, turning citizen anger outward to focus on Palestine or Syria.

Another element impacting Muslim electoral democracies has been the deepening of authoritarianism in the Arab world in particular (Cavatorta 2010). Consider Egypt's case, which was the champion of the "Arab Spring" that unleashed a new wave of changes in the Arab world starting in 2011, only to implode immediately in 2013 when the military hijacked the country's democracy. This has added to the Muslim world's overall frustration about the results of the Arab Spring. It has also led to disasters, such as in cases like Libya and Yemen, where unprecedented human suffering took place.

On the one hand, the deepening of authoritarianism and backsliding in many Muslim electoral democracies have reinforced one another in their backsliding and

rigging and techniques of repression. These authoritarian and backsliding Muslim countries have formed their own 'clubs' (Bosnia and Herzegovina and Turkey with Qatar; Pakistan with Saudi Arabia), exhibiting and engaging in solidarity with each other. The authoritarian Muslim countries have become new players in the foreign aid business in the backsliding Muslim democracies. These new aid players have also given the backsliding democracies new alternative sources and new forms of leverage against Western pressure for democratic reform. These regimes have increasingly used this aid and investment as a counterweight to Western pressure for democracy and good governance.

4. Western Democracy in Retreat, showing solidarity with Muslim states in recession

The established democracies, beginning with the E.U. and U.S., increasingly seem to be performing poorly in general democratic terms and lack the will and self-confidence to promote democracy effectively abroad, including in the Muslim world. As a result, few international actors pay attention to the growing fragility in the Muslim electoral democracies (Diamond 2015).

Another source adding to backsliding in Muslim electoral democracies has been a rise in the number of anti-iberal regimes in the democratic west. Consider Hungary and Poland (Cianetti/Dawson/Hanley 2018) and North Macedonia, Serbia, etc. (Ceka 2018). These anti-liberal European regimes have close relations with backsliding Muslim democracies (e.g., Hungary with Turkey; Turkey with Serbia). Together, all of them form a 'ring of fire' (Bertelsmann Foundation 2016) around Muslims and other democracies. The backsliding states' media publicize these 'achievements' to immunize their rule against external pressure. While each country has its context, solidarity seen from the 'ring of fire' often generates a significant enabling environment that helps to tip the balance towards anti-liberalism, and then in some cases gradually towards authoritarianism. If this solidarity is now present, the prospects for stopping the backsliding is low.

VI. Conclusion

In terms of democracy, most Muslim democracies have been either stagnating or slipping backward. Overall, there has been scant evidence of democratic progress in the Muslim world. This has been the situation particularly since 2016. About nine Muslim electoral democracies like Bangladesh, Benin, Bosnia and Herzegovina, Comoros, Cote d'Ivoire, Niger, Nigeria, Pakistan, and Turkey have been backsliding in terms of democracy and these traditional Muslim democracies have been consolidating their anti-liberal rule.

There has been limited space for popular democratic mobilization in these countries. Most of the possible openings have been partialy or completely closed for the time being. New media tools such as the social media have been captured by these new regimes and used to mobilize support for their regimes. The reliable source of regime stability is legitimacy. This author estimates that the number of Muslims in the Muslim world who believe in the value of authoritarianism as an alternative form of governing is relatively high. There is a greater trust in authority and more desire for centralization and strong leadership, and priority is given to stability rather than to democratic values. Democracy is receding, and it is not foremost in Muslims' aspirations or practices. There is still little external recognition of the grim state of democracy in the Muslim world and there is no guarantee that electoral democracy will return any time soon to these countries. Apathy and inertia in the west have further worsened the situation. All of these factors lead to new opportunities for democratic backsliding. In short, there is no good news regarding democracy coming from the Muslim world. The western world remains the safest place for Muslim democrats – the East in 2020, is not safe for Muslims. The sun is already rising from the west.

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II. Islam and Islamic Law *(Sharia)*

Introduction to Islam, with Reference to the Flexibility of Islamic Law

Loai A. Ghazawi

I. Introduction

An understanding the concept of democracy in Islam should first be clarified by way of an introduction to the main ideas of Islamic law.

The following considerations are divided into two sections: The first, entitled 'Introduction to Islam', highlights several topics: what Islam is, the definition of Islam, Islam's pillars, the creed of Islam, what *sharia* Law is, and an essential feature of Islam: *al-tawheed*. It discusses Prophet Muhammad (Peace be upon him) and his *Sunna*. It also sheds light on the Purpose of Life as perceived by Islam. The second focuses on the flexibility of Islamic law. This topic is essential for understanding the mechanism of democracy since most of the rules that cover democracy are built on flexible ground. This contribution concludes with several recommendations.

II. What is Islam?

1. Definition of Islam

The word Islam is divided into two folds: peace and submission to God (*Allah*).[1] This submission requires a fully conscious will to submit to the one Almighty God. One must consciously and conscientiously offer oneself to be in the service of God. This means to act on what God requires humans to do (in the Quran) and what His

[1] Allah is simply the Arabic word for God. He is the same universal God worshipped by people of all faiths. The word God/Allah is neither masculine nor feminine. Also, there is no plural for it. (Al-Munajed 2017.).

Prophet Muhammad (peace be upon him) encouraged the believers to do in his *Sunna* (his lifestyle and sayings). (Al-Khamis 1999: 91) Once the believers degrade themselves of their egoism and submit totally to God, in faith and action, they will indeed feel peace in their hearts. (Chahhou 2016: 4)

The Quran maintains that the only purpose for which God created humanity is to worship Him. Islam recognizes that humans have a free choice whether to obey or disobey God, and ultimately, they will be held accountable to Him on Judgment Day for the choices they make in this life. (Zakaryya 2000: 38)

The message of Islam faced many challenges and difficulties during the era of Prophet Muhammad (peace be upon him), in the two periods: Mekka and Madina. The prophet's central teachings and values were contrary to the interests of the non-believers, polytheists, and hypocrites, so his faith encountered a vicious attack to eradicate it at its roots. (Tantawi 1989: 25)

Islam in Arabic derives from the root word "*silm*," meaning peace, submission, commitment, and tranquility. It is absolute submission to the divine will. (Al-Fayrozabadi 2005: 1122) It is a natural way of life that encourages the believer to give due devotion to God and revere His relationship with His creation. Islam is a religion that guides its followers in every aspect of their lives. Islam teaches that through good deeds and seeking the pleasure of God, humans can attain genuine happiness and harmony. It is the latest version of God's messages sent through Adam, Noah, Abraham, Moses, and Jesus. Islam is "modern" in a sense it has come to complement the teachings introduced through previous prophets such as Abraham, Moses, and Jesus. It is a religion that seeks to give a meaningful purpose to life on this earth. It seeks to guide people in fulfilling that purpose by creating harmony between them, their Creator, and fellow human beings. (Rizvi 1992)

2. What is Sharia Law?

Sharia refers to what God has prescribed for His Prophets and followers that contain the Holy Quran and Sunna's rulings and teachings. (Al-Sa'dy 2013: 304) It is the Islamic law derived from Islam's religious precepts, particularly the Quran and the Hadith. Muslims live according to it because it covers all aspects of life. To be a practicing Muslim, one should obey *shariah* law. Interpretations within *Shariah*

law can vary dramatically from topic to topic, from place to place, and from one school of law to another school of law.

Interpretations within *sharia* law may vary dramatically from topic to topic and from place to place. (Al-Ashqar 1982: 35–38) Islam purposefully allows for differences of opinion; in fact, it is encouraged. This is why we sometimes see wildly differing interpretations and practices among Muslim theologians.

The *Quranic* dictate "no compulsion in religion" forms the basis of all Islamic ordinances. (Quran 2: 256).

3. The Concept of Tawheed (Oneness of God)

Tawheed means the singularity of God/Allah by worship. It implies worshiping God without any other partner. It refers to "unification" (making something one) or "asserting oneness". It comes from the Arabic verb (*wahhada*) itself meaning to unite, unify, and consolidate. (Ibn Manzūr 1955: 3/450) Believing in one God is the most imperative and foundational Islamic concept. To become a Muslim, one testifies, "There is no god but God". As a monotheistic religion, Islam teaches there is only one God who is the creator of the universe and has power over everything within it. He is unique and exalted above everything. He cannot be compared to His creation.

Abd al-Razaq Afeefi defines *tawheed* as the uniqueness of God/Allah in Godhood. This means realizing and maintaining God's unity in all of man's actions that directly or indirectly relate to Him. It is the belief that God is One, without a partner in His dominion and His actions (*rubuubiyya*), One without similitude in His essence and attributes, and One without rival in His divinity and worship (Afeefi 2000: 3).

God is the only one deserving of worship, and the ultimate purpose of all creation is to submit to Him. The Islamic understanding of God is based on a pure and clear understanding of monotheism. According to Islam's teachings, Almighty God is absolutely One, and His Oneness should never be compromised by associating partners with Him – neither in worship nor belief. Due to this, Muslims maintain a direct relationship with God. From the Islamic standpoint, believing in the Oneness of God means realizing that all prayer and worship should be exclusively for God and that He alone deserves such titles as "Lord of the Universe". (Ibn Othymeen 2004: 39)

The Quran states, "And we did not send any Messenger before you (O Muhammad) but We inspired him (saying): 'There is none who has the right to be worshipped but I, so worship Me (Alone and none else)'". (Quran 21: 25)

The message of *tawheed* was entrusted to all prophets and messengers. The Quran declares that "Nothing is like Him" (Quran 42: 11). God is omniscient and all-powerful. All of God's attributes belong to Him exclusively. He is the first without anything before Him, and there is no last but His oneness. He is the Last without anything after Him. The end is with Him alone, and He is the End. He is All-Existing with no end. God is now as He was before. He is Eternal. (Philips 2006: 10-14)

The Quran instructs, "He (God) is One, God is Eternal, He has neither begotten, nor has He been begotten, and there is no one equal to Him". (Quran 112: 1–4).

It is natural to expect that when people entered the fold of Islam, they would carry some of the remnants of their former beliefs. When some of the new converts began to express their various philosophical concepts of God in writing and in discussions, confusion arose. The pure and straightforward unitarian belief of Islam became threatened. Others had outwardly accepted Islam but secretly worked to destroy the religion from within. This group began to actively propagate distorted ideas about God among the masses to tear down the first pillar of faith. (Philips 2006: 8–14; Zakariyya 2000: 138–141)

4. Prophet Muhammad (Peace be upon him) and his Sunna

Muhammad was born in *Mecca* in the year 570. His father died before his birth, his mother died shortly after that, so he was raised by his uncle, a notable from the esteemed *Quraysh* tribe. The Arabs of Arabia were ignorant of science and most were illiterate. As a young man, Muhammad was righteous, truthful, honest, generous, and sincere. He was labeled 'the trustworthy'. (Ibn Hanbal 2001: No. 8352)

At the age of 40, prophethood was bestowed upon him when the Archangel Gabriel appeared in front of him by God's will. Subsequently, the revelations came over a 23 year period and were compiled in the form of a book called the Quran, considered by Muslims as the eternal words of God. The Quran instructs Muslims to believe in the Prophets mentioned in Jewish and Christian tradi-

tions, including Noah, Moses, Abraham, and Jesus. All prophets came with the same message: worshiping God alone without partners, fathers, mothers, sons, or daughters. There is a difference, however, between all other prophets and Prophet Muhammad. Before Muhammad, prophets were sent to particular people in particular places and periods. Muhammad is the seal of prophets with the message for all of humankind. (Chahhou 2016: 1f.) The Quran says, "And We have sent you O Muhammad, not but as a mercy for humankind and all that exists." (Quran 21: 107)

Sunna is the body of traditions, social and legal customs and practices of the Prophet adopted by the Islamic community. With the Quran as the primary source, it is a prominent source of Islamic law. *Sunna* refers to what the Prophet Muhammad had said, what he did, and what he implemented. Hadiths are the Prophet's interpretations of the *Quranic* verses. They explain the divine words mentioned in the Quranic verses. Muslims believe Muhammad does not speak according to his whims, but according to revelations from God. (Ibn Qudama 1993: 274)

The Sunna's authoritativeness was strengthened when Muslim scholars responded to wholesale Hadith fabrication by supporters of various doctrinal, legal, and political authorities, developed in the *'Ilm al-Hadeeth* (the science of determining the reliability of individual traditions). The *Sunna* was then used to interpret texts containing several meanings as the basis of legal rulings not discussed in the Quran. (Group of Scholars 1983–2006: 25/275; Afsaruddin 2018)

5. Pillars of Islam

There are five prescribed pillars of Islam. They are:

1. To believe in God and Muhammad is His Messenger (*al-Shahadatan*). The Quran says, "God bears witness that there is no god but He, as do the angels, and those endowed with knowledge – upholding justice. There is no god but He, the Mighty, the Wise." (Quran 3: 19)
2. To pray five times a day. The Quran says, "Recite what is revealed to you of the Scripture, and perform the prayer. The prayer prevents indecencies and evils. And the remembrance of God is greater. And God knows what you do." (Quran 29: 45)

3. To fast Ramadan. The Quran says, "O you who believe! Fasting is prescribed for you, as was prescribed for those before you, that you may become righteous." (Quran 2: 183).
4. To pay charity tax. The Quran says, "Charities are for the poor, the destitute, and those who administer them, and for reconciling hearts, freeing slaves, and for those in debt, and in the path of God, and the traveler in need – an obligation from God. God is All-Knowing, Most Wise." (Quran 9: 60).
5. To make the pilgrimage to Mecca once in a lifetime. The Quran says, "In it are clear signs, the standing place of Ibrahim, and whoever enters it shall be secure, and pilgrimage to the House is incumbent upon men for the sake of God, (upon) everyone who can undertake the journey to it; and whoever disbelieves, then surely God is Self-sufficient, above any need of the worlds." (Quran 3: 97). (Al-Shikh 2003: 214-216; al-Sadlan 2004: 59)

6. The Creed of Islam

The Islamic Creed can be summarized in six articles of the faith:

1. Belief in one God: Muslims believe God is one, eternal, creator, and sovereign. The Quran says, "The Messenger has believed in what was revealed to him from his Lord, as did the believers. They all have believed in God, and His angels, and His scriptures, and His messengers: 'We make no distinction among any of His messengers'". (Quran 2: 285)
2. Belief in the Angels. The Quran says, "Whoever is an enemy to God, His angels, His messengers, and Gabriel and Michael – then indeed, God is an enemy to the disbelievers." (Quran 2: 98) It also says, "O you who have believed, believe in God, His Messenger, and the Book that He sent down upon His Messenger and the Scripture which He sent down before him. And whoever disbelieves in God, His angels, His books, His messengers, and the Last Day has certainly gone far astray." (Quran 4: 136)
3. Belief in the Prophets: The prophets include the biblical prophets with Muhammad as their seal. The Quran says, "And We have already sent messengers before you. Among them are those [whose stories] We have related to you, and among them are those [whose stories] We have not related to you. And it was not for any messenger to bring a sign [or verse] except by God's permission. So

when the command of God comes, it will be concluded in truth, and the falsifiers will thereupon lose [all]". (Quran 40: 78)

4. Belief in God's Revelations. The Quran says, "We have revealed the Torah, wherein is guidance and light. The submissive prophets ruled the Jews according to it, so did the rabbis and the scholars, as they were required to protect God's Book, and were witnesses to it". (Quran 5: 44)
5. Belief in the Judgment and the Hereafter. The Quran says, "You will not find a people who believe in God and the Last Day having affection for those who oppose God and His Messenger." (Quran 58: 22)
6. Belief in Predestination. The Quran says, "No disaster strikes upon the earth or among yourselves except that it is in a register before We bring it into being – indeed that, for God, is easy" (Quran 57: 22). (Abdo 2000: 3; al-Matredi 1992: 233)

7. The Purpose of Life

Our life on this earth has a specific purpose; it is not the result of nature's accident, nor is it a punishment for eating the forbidden tree's fruit. We are here, according to God's plan; the worldly life is a test – a chance to prove ourselves as deserving of the eternal blissful life in the hereafter. According to Islam, the final destination of humankind is the life hereafter. At the end of time, all human beings will be resurrected and held accountable for their worldly lives. The life in the afterlife will be eternal. However, whether it will be blissful or full of sorrow depends on how we spend our present life.

To help humanity achieve this objective, God sent various prophets and messengers to guide them. (Chahhou 2016; al-Nabulsi 1986; Abu Haneefa 1999: 165)

II. The Flexibility and Stability of Islamic Law

Islamic *fiqh*, being the last set of laws that will remain till Judgment Day, is unique because it is a flexible law. Islamic laws can change based on time, place, situation, and need. It can work cohesively with every generation and time. This is an essential feature of Islamic law, stability, and flexibility. It combines the two in harmony,

placing both in their proper function. Strength in what must be preserved and remains, and flexibility in what changes and develops. Therefore, *sharia* may be divided into three categories:

Aqeeda (belief), e.g., faith in one God, trust in Judgment Day, and Angels.

Akhlaq (morals), e.g., justice, honesty, helping the poor and oppressed.

Fiqh (law), e.g., practical legal actions.

The first two categories, beliefs and morals, were essentially the same for all prophets and messengers since Adam. They haven't changed since the conception and creation of humankind. (Al-Shatibi 1997: 139)

The third category includes all applicable laws governing day-to-day life (such as ritual worship and interactions laws). This has changed from Prophet to Prophet based on their time, place, and circumstances. The category is what we know today as *fiqh*. Each prophet's *fiqh* was unique to him and his people; hence Jews, Christians, and Muslims have different dietary laws and worship ways. (Safiya/Mahad 2016)

This distinction, which is characterized by Islamic law, not found in divine law, fit within time and place in its various dimensions and with all people of every color and race. (Abdel Haleem 2001: 234)

Stability in Islamic rules is founded on the basics (the creed and moral values), such as belief in God, His angels, books, messengers, and Judgment Day. It is also found in *i'badat* (worship). For instance, one can't add a *ruk'ah* to *fajr* (dawn prayers), can't make *zakat* (almsgiving) just 1 % instead of 2.5 %, but one has to follow the precedent. Scholars say that the wisdom behind acts of worship is generally from God. Believers may see its practical benefits and they may not; either way, they follow it as a matter of faith.

The stability is in the set of unchanging laws in time and place, such as the prohibition on killing any human being, adultery, usury (*riba)*, stealing an orphan's money, and oppressing helpless women. (Al-Qaradawi 1992: 125)

The flexibility is in the branches and practical daily affairs and scientific activities called *mu'amalaat* (worldly interactions). This category represents all other actions between man and creation. For instance, business transactions, marriage

dealings, international relations, criminal law, what one may eat or cannot eat, dress or do – and everything in between. (Al-Qaradawi 1982: 204–207; Safiya/Mahad 2016)

The flexibility of Islamic law opens the doors to *ijtihad* (independent reasoning), "making opinion and consideration in the legislative vacuum area." (Zedan 1996: 401) *Ijtihad* encompasses two aspects. First, there are no incidents and no provision to treat them. Its validity came through *istihsan* (juristic discretion), meaning to express a preference for particular judgments in Islamic law over other possibilities.

The second aspect is being subject to human judgment. This type is called variables, or things that can be renewed and developed according to circumstances and customs. (Jumaa 2006: 3)

Scholars proved the difference between fixed and stable in Islamic law when the Prophet sent *Muaadh ibn Jabal* to govern Yemen. The Prophet asked *Muaadh*, 'Should you be unable to find an answer to people's questions from the Quran and *Sunna*, how will you judge?' *Muaadh* responded, "I will use *ijtihad* – I will strive to form my judgment". (Abu Dawoud 2009: 444)

The Muslim jurist finds himself with broad liberty in two broad areas of *ijtihad* and consideration.

The first is the legislative vacuum area or the area left by the texts for the initial effort and opinion to achieve public interest, called by some scholars "pardon". The Prophet said: "What is forbidden is haram". (Al-Albani 1996: 5/325)

The second is the area of texts holding several opinions or cases of similar texts that require the jurist's wisdom to make such a possibility beyond understanding. There is room for argument, changing opinions, and the *fatwa* (religious decree given by an Islamic leader) based on time, place, and situation. God willing, it is preferable to be from the fixed and specific sources of this religion, which does not accept any debate or change as one wants to be close to sources of judgment and without evidence of suspicion. (Shaban 1956: 45)

The doctrine of *ijtihad* enables a qualified jurist to deduce responses to both old and new questions. Every qualified jurist is free to issue new decrees regarding subjects with no previous record amongst other jurists, thereby providing the Islamic legal system with a high degree of flexibility, enabling it to confront new situations and circumstances. (Al-Qaradawi 1982: 204f.; Rouhani 1998: 22–30; Maurits 2006: 3/344)

In conclusion, the allegation that Islam is somehow unable to cope with social progress or changes in various aspects of human existence is false. (Al-Kahdemi 1998: 91–93) Islam is not confined to a specific time or set of circumstances. It can guide humanity towards contentment and happiness at all times. However, Islam's ability to adapt to the demands of various social formations and situations should not be taken to mean that Islam has a passive attitude towards alternative lifestyles. It is illogical to assume that Islam can universally endorse every cultural, social, or economic relationship. It has timeless rules, values, and objectives that disagree with certain types of associations and lifestyles. (Safiya/Mahad 2016: 1–3)

Al-Shihristani wrote: "We know for sure and certainly, those incidents and facts are incalculable, and we also know for sure that there is no text for each incident, and we cannot even imagine that. Suppose the texts are limited, and the facts are unlimited, and the limit is not controlled by the unlimited. In that case, we learn that *ijtihad* and *qiyas* (measurement) should be used, so that every new incident would be considered in Islamic law" (Al-Shihristani 1998: 180).

III. Conclusions

By way of summary, and in no particular order, here some results:

- Islam means submission; it means to act on what God/*Allah* requires the believers to do and follow the *Sunna* of Prophet Muhammad.
- Islam is a religion that guides its followers in every aspect of their lives. It is the last version of the call sent by God/Allah through His messengers.
- *Sharia* means the laws God/Allah has prescribed for His Prophets and the followers, which contain the rulings and teachings found in the Holy Quran and *Sunna* as interpreted by Muslim scholars and theologians.
- Interpretations within *sharia* law can vary dramatically from topic to topic and from place to place, and from person to person.
- Muslims believe in one God who created the universe and has power over everything within it. He is unique and exalted above everything He creates. His majesty and greatness cannot be compared to His creation.
- The *Sunna* of Prophet Muhammad is the body of the Islamic community's traditional, social, and legal customs and practices.

- There are five well-known pillars of Islam: to believe in God/Allah and that Prophet Muhammad is His Messenger, pray five times a day, fast the month of Ramadan, almsgiving, and pilgrimage to Mecca.
- Islamic creed is summarized in six articles of faith. The belief in one God/Allah, His Angels and Prophets, the revelations of God/Allah, Judgment Day, the hereafter, and in predestination.
- According to Islam, the worldly life is a test; it is a chance to prove ourselves as deserving of the eternal blissful life in the hereafter.
- The beliefs and morals in Islamic *sharia* cannot be changed. They are based on human interpretations. However, practical laws that govern day to day life (such as ritual worship and interaction laws) have changed from prophet to prophet based on their time, place, and circumstances.
- Islamic laws can work cohesively with every generation at different times.
- Understanding the concept of democracy in Islam can only be derived from the flexible side of Islamic laws.
- This researcher finally recommends more research on the subject of democracy in light of Islamic law. This subject is essential, particularly in the Arab world, where human rights are being violated continuously. It is hardly possible to apply the fundamental concepts of democracy in the Arab world unless Islam's basic rules are adhered to and practiced.

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Islam and Democracy – Between Textualism and Rationalism

Samir Suleiman

I. Introduction

Many people in Western societies assume that Islam is incompatible with democracy – even those in academia. For example, the German jurist and legal anthropologist Wolfgang Fikentscher tells us in one of his works:

> *Islamic democracy appears impossible for several reasons. Because of Allah's sole rule over human beings' fate, there is a lack of risk-mitigating and shifting fiduciary relationships between members of a community on the one hand and between these members and commissioned, accountable bodies on the other hand. Elections to mitigate risks of solving problems are a violation of the belief that happiness and suffering are to be assigned to man by God and are to be accepted and borne. Furthermore, because of the "closing of the gate of knowledge" around the year 330 after the Hijra (about 950 AD) the epistemological activity of parliaments and other bodies is lacking. Finally, because of the re-constitution of the world by Allah according to the prevailing Islamic conception, the concept of time (as a continuous line) is lacking, so that terms of office, elections to parliaments at fixed intervals and the like have no basis.* (Fikentscher 1993: 59f.; translated by the author)

A look into the Western media opens up a picture that makes statements like Fikentscher's complicated formulation appear plausible for many people. Similarly, only very few people in the Western world know how contemporary Muslim scholars and thinkers discuss Islam and democracy.

This essay states that from a scientific point of view it is unfounded to claim that Islam must be considered incompatible with democracy. Instead, an analysis of contemporary Muslim scholars and thinkers' voices shows that the compatibility of Islam and democracy has to be differentiated based on a scientific

distinction of their different theological, jurisprudential, and methodological backgrounds. Thus, any form of generalization and any confusion caused by the diversity of positions can be addressed by a deeper understanding and increasing clarity.

Firstly, this essay will give insight into a simplified map of contemporary Muslim-Arab political thought and secondly it will delve into three chosen thinkers' positions from the most critical and politically relevant trends of the Arab-Islamic world of Islam and democracy.

Of course, the present contribution can not afford a comprehensive treatment of its broad subject. Above all, the author wants to clarify things as briefly and straightforward as possible and thus give interdisciplinary audience of students and academics easier access to the discussion of Islam and democracy. Hence, at least a basic knowledge about Islam must be a precondition. Therefore, if necessary, it is recommended to gain knowledge of the basics of Islam through one of the author's works in this field (cf. Suleiman 2009). Also, this essay can only abbreviate the issues and only touch on certain aspects because of the given framework. For example, it exclusively focuses on Sunni Islam and only on thinkers from the Arab world. Nevertheless, it is hoped that it will clarify things for the reader and form a starting point for further research, while encourageing its readers to engage in fruitful discussion.

At this point, it should be mentioned that the internal-Muslim debate about Islam and democracy is by no means conducted scientifically. Objectivity – or at least the attempt to be as objective as possible – is extremely rare. Rather, the various authors and debaters are generally concerned with disseminating their personal opinions, which might be legitimate from the thinkers' points of view, but does not correspond to a rigorous scholarly discussion. Therefore, it should be noted that the author of this essay has sincerely endeavored to deal with the issue as objectively as possible in order to provide the most authentic and value-neutral picture possible of the internal-Arab-Muslim debate on Islam and democracy. Both the choice of thinkers and their ideas, as well as their assigned place in this essay correspond to their influence and importance in this debate as determined by the author's study of the field and in no way are subject to any personal predilections and considerations.

Finally, it must be mentioned here that the simplified transcription used in this essay aims to enable non-Arabic readers to have at least a reasonably accurate pro-

nunciation of the Arabic terms and names. It is, therefore, simplistic and deliberately not oriented toward the criteria used by orientalists.

II. A Simplified Map of Contemporary Muslim Political Thought

As mentioned above, engaging in political thinking in the Arab-Islamic world will soon confront the non-specialist with a confusing diversity of a seemingly endless number of different and sometimes contradictory voices.

In addition to the existence of different political interests underlying the respective positions, one of the main reasons for the diversity is the fact of minimal source material for the *Quran* and *sunna*. Further, the field of politics is mostly a field of *ijtihad*, a process of deciding on the basis of one's effort which is subject to criticism by scholars and thinkers. Therefore, this means that Muslims are called to develop the most appropriate political systems, structures, and procedures for their societies while respecting Islam's fundamental ethical principles and basic goals.

Despite the large variety of approaches, the scientific occupation with contemporary political Islamic-Arabic thought provides roughly the following picture (Suleiman 2013: 11; cf. 'Amarah 2008: 167).

In the first place, existing voices can be divided into those who believe that politics and Islam cannot be separated from each other, while others can be classified as secular. While the former builds their position in accordance with the overwhelming majority of Muslim scholars and schools from Islamic history (cf. 'Amarah 2008: 195) concerning Arab Muslim thought, the secularist thinkers had their beginning in the 20th century with the writings of 'Ali 'Abd al-Raziq, the first Arab Muslim thinker who tried to legitimize secularism from within Islam (cf. Abdu-l-Raziq 1925).

In the second place, existing currents and positions can be located on a continuum between **textualism** and **rationalism** as a scientific benchmark. Against this background, the theological and the jurisprudential backgrounds of these positions can be sorted based on how close they are to a textualist or to a rationalist method. In the field of theology, this results in a division into the rationalistic school of the *Mu'tazilah*, the textualist school of *Ahl al-Hadith,* and in-between

these two, there are the schools of *Ash'ariyah* and *Maturidiyah*. In the field of jurisprudence, and thus in terms of the most important law schools of Sunni Islam, these positions can be sorted from *ijtihad*-open to particularly textualist – starting from the *Hanafi*, to the *Shafi'i*, to the *Maliki*, and finally to the *Hanbali* schools of jurisprudence.

Based on the author's occupation with the subject, the most important political Muslim-Arab currents and some of their select representatives can be sorted in a simplified scheme as follows:

< ---------- >

Textualism **Rationalism**

Ahl al-Hadith		**Maturidiyah**	**Ash'ariyah**		**Mu'tazilah**
Hanbali	**Maliki**		**Shafi'i**	**Hanafi**	
Salafi-textualist	**Main Stream**		**moderate**	**reformist**	**Secular "Neo-Mu'tazilah"**
1. conservative and loyal to the regime **2. revolting** **3. political**					
1. Bin Baz, An-Nahwi **2. Bin Laden** **3. Egyptian Al-Nour Party**		**Al-Qaradawi**			**Al-'Ashmawi**

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Concerning the positions of the above-mentioned political currents and their selected representatives, it is safe to say that for the *Salafi*-textualist varieties – no matter if they are conservative and loyal to the regimes as the state-sponsored scholars of Saudi Arabia, or violently revolting against the existing political elites as al-Qa'ida, or if they participate in the political process, such as the Egyptian Al-Nour Party – democracy is rejected both on the basis of its philosophical foundations and with regard to its mechanisms and procedures.

In contrast, representatives of the self-proclaiming *Neo-Mu'tazilah* tradition (cf. Al-'Ashmawi 1999: 56.61.70) are open-minded about Western secular and lib-

eral democracy since Islam is denied a role in politics by these thinkers anyway. Both of these positions – the *salafi*-textualist and the secular *neo-mu'tazilite* – are minorities in the Arab-Islamic world, while the former takes a completely exaggerated position in Western perceptions probably for two principle reasons: 1) it is certainly a phenomenon that appears to be evident in all radical forces; 2) the loudest and most spectacular voices originate here despite their actual marginality. In addition, these radical voices can be easily exploited by the media for economic reasons (cf. Schiffer 2005), as well as for the legitimization of power-political intentions by some governments or for the interests of right-wing populist parties.

Regarding the table above, the use of the term "*salafi*" is problematic from a scientific perspective to the extent that it refers to the *salaf al-salih* (the righteous ancestors) that are Prophet Muhammad (s) and the Muslims that were close to his time. Thus, from an Islamic point of view, it refers to a role model for every Muslim, but a term captured above all by the *Wahhabi* movement that was established in the 18th century. Moreover, although many secular thinkers in the Arab world call themselves *Neo-Mu'tazilites*, the historical school of the Mu'tazilah – founded in the middle of the 8th century – itself was most certainly not secular and was considered *al-imama* and thus the existence of a state was, according to Islam, a religious duty (cf. 'Amarah 2008: 196).

Based on the above table, three samples will be chosen to show the diversity of positions within Muslim Arab contemporary thought concerning the compatibility of Islam and democracy. While some readers might assume that this requires a prior definition of the term *democracy* than those contained in the thinkers' approaches, the author believes that it is much more illuminating to regard the understanding of democracy as voiced by the chosen thinkers themselves.

III. Chosen positions from the most important politically relevant trends in the Arabic-Islamic world

1. Textualist approaches – An-Nahwi (1928–2015)

The attitudes of textualist protagonists on the subject of democracy are easily summed up (cf. an-Nahwi 1984: 214.545; cf. idem 1985: 21.34.40.103). They virtu-

ally demonize democracy as an innovation incompatible with Islam (Arab.: *bid'a*). They point out that democracy is a purely Western concept and alien to Islam. Moreover, they warn against seeing any parallels or similarities between democracy and the Islamic concept of *shura* – based on the Quranic commandment of collective consultation (Quran 42: 38). They cite various passages from the Quran that allegedly prove that Islam, for example, would be incompatible with the principle of a majority or with a party system. Democracy is considered an evil that contributes to discord and the spread of immoral behavior and a differentiated analysis of the manifold contents of Western concepts of democracy is missing. Willingly or not, the scholars of this conservative-textualist branch of *Salafi*, call for obedience to rulers, cementing political conditions in autocratic-ruled countries such as Saudi Arabia.

*2. Mainstream positions: Al-Qaradawi (*1926)*

Quite different is the position of one of the most well-known and, in the Arab-Islamic world, one of the most influential scholars is quite different. Due to his education, this scholar can be considered a representative of the mainstream school of theology and of the four above mentioned predominant schools of law and was for this reason selected for this essay. In his writings, the Egyptian exiled scholar Yusuf al-Qaradawi tries to carry out a differentiated consideration of Western democracy and summarized his argument along the following lines (Al-Qaradawi 1988: 145; idem 1997: 132–152).

First of all, against the background that the question of a democratization of Arab-Islamic societies and states is inextricably linked to the question of their modernization, al-Qaradawi explains that modernity must not be understood as something western or equated with westernization. It is up to the Muslims and the people of other cultural areas to determine their modernity. They are not required to become a copy of the West. In terms of the urgently needed reforms, and overcoming the existing dictatorial political systems in the Arab world, it would be inappropriate, from al-Qaradawi's point of view, to reject Western democracy in general. Instead, democracy should be examined and analyzed to see what the Muslims could learn from this system of government, what they may appropriate, and what they should discard.

Al-Qaradawi recognizes three core contents of Western democracy that he considers are fully compatible with Islam: 1) The ultimate goal of democracy is to allow people to determine by whom they are governed. This goal has a protective function against any unwanted oppressive and tyrannical form of rule. 2) It is an essential feature of democracy to give people the right to hold their regents accountable if they make mistakes. The people are thus entitled to overthrow or to change their rulers. 3) The third essential feature of democracy is defined by its opposition to any domination of the population by its rulers, not only in terms of political but also concerning economic, social, and spiritual guidelines, for any constraint in these areas is incompatible with the nature of democracy.

Following this summary of the main objectives and characteristics of democracy, al-Qaradawi explains that their implementation includes institutions and procedures such as majority voting, free elections, party pluralism, referendums, the right to minority opposition, freedom of the press, and an independent judiciary.

Al-Qaradawi poses the thesis that Islam is fully compatible with the "essence of democracy" (Arab.: *jawhar ad-dimuqratiyya*) (Al-Qaradawi 1997: 132) and substantiates this, among other things, utilizing a presentation that is mostly based on the contents of *Quran* and *Sunna*.

According to al-Qaradawi, the Muslim state is a civil state (Arab.: *dawla madaniyya*), not a religious one (Arab.: *dawla diniyya*). The Muslim ruler has to be chosen and elected by the people and is a delegate (Arab: *wakil*), a trustee, who is responsible toward the people. Al-Qaradawi argues that establishing a multiparty system is not only permitted according to Islam, but required. It could be compared to the different Islamic jurisprudence schools that have Islam as their common base while being different in their methods.

Finally, it must be pointed out, however, that despite all the openness of al-Qaradawi toward democracy, whose implementation he even calls a religious duty for the Muslim community (Arab.: *faridha diniyya wajiba 'ala al-umma*) (cf. Al-Qaradawi 1988: 145), he rejects its philosophy of libertinism for Muslim societies and argues that it remain in conformity with the concrete and indiscernible (Arab.: *al-thawabit*) elements and norms of Islam, while all changeable norms (Arab.: *al-mutaghayirat*) that form the large majority of all norms for Muslims could be discussed and modified democratically according to the needs of the Muslim community.

3. Secularist positions – Al-'Ashmawi (1932–2013)

Though much more complex in general, at the same time also more straightforward (since there are fewer distinctions in terms of the compatibility of Islam and democracy in particular), there are also the approaches of secular Muslims, such as the one by the Egyptian thinker Muhammad al-'Ashmawi (cf. Al-'Ashmawi 1984; cf. idem 1987; cf. idem 1999).

According to Muhammad Sa'id al-'Ashmawi, religion in general and Islam, in particular, must be separated from politics. Otherwise, faith would be deprived of its high values and would be turned into an ideology (cf. Al-'Ashmawi 1987: 7; cf. idem 1999: 39). Since Islam is apolitical by nature, Muslims are open to accepting democracy (cf. for instance Al-'Ashmawi 1984: 51.63). Al-'Ashmawi and his fellow campaigners do not only reject the division of Western democracy into its philosophy and its material means as al-Qaradawi does but also – either explicitly (cf. Abu Zaid 1996: 29) or inexplicitly – does not want to differentiate between the more moderate reformist branch of thinkers and the more textualist anti-democratic current of scholars and activists.

It is clear that although there are Muslims who reject democracy, the mainstream thinkers and thus the majority of Muslim intellectuals, consider democracy at least partly – and concerning secular thinkers even – or entirely compatible with Islam. It should be clarified in this context that while in general one can say that the more textualist the approach, the less open it is to democracy, though one cannot generalize. An exception to this rule is Hizb-ut-Tahrir, who has a relatively rational approach but is also well known to be strictly against any form of democracy (cf. Zalloum 1995).

Researchers from the University of Berkeley have shown that the basic ethical teachings of Islam are mainly implemented in countries that are governed democratically (leading to the interesting fact that this is the case most of all in New Zealand followed by Western European countries in 2010, while Arab countries rank not more than 48 with Kuwait and, for example, Saudi Arabia ranking 131 out of 208) (cf. Rehman/Askari 2010: 31.32.35). This seems to suggest that if Islam – and above all its ethics and its aims of legal, social, and economic justice – would have been implemented in the Arab world, there would be an increase in democracy and vice versa, but this interesting hypothesis can only be the starting point for further research.

IV. Conclusion

I conclude that a general statement asserting that Islam and democracy are incompatible with each other is unfounded from a scientific perspective. Instead, it is essential to know that Islam and politics and thus, the issue of Islam and democracy in particular – due to a lack of texts – are matters of *ijtihad*. Therefore, the observer has to consider many different approaches based on their theological, jurisprudential, and methodological backgrounds, resulting in a great diversity in Arab-Muslim thought. Although some Muslims reject democracy like an-Nahwi, mainstream thinkers like Al-Qaradawi and secular thinkers like al-'Ashmawi even consider democracy at least partly or entirely compatible with Islam.

In this way, one may conclude that many Western observers and self-proclaimed Islam experts who describe Islam as incompatible with democracy seem to have become a mouthpiece for a minority of anti-democratic Muslims, which in turn may lead to their views being over-blown d in Western perception – a perception that, however, as this essay has demonstrated, corresponds to the internal Arab Muslim debate on Islam and democracy, if only to scratch the surface.

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The Concept of Civil Islam and the Secular Democratic State

Arhan Kardas

I. Political Theology of Abrahamic Religions

All Abrahamic religions first established themselves as civil initiatives. Over time, they either remained as such or developed a political discourse in addition to their civil nature. Judaism, Christianity, and Islam have had their unique historical experiences as they established their political formation. Judaism needed only one generation to establish itself in Kanaan under the leadership of Joshua. Christianity, a civil religion, only became politicized 300 years after its creation. On the other hand, Islam could establish itself within 23 years as both a civil and political entity in Madina. From this perspective, one could speak equally about political Judaism, Christianity, and Islam, the only difference being the duration of this process. The fundamental question is whether the religions aimed to build an *apparatus of state* or design a society, or rather a community. Are they, in their essence, political, or do they have the potential for politicization? Are they communities of values or state ideologies? We cannot fully answer these religious-sociological questions in a short article. That is why this article will primarily focus on the following topics:

- The definition of Islam according to the scholars of Islamic theology
- The significance of politics and governance according to the Prophet-oriented Islam
- Definition of civil Islam as a counter concept of political Islam
- Ruling systems in the history of Islam
- Some reasons behind the politicization of the religion of Islam
- Civil Islam and the secular state
- Comparison between civil and political Islam
- Suggestions for the establishment of European civil Islam

II. The Theological Definition of Islam

The notable theologians of the Prophet-oriented Islam[1] defined this religion as follows: "Divine Principles which invite people of reason to accept those which the Prophet brought." (Al-Jurjani1983: 105)[2] Another Definition says: "Religion is a companion of divine principles, which leads intelligent people with their praised free will to the absolute good, which brings tranquility in this world as in the hereafter. " (Al-Tahanawi1997: 1018)[3]

III. The Significance of State Politics and Leadership

Based on the above definition of Islam, it is essential to explore Islam's main principles and any hierarchy of norms within these principles. According to the overwhelming majority of Muslims worldwide, the important *principles of salvation* in the hereafter are contained in Islam's five pillars and the six articles of the faith. Within those eleven major principles, we do not see any reference to politics or state governance.

Islam is traditionally defined according to one of the famous hadith, which is called the Hadith of Jibril, in which all the above principles are mentioned: (six articles of faith) believing in God, angels, the divine scriptures, the Prophets, the life in the hereafter and the God's all-wisdom and destination; (five pillars of Islam) testifying that there is no deity but God and Muhammad is His messenger, performing daily prayers, annual charity, one month of fasting in the month of Ramadan, pilgrimage to Mecca once in a lifetime. Also stated in this hadith is the concept of *ihsan* – praying and serving God, as if one sees Him. This Hadith summarizes the "religion of Islam".

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1 Prophet-oriented Islam in this article refers to the Sunni interpretation of Islam.

2 Al-Jurjani (d. 1414) was one of the most famous lexicologists of Maturidi school of Islamic theology. He defines Jihad as an invitation to the true religion. (Al-Jurjani 1983: 80)

3 Al-Tahanawi (d.1745) was one of the important lexicologists of Islamic theology.

Many of those principles are common in some other Abrahamic religions. Those principles are considered to be the unchangeable fundaments of Islam (*muhkamat*). State governance or establishing a political regime is not among these fundamental principles. All the scholars of *Prophet oriented-Islam* who acknowledge these principles as its foundation have considered state governance or ruling over a community only among secondary topics to be addressed. The Mu'tazilites and the Shiites of the Imamiya are exceptions in this approach, arguing that leadership and government are one of the foundations of belief. (Gülen 2018: 159f.)

According to the normative doctrine and the teachings of Prophet-oriented Islam, leadership is a *sufficient duty* (*fard kifaya*), i.e., a religious obligation whose performance by a group of people is adequate. It is neither a personal obligation nor a foundation of belief.[4] Its nature as a religious obligation is based neither on the Quran nor on the *Sunna*, but on the consensus of the Companions and scholars. (Al-Mawardi 2006: 15)

A critical survey concerning the issues of politics and governance within the Quranic text demonstrates that only 2 % of the revelation deals with such secondary topics, and 98 % deals with the foundations mentioned before, which could easily be practiced by individuals under the rule of any secular democratic state. Those who argue that Islam is a political ideology present only two percent of the Quran's secondary regulations as evidence. That is why defining it as an *ideology* contradicts the reality of Islam. (Gülen 2018: 154) This type of understanding is called "political Islam". According to this view, Islam is a religion as well as a state.

IV. Definition of Civil Islam

There is no consensus about the definition of "political Islam". Nonetheless, the term "political Islam" is used mainly for certain Islamic tendencies that attempt to resolve Muslims' problems via political engagement within legal boundaries. (Bulaç 2012: 114) In contrast to the term "political Islam," we want to portray another Islam in this article, namely "civil Islam". Firstly, it must be noted here that what we mean by

[4] If one does not perform an obligation, one commits a sin. If someone does not believe in a foundation of belief he or she is excluded from the religion and find no salvation in the hereafter according to the majority of the scholars.

"civil Islam" as a manifestation of this religion is different from Rousseau's concept of "civil religion". Rousseau designed a *civil religion to legitimize* the rule of a state, whose principles are easy for every citizen to understand and affirms the bond of the *social contract* by producing good citizens for the common good of the country. (Christi 2001: 22f.) Secondly, the concept of "civil Islam" in this article differs from the one of Robert W. Hefner, who names the perception of Islam by civil society against the uncivil components of the military and bureaucracy. He applies the term as a counterpart to "conservative Islam" and state Islam. (Hefner 2000: 19f.)

Thirdly: "*civil Islam*" is a foreign concept to European society, making it even more important to do further research and integrate the concept into the field.[5] We will use the term *civil Islam* in contraposition not only to the expression "state Islam" but also to the common term "political Islam."[6] In a departure from these terms, "*civil Islam*" (in Arabic: *al-Islam al-madani*) refers to a religion that is oriented toward alliances of shared human values, particularly justice and consensus, aiming at spiritual perfection of individuals without considering a specific type of public order as the obligatory component of the Islamic faith. Some aspects of individuals' spiritual perfection will be referred to at the very end of this article. However, it deals primarily with the theological and socio-political characteristics of the definition mentioned above. It tries to give a constructive answer to the first question stated at the very beginning.

V. Public Order and Politics in the History of Islam – The Heritage of the Pre-Islamic Period

Just before mentioning the political system in the Islam of Madina, it is significant to outline briefly the pre-Islamic ruling system in Mecca. Mecca had a council, the

[5] According to our research, this description firstly appeared in an article by the Muslim intellectual Ali Bulaç (2012), in which he discusses the position of the Gülen movement with regards to the role of its founder, Fethullah Gülen.

[6] The main features of civil Islam originated from the renowned theologist and jurist Abu Haneefa (b. 699, d.767), who differentiated between the political dispute and the theological justifications: "He said, fight the rebels because they are rebels and not because they are non-believers, and be with the righteous and just side" (Abu Haneefa 1999: 131).

"*dar al-nadwa*", in which the children of Quṣai ibn Kilab ibn Murra (ca. 400–480) had a seat without restriction (by inheritance law) and the other members were elected by the various clans of Quraysh. Elections were restricted to men who were at least forty years old. Some exceptions occurred, as in the case of 'Amr ibn Hisham (d. 624). This quasi-parliament, or "the council," stood in the middle of significant socio-political issues, like *hilf al-fudul*[7] (587?), declarations of war or peace, public announcements for events like circumcision, the declaration of the girls who reached to puberty, etc. (cf. Al-Harithi 2010)

Quraysh already had leaders in this council at the time the Prophet came with his message. The leading person was 'Amr ibn Hisham (known as Abu Jahl), who was succeeded by Abu Sufyan ibn Harb (d. 652), who was neither a relative nor a kinsman of 'Amr.[8] This means firstly that the leadership was not succeeding according to kinship, a situation that was maintained by the Prophet's first four followers (cf. Ibn Kathir 1998: 9). It was already a kind of leadership of consultation and did not represent the character of a dynasty.[9] Secondly there was also a tradition of some civil engagements and alliances like *hilf al-fudul* (Alliance of the Virtuous). Some people of Mecca came together in order to restore justice in the city and to help the persecuted against the persecutors in the house of Abdullah ibn Jud'an. The Prophet was also available by way of this pledge and alliance as mentioned below.

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7 "Alliance of the virtuous" some people of /Mecca came together in order to restore justice in the city and to help the persecuted against the persecuters in the house of Abdullah ibn Jud'an. The Prophet was available at this pledge and alliance. They declared it further in the council of /Mecca and it is reported that the Prophet said: I witnessed an alliance in the house of Abdullah ibn Jud'an that was more beloved to me than a herd of expensive red camels. If I were invited to it now (after Islam came), I would respond positively. In another version of Hadith, he stated further: Make such alliances to restore rights to their owners and that no unjust person has strength over the oppressed and persecuted. (Ibn Kathir 1998: vol. 2, 355)

8 Quran refers to the parliament of Abu Jahl. Quran 96: 17 "let him call (for help) to his council (of comrades)" (Cf. Ali 2009: 1204).

9 Economically there are some differences between the war bounty of Islam and the era of "ignorance" (Cf. 'Abd al-Wahhab 2017).

VI. Tradition of Alliances and Madina of the Prophet

To what extend did the new religion of Islam adopt the existing ruling system of Mecca? This is a disputed matter. What we definitely know is that Prophet Muhammad practiced and improved such alliances during his rule in Madina. Alliances, based on shared human values regardless of religious identity, were not only referenced but also emphasized by him. "I witnessed an alliance in the house of Abdullah ibn Jud'an that was more beloved to me than a herd of expensive red camels. If I were invited to it now (after Islam came), I would respond positively." In another version of Hadith, he stated: "Make such alliances to restore rights to their owners and that no unjust person has strength over the oppressed and persecuted (cf. Ibn Kathir 1998: vol. 2, 355)."

The Charter of Madina (622–624) as an alliance between Jews, Polytheists, and Muslims against the Meccan oppressors, was a concrete example of this ideal. The uniqueness of the Charter of Madina – compared to the existing alliances – was the equal status of the "citizens" regardless of their ethnicity and religion. This feature was one of the milestones of the rule in Madina. The renaming of Yathrib's city through the Quranic revelation after the *hijra* indicates another essential milestone in Islam's history.[10] In contrast to the pre-Islamic name of the city of Yathrib (Arabic: a place of rebuke and slander), the Prophet changed the city's name to "Madina" (Arabic: a place of justice)[11], emphasizing the primacy of the *rule of law*. This illustrates the non-nomadic but civilized nature of the new religion and maintenance of useful practices of pre-Islamic traditions. We could say that civil Islam's principles and objectives were firstly formed in Madina between 622 and continued up until 661.

[10] The Quran also names the city of the Prophet as "al-madina" (Quran 9: 11).

[11] A similar concept exists in Hebrew (מדינת) (medinat) which derives from the noun (דין) (din) "law" but means state.

1. The different Types of Elections of the Caliphs after the Prophet Muhammad

Referring back to the postulated main question of this article we ask: Did the Quran and the *Sunna* of the Prophet prescribe a specific type of political system in which the power of the ruling class should be justified through religious orders? In other words, was Islam a *state ideology* from the beginning or a faith, or a religion, or both? The Charter of Madina and the different positions as well as practices during the "*Rightly Guided Caliphs* "concerning the elections of the Imam (Leader/Ruler) show definitely that Islam did not prescribe any specific kind of state or political order. The first caliph was chosen in Madina, but not through the votes of all the believers. The second caliph was primarily assigned by the first, and the third Caliph Uthman was selected through the *Vote Council "majlis al-shura"* of Notable Companions. Historically we could conclude that this ruling system of the "*Rightly Guided Caliphs*" was not far from the governance of the pre-Islamic leadership of Mecca. It was instead maintained and developed by the Companions of the Prophet during their rule. After a while, namely during the Caliphate of Ali, the vote-based Caliphate turned out to be a dynasty of the Sultanate, in which the male successors of the rulers became to be so called Caliphs or Sultans and it was severely criticized by the Companions of the Prophet as the tradition of Byzantine Empire (cf. Nursi 2016: 234f.).

2. Differences between the political systems of Madina, Damascus, Kufa and Hijr

The *political system of Madina* differed significantly from that of Damascus, the capital of the *Umayyad* dynasty, from Kufa, later the capital of political Shia Islam, and from al-hijr, the meeting place of the *Khawarij* (Quasi-Anarchists) near modern-day Riyadh, Saudi Arabia (which was politically formed during and after the death of the fourth Caliph Ali). The *Khawarij* groups from Najd and al-Hijr advocated a type of anarchism and punished grave sinners such as apostates with death. They were opposed to the Shiites from Kufa who saw Hussein as the sole heir to the Prophet as the political office of the caliphate and consequently under-

stood state policy to be an integral part of the Islamic faith. Madina represented the "voice of reason" in this discourse. It was a value-based community for which politics was not an essential prerequisite of faith *(iman)* or for Islam. Moreover, the "*Islam of Madina*" preferred the community's leadership, depending on the ruled subjects' consensus (i.e., based on a voting system). Thus, civil Islam was not indifferent to politics and did not aim to seize political power, it merely did not recognize politics as the *conditio sine qua non* subject of the Religion. It tried to enable an open frame for humane politics focusing on significant values like justice, consensus, and society's everyday needs.

3. Herakleiosism versus Rightly Guided Caliphate

The term Hiraqlīya (Herakleiosism) derives from 'Abd al-Rahman ibn Abi Bakr, the first son of the first caliph. He used it vis-à-vis the messenger of Muʿawiyah ibn Abi Sufyan, when he demanded the oath of fealty (*bay'a*) to his son, Yazid ibn Muʿawiyah, from the notables of Madina. The governor of Madina at the time, Marwan ibn al-Hakam, said that Muʿawiyah had ordered his son to be his legitimate successor for the community. 'Abd al-Rahman countered against Marwan and Mu'awiyah: "[…] Neither of you wanted the best choice for Muhammad's community. On the contrary, you wanted to turn the government into a *Herakleiosism*. Whenever a Heraclius dies, another Heraclius comes and governs". (Al-Zarkashi 2001: 126) 'Abd al-Rahman was referring to the Emperors of the Middle Byzantine Empire, like Heraclius, his son Constantine and his grandson Constans II and the dynasty they founded. He compared Muʿawiyah ibn Abi Sufyan's intention with that of the Byzantine regime and found it to be incorrect from an Islamic point of view. Although the *Umayyad* rulers called themselves caliphs, representatives of *civil Islam* see nothing in "caliph" but a thinly disguised term for "sultan" or "king". Thus, adherence to the principles of civil Islam ended with the murder of the fourth caliph Ali and the six-month reign of his *chosen* son Hasan ibn Ali.

4. Relocation of Civil Islam from Madina to Kufa and further to Central Asia

Following the assassination of the third Caliph of the Prophet Muhammad, Uthman (d. 656), his successor ʿAli ibn Abi Talib (d. 661) moved to Kufa for six years. There he sought to implement the values of civil Islam with the support of the scholar ʿAbdullah ibn ʿAbbas (d. 688) and before that of ʿAbdullah ibn Masʿud (d. 652). Imam ʿAli ibn Abi Talib made a clear distinction between the religious and profane and never labeled his enemies, neither *Umayyads* nor *Kharijites*, as infidels just because they rebelled against the central caliphate in Kufa. The doctrine "fight the rebels because they are rebels and not because they are non-believers and be with the righteous and just side" can be attributed to him (Abu Haneefa 1999: 131). However, ʿAli could not long resist the politicization of Islam by the Shiites and the *Umayyads*. Especially the *Kharijites* were accusing him of being apostate just because of his content with the arbitrator court, which was appointed to solve the conflict between him and Muʿawiyah. His community had to flee without political leadership, first to Kurdistan and then later to Persia and finally to Transoxiana. Far from the *Abbasids*' influence from Baghdad and the *Umayyads* from Damascus, civil Islam, namely, distinguishing the religious from the political, could establish itself in Bukhara, Samarkand, Fergana, Balkh, and neighboring cities, as well as in Khorasan. This understanding of Islam shaped the thinking of Samanids (819–1005) and Ghaznavids (977–1186), the Karakhanids (960–1213), and later the Seljuks (1040–1308). In contrast to the Arabs, the Turks and the Persians already had an established political system, which is why they took on Islam primarily as a religious doctrine and not as a political regime. It was not until the nineteenth century that Islam came to be perceived as a religion and a political creed.

5. The Islam of Madina and its public order

The values of civil Islam would no longer gain acceptance in the administrative machinery after Madina's uprising against the first *Umayyad* ruler Yazid ibn Muʿawiyah (d. 683), the battle of al-Harrah and the subsequent three-day plunder-

ing of the city in 683. Since then, the Sultanate (then called "Hiraqlīya") was a regime in which the administration of public matters was no longer decided through consultation with the people, but rather by powerful dynasties. It subsequently led to a politicization of the Islamic religion, which repressed civil Islam in some regions of "Muslim world" regions for a thousand years.

The Islam of Madina (in other words, civil Islam) placed great value on democracy-like participation in decision-making processes. In this, it used certain Quranic principles such as the oath of allegiance (*bayʿa*) and consultation *(shūra).* It attempted to establish a consensus about the formation of a government among its ruled subjects. However, from the year 683 on, Madina no longer had any political significance in the history of Islam.

VII. Political Islam and Its Quranic Challenges

Political Islam's protectors insist on assuming that a system of governing could ultimately be deduced from the glorious Quran but this assumption is not based on evident data. On the contrary, there is evidence for a system of governance under or in tandem other types of political systems. The Quran states that the Prophet Joseph demanded from the Pharoah that he should be given the position of "Minister of Finance" and that it should be subordinated to a polytheistic Ruler: [Joseph] replied, "Put me in charge of the nation's store-houses. I will be a knowledgeable keeper." (Quran 12: 55). This indicates that a prophetic ruling under a polytheistic system is legitimate.

The lecture of the Quranic verses of the Sura al-Baqara (Quran 2: 247–248) teaches that the leadership of the Israelites foresaw a dual system of leadership; one that was spiritual as represented by the Prophet Samuel and the other secular, which was represented by Saul. This means that dual-systems of rule by both religious and secular authorities are legitimate. The Quran (2: 251) places conditions on the leadership of David as King and a Prophet. This means monarchic ruling through a religious and political figure like David is valid. Similarly, the Quran sees Abraham as a symbol of virtue without any political relevance and calls him the Imam (a leader who provides religious guidance) (Quran 16: 120). This means the leadership *(imamat)* in the Quran is not necessarily of political nature. From

a socio-political perspective, one could argue various leadership and governance models from the Quran do not support one another.

The same Quran mentions the Queen of Sheba and ascribes to her many positive attributes, including her ability to be very astute at governing. This indicates that female rule is lawful.[12] Every single deduction of this kind from the Quran fails to prescribe any particular kind of public order. Even the Quranic verse 49: 9 does not regulate the community of believers' leadership if the context of the revelation is taken into account. Many admirers of political Islam defend the phrase in verse of the Quran "who are in authority"/ "those charged with authority" (ʾuluʾ l-Amr) (Quran 4: 59) should legitimize a secular leadership of Muslim society. (Ali 2009: 232) However, it does not necessarily refer to secular authorities but the "leadership of scholars," which could legitimize Shia's idea of governance *wilāyat-e faqīh*.

Nonetheless, the *political and religious leadership of scholars* is not a familiar concept for Prophet-oriented Islam. This shows the Quran does not primarily deal with the types of processes in ruling systems that should be established within a society, but focuses on fundamental human values and rights, like justice, equality before the law, promoting the good and avoiding evil, and the like, as the major objectives of the politics. That is why any kind of particularization of a certain type of governance from the Quran contradicts the Quran itself, the majority of Muslims, and the history of Islam. (Kardas 2021: 247f.)

Further, the argumentations concerning the *infidelity* of people who do not judge with God's judgments, i.e., the Quran, has no basis in the Prophet-oriented Islamic theology. The verses (Quran 5: 44, 45, 47) that are stated repeatedly in the scripts of political Islam (cf. an-Nabhani 1951: 2) were interpreted during the time of the companions of the Prophet as verses which, when not complied with, do not lead to *infidelity*. Some argued the verses were intended for the infidels, while others asserted that the term *infidelity* is not a kind of situation such as rejecting God's existence or the hereafter. Others insisted that it is not believing in God's judgment that leads to infidelity, but not performing them that leads to infidelity. As a result, deducing "infidelity" from non-performance of the mentioned judgments in those verses has nothing to do with Islam and could be technically called "*bidʾa*" (negative religious newness) (Nursi 1911: 74).

[12] See for the legitimization of *female rulership* according to challenging Hadiths (cf. Kardas 2021: 160f.).

VIII. Political Islam and its challenges in the *Sunna*

1. The Hadith Dealing with bayʿa has no Relevance for the Faith in Islam

The theoreticians of political Islam focus on a Hadith to prioritize the *caliphate* as the Islamic components of belief. In the tradition of the first three decades, this Hadith had no normative relevance in matters of belief. Moreover, supporters of political Islam advocate that the Hadith concerning "*whosoever dies without having a bayʿa upon his neck, dies like the deaths of Jahiliya*" indicates the significance of the caliphate (… wa man māt wa laysa fī ʿunuqihi bayʿa māt mītatan ǧāhilīyatan) (Al-ʿAsqalani/Ibn Hajar 1960: vol. 13, 7). The way they use this Hadith is a misinterpretation of it since they indirectly claim that the people who do not give allegiance for a caliph or a caliphate should die as the infidels of pre-Islamic times *(jahiliya).* No scholar of Prophet-oriented Islam nor the first three generations labeled people who did not obey the Caliph or the Imam as infidels. Giving no *bayʿa* to a particular leader has always been a reality from the Caliphate's very beginning. Saʿd ibn ʿUbada is well-known for his rejection of the first and second Caliphs of Islam till his death. No scholar has ever accused anyone of being an infidel who died in the times of *jahiliya*. (Al-Mizzi 1980: vol. 10, 281) The same was the case with the other non-conforming rejecters for the third and fourth Caliphs. This type of reasoning from a Hadith is misleading and is contradictory to traditional Islam, which makes up 90 % of Muslims worldwide.

These and similar Hadiths viewed the government's subjects as trustworthy and sincere in their regard of society's leaders and were articulated to discourage subjects from being anarchists and rebelling against public authorities. Still, they do not prescribe a specific type of public order and do not assert that people who do not vote for a particular jurisdiction are infidels. Even best-known Salafi scholars like *Ibn al-ʿUthaymin* do not interpret the Hadith as normatively relevant for the Islamic belief. (Cf. Ibn al-ʿUthaymin 2010)

2. The "Just and Guided Caliphate" Lasted for 30 Years After the Prophet

The biggest challenge for political Islam is another Hadith believed to be authentic and well-known. It is claimed that the Prophet said that the Caliphate (his successors) would last for 30 years after him and would then be followed by a brutal dynastic regime. According to this Hadith, the Caliphate would not survive the Prophet's death for more than 30 years (cf. Islamweb 2003). Although the Hadith is cited as the source of the Caliphate in the most recognized books, no scholar of Quranic exegesis or Islamic jurisprudence dares to make a normative statement from it (cf. al-Tirmiṯḏi 1975: 503). In Abu Dawud's version the *Rightly Guided Caliphate* after the Prophet was defined explicitly as a prophetic caliphate (*khilafatan nubuwwatan*). If this is the case, the characteristics of a *prophetic caliph* or *religiously justified authority* cannot be applied to any other Muslim community leader other than the four Caliphs (cf. Abu Dawud 2009: 211; cf. Kardas 2021: 194). This demonstrates how far the supporters of political Islam misinterpret the Quranic and hadith sources according to their own ambitions.

IX. Some other Reasons for Politicizing the Islamic Religion

1. Influence of Historical Frameworks

Islam was referred to as a state ideology in the 19th Century (Islam as Religion and State) based on the coinciding of the formation of state power and the unification of the independent Arab tribes through the Qur'anic revelation of the 7th Century. The fact that the Arabs became a nation and a political power during the Prophethood of Muhammad does not necessarily mean that Islam's principles as a religion constitute a state ideology. Persians and Turks' perceptions in history show they comprehended Islam as a religion rather than a political order, which indicates that Islam's principles fit within different state ideologies and traditions.

2. Influence of non-Islamic Terminology on Political Islam

The second reason for politicking Islam is the Islamization of specific political and non-Islamic terminology. Western influence of Christianity upon political Islam has been very significant. The Concept of the State of God (*De Civitate Dei)* by Augustine and the emergence of the Vatican as a Religious and Political Authority (in modern terms: "State and Religion Together"), the tradition of sacrificing Empires in the West like the "Holy Roman Empire", and the Crusades' "Holy Wars" against Islam enormously influenced the Muslim thinkers of political Islam. No Caliph of civil Islam, neither Abu Bakr, Umar, Uthman, and Ali, defined themselves as "Holy". They did not call themselves "Kings" or "Representatives of God on earth," in contrast to younger so-called Sultans who referred to themselves as "shadows of God" on earth (cf. Gülen 2018: 34). Therefore, the defenders of political Islam were much influenced by this non-Islamic terminology, asserting that Islam is a religion and a state (*ad-din wa d-dawla*) (an-Nabhani 1951: 5).

X. Civil Islam is Compatible with the Secular Democratic State

"Secular State" connotes different concepts in secular democratic societies. All too often "secular" means religiously neutral, not favoring or promoting a single religious perspective over another. Other states consider secularism as the best way to create a harmonious state. Freedom *of* religion and freedom *from* religion should be balanced. In the United States, everyone is free to believe as they wish, but the state remains officially neutral on religious matters. As such, the United States promotes freedom *of* religion. On the other hand, France promotes more so freedom *from* religion, even as it continues to give state support to private Catholic schools. (Valk/Albayrak/Selçuk 2017: 4f.)

1. Freedom of Religion is Guaranteed in the Secular State as well as in Islam

From a Muslim perspective, the reformist Abdallah an-Na'im justifies the secular state in one of his books as follows: "To be a Muslim by conviction and free choice,

which is the only way one can be a Muslim, I need a secular state. By a secular state, I mean one that is neutral regarding religious doctrine, one that does not claim or pretend to enforce Sharia – the religious law of Islam – simply because compliance with Sharia cannot be coerced by fear of state institutions or faked to appease their officials." (An-Na'im 2008: 1)

However, this is a generalization of Islam's stance regarding the freedom of religion. Detailed research about the nature of Islam's religious obligations demonstrated that neither an act of violence nor another kind of religious coercion could be legitimized by any sources of Islam. (cf. Sanci/Kardas 2020) Furthermore, the authors of this study justify the *secular state* in a religious context as follows: If one differentiates between religious issues and interpersonal affairs of the *fiqh* and thus generally recognize the usage of power as the responsibility of secular democratic state, the so-called *religious character* of the act of violence is then removed. Accordingly, the authors conclude that it is possible to relinquish the monopoly on the *use of force* to the secular state and concentrate on worship and ethically relevant interpersonal relationships. (cf. Sanci/Kardas 2020: 59)

2. Democratic Public Orders that Guarantee Fundamental Rights are Compatible with Islam

A country that protects freedoms of life, reason (or) opinion, property, family, and religion and does not restrict personal rights and liberties – except in difficult exceptional situations such as war –, a county that treats minorities equally and does not stigmatize them, that allows people the opportunity to publicly express and implement their thoughts on personal, social, and political issues, is a country that is compatible with Islam. Muslims and members of other faiths have no right to rebel against the state order of a nation, whatever system it may be, in which they can express their views and beliefs freely, express their faith, and acquire property (cf. Gülen 2018: 140f.).

Ninety-eight percent of the Islamic religious orders are civil, such as civil law and ethical injunctions, while two percent of the normative orders are of political nature. Thus, civil Islam can be fully implemented and integrated into the daily lives of Muslims. The seven essential targets of the Islamic jurisprudence (i.e. pro-

tection for belief, life, generation, mind, human dignity, property and freedom), can be totally achieved in modern secular democratic states (cf. Gülen 2018: 153). Considering that those in power are accountable to their voters and that democracy is the opposite of despotism and is regarded as a great evil in Islam, democracy is the system that best fits Islamic principles for the state. Islam has no problem with basic democratic principles such as free elections, accountability of those in power, and the primacy of law (cf. Gülen 2018: 140).

Recent research indicates the *islamicity* of governments throughout the world ranks secular democratic countries on the basis of Islamic indices (cf. Islamicity Foundation 2018) as even more Islamic than so-called *Islamic* governments (cf. Islamicity Foundation 2019).

3. Politicizing Religion is More Dangerous for Islam Itself

In one of Gülen's books about democracy, he states, "It is said that religion has now become political meaning some groups politicize religion. Here it must be noted that the politicization of religion is a far greater danger for religion itself than for the state. It clouds the spirit of religion." (Gülen 2018: 157)

XI. Fundamental principles: Civil Islam vs. Political Islam

After mentioning the historical, normative, and theological data given, we can conclude the principles of civil Islam as follows:

1. The goal and purpose of civil Islam are the *perfection of humankind* to achieve proximity to God. Political Islam places the *state and governance* in the foreground.
2. For civil Islam, the Quran is an *instruction* for life. But for political Islam, it is a *state constitution*.
3. Civil Islam concerns itself with the shaping of mentally and spiritually mature personalities. Political Islam concerns itself with the symbols of Islam and its public presence.
4. Civil Islam understands the *umma* (community of believers) as encompassing

(inclusive) and dynamic. Political Islam, on the other hand, sees the *umma* as exclusionary (exclusive) and static.

5. Civil Islam favors *absolute justice* in society. The right of the individual may not be sacrificed for the benefit of the community. Political Islam stresses *relative justice*, which, for the most part, allows the supremacy of the majority. It is legitimized through the *principle of the lesser of two evils*.
6. Civil Islam views this world as the house of service *(dar-ul-khidma)* and the hereafter as the house of reward *(dar-ul-ujra)*. Civil Islam does not recognize any territorial divisions of the world when it comes to the service of humanity. Political Islam, on the other hand, divides the world into two camps: the house of peace (*dar-ul-salam*) and the house of war (*dar-ul-harb*), which leads to a continuous fight between these two poles.
7. Civil Islam focuses on *positive or constructive action*. It aims to revive the body, spirit, and heart of human beings. For civil Islam, the following principle of the Quran is the center of attention: "Whoever saves one, it is as if he had saved mankind entirely" (Quran Sura al-Mā'ida, 105: 32). In contrast, political Islam focuses mainly on *power and force*, which it justifies either with self-defence or with the conversion of non-Muslims.
8. Civil Islam defines God, prophet, and human beings by their attributes. Therefore, God enjoys the characteristics of divinity, and the prophets are the ones who fulfil the characteristics of prophethood. It is the same with Muslims. Being a Muslim is an attribute-derived identity. When a Muslim exhibits the characteristics of a non-believer, it indicates deficits in his identity. In the same way, a non-Muslim can exhibit certain character traits favored by Islam, although he does not see himself as a Muslim. Accordingly, instead of religious convictions, appropriate characteristics are decisive.
9. The renewal of the Islamic religion was almost entirely initiated by civil actors in the Muslim community, such as al-Hassan al-Basri (d. 728), Abu Haneefa (d. 767), Muhammad Idris al-Shafii (d. 820), al-Ghazali (d. 1111), Chwaje Ahmed Yesewi (d. 1166), Fakhr al-Din al-Razi (d. 1210), Mewlana Celaleddin Rumi (d. 1293), Imam al-Suyuti (d. 1505), Imam Rabbani Ahmed al-Faruqi al-Sirhindi (d. 1624), or Mewlana Khalid al-Baghdadi (d. 1827). Apart from Umar ibn Abdulaziz (d. 720) and Muhammad ibn Abdullah al-Mahdi (d. 785), there is no political representative among these *people of renewal*. The scholarly tradition is an answer to the politicization of religion.

10. Civil Islam emphasizes mainly the freedom of religion, origins of religion, (i.e. teachings of Islamic belief), Islamic theory of social conduct, and ethics. On the other hand, political Islam focuses mainly on Islamic jurisprudence and endeavors to ensure its practical application in its classic form under public law.

XII. Suggestions for the Establishment of Civil Islam in Europe

This kind of European Civil Islam must have certain primary conditions, briefly listed below:

1. European religious experiences must not be carried over into Islam. Considering Islam as a "church" is a product of this projection.
2. Deformed views about the religion of Islam should be reformed and returned to the fundamental principles of the original Islam of the Prophet, as it is stated in this article.
3. The spirit of free-thinking individuals should be empowered, as well as the primary conditions created to enable European Muslim individuals to flourish.
4. The constructive and dialogical highlights of Islamic history should be emphasized in Muslim identity-formation. Rather than the narrative of political Islam, the civilizing-cultural history of Islam should be placed at the forefront. The focus should lie on the thirteenth and fourteenth centuries of Anatolian humanism, whose representatives are Mewlana Rumi, Yunus Emre, and Haji Bektash Wali. The high culture of Andalusia must be established as a part of the Islamic identity.
5. The culture of the *khilaf* (counter argumentation) in the Islamic tradition should be resurrected and placed alongside the critical thinking of the Enlightenment.
6. An alliance of religion and positive sciences must not be categorically dismissed. Quranic enlightenment through the use of the *Quran's reason* is possible. A practical realization of Quranic reason would be to establish an Islamic theology in which natural sciences and the humanities are also taught.
7. Democratic approaches and socially responsible engagement should be promoted. "New Europeans," that is, Europeans with a migration history or background, whether they originate from Turkey or Iran, from Pakistan or Moroc-

co, or Silesia, or the Sudetenland should be seen as a win and an enrichment. To make a comparison: attention should not be paid to the "hardware," but rather, in the first instance to the "software". People who were born and raised here operate per German "software".

8. Currently, neither the mosques nor the churches are a daily reality. Everyday life happens in schools. Therefore, it is necessary to integrate Islam into the educational system. Germany has meanwhile introduced Islamic denominational education in schools and Islamic studies as a regular school subject. (Wüstenberg 2020: 40–42)
9. An 'empathetic dialogue' (ibid.), perhaps in the framework of scriptural reasoning or a scriptural-intellectual summer school, is needed. Inter- and intra-religious dialogue will shape European Islam. The goal is a culture in which the secular is also esteemed and respected. Tolerance is not enough; harmony should be created. (Barakat/Wüstenberg 2021)
10. A language of Islam should be developed that takes account of regional sensibilities and the substance of Islamic terms. In doing so, each concept that has been incorporated into the language through orientalism should be reconsidered.
11. The religious-historical legitimization of constitutional values as a *conditio sine qua non* of society should be established through education. Human dignity, love and respect, equality before and through the law, freedom of religion or belief, and all fundamental rights and freedoms should be taught properly from childhood. In this, it is imperative to stress the independence of religion from state authorities, the separation of church and state, and the importance of order and security. Democracy, the rule of law, separation of powers, minority rights, and women's rights must be taught since childhood.

XIII. Conclusion

Islam is a religion consisting of divine principles that invite people to accept those values brought by the Prophet. This religion established itself first civilly in Mecca and after the *hijra* in Madina it developed a political discourse in addition to its civil nature. This political discourse, however, does not form the core principles. The primary sources of Prophet-oriented Islam (the Quran and the *Sunna*)

do not prescribe any specific kind of public order, but espouse major principles like justice, consensus, promoting the good, and avoiding evil. Public order has a secondary significance in Islam's normative scale and is defined as a sufficient duty. This sufficient duty was neither deduced from the Quran nor the *Sunna* but by the consensus of the Companions and scholars. Thus, one could argue various leadership styles, governance models, and ruling systems from the Quran do not compliment one another.

The just and guided caliphs' ruling practices verify the same reality and demonstrate that the election types of four guided caliphs differed from each other and included some pre-Islamic ruling elements in Mecca. One can speak about various kinds of ruling systems within the Islamic practice throughout history, like the ruling systems in Madina, Damascus, Kufa, or Hijr, none of which could be heralded as Islam's concrete prescription.

Thus, the arguments of the supporters of political Islam who believe that Islam is not only a religion but also a state ideology are fragile. Their assumption that Islam prescribes a specific type of public order based on the Quran and the *Sunna* contradict the interpretations and practices of the first three generations following the Prophet. Nevertheless, like every "civil religion," Islam was highly politized over time. Muslims cannot distinguish between the religious from the profane, which was not necessarily the case during the rule of the just and guided caliphate in Madina.

Islam's manifestation in Madina between 622–683 (a.c.) can be called *civil Islam*. This manifestation was oriented in alliances of shared human values – particularly justice and consensus – aiming at an individuals' spiritual perfection without considering a specific type of public order as the compulsory component of the Islamic faith. This kind of civil Islam was shaped significantly in Transoxiana after the collapse of the just and guided caliphate. It is also compatible with the secular democratic state structures since it focuses on 98 % of the Islamic principles of civil nature. Even the seven essential targets of the Islamic jurisprudence, like protection of belief, life, generation, mind, human dignity, property and freedom can be totally achieved in modern secular democratic states. Civil Islam promotes absolute justice rather than relative justice and considers the Quran not a constitution but instruction for all of life. It focuses further on positive and constructive action and defines the notion of *umma* inclusively.

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III. Islam and the West

Islam and Democracy – The Voice of Western Muslims

Amédée Turner & Davide Tacchini

I. Introduction

During the last few years, academics and religious leaders in Europe and the USA, organized over seventy discussion groups that included members of local Muslim communities. The focus of these gatherings ended up being mainly "Islam and Democracy". This paper presents their work, developed in collaboration with the Anglican Observer to the United Nations. All discussions were designed to explore different views rather than to reach a common position. The project's overall aim is to provide a window onto the rich and diverse world of "Western Islam" by connecting directly with the everyday life of Muslim citizens in Britain, France, Italy, Germany, Spain, the United States and Canada (Turner/Tacchini 2019). In 2004, the Anglican Observer to the United Nations was an Anglican Archdeaconess from Samoa, Taimalelagi Fagamalama Tuatagaloa-Leota, who had had no prior contact with Muslims. Attempting to fill the lacuna for her led to the entirely separate examination of lay Muslim attitudes in the US and Britain. This proposal arose out of a discussion in the Council of the famous adage of Samuel Huntington, first made in 1993, that there is "a clash of civilizations" between Islam and the West (Huntington 1993). It was decided quickly that the project should be concentrated on the relationship of Islam and Western democracy. The Council added the limitation of an *inherent* clash to Huntington's dictum because it was clear that many conflicts can arise in international affairs from purely ephemeral political disputes. The Council decided that a possible, reliable answer to the question might most easily be found in discussions of lay Muslims living in the west with Anglican/Episcopalian congregations in Britain and the US. Such Muslims living in Britain and the US could be expected to be reasonably knowledgeable of the basics and principles of Islam while also cognizant of Western thinking and reactions to current affairs. It was therefore decided that one of the Council's members, Amédée Turner, a lay Anglican member from London, should approach Anglican

and Episcopalian parish priests throughout Britain and the United States, asking each to invite a Muslim known to them. This led to the arrangement for groups of local lay Muslims to meet with a group of Anglican/Episcopalian parishioners to discuss the compatibility or otherwise of Islam and democracy. In all, for two years, 38 groups in the US and Britain were successfully set up and their discussions recorded (sometimes in handwriting and sometimes with a tape recorder).

It proved reasonably easy to initiate these meetings throughout the US and Britain by finding, mainly via email, a local priest willing to approach a Muslim in his/her area. In each case, the local Muslim was asked to get together a group of, optimally, twelve to eighteen "lay" Muslims. Indeed, it was only in a small minority of cases that imams took the lead on the Muslim side because there is no indication in the notes taken of any input by an imam.

All groups produced handwritten notes taken down during the meetings; none were "tidied up" afterward and all the sessions were run on similar lines. The discussion was informal in that most of those taking part were noted "live" during the meetings, mostly in short comments. It was also clear from the records that there was no attempt to reach an agreement. This was explicitly stressed in the instructions. Differences of emphasis and conflicting views in the records of any single meeting are found. There were strong reservations as to unanimity on specific issues in some records of meetings.

The resulting groups of Muslims in Britain and the US were informal. Often, husbands came with wives and teenage children and the meetings generally comprised business people, engineers, school teachers, and students. Precise proportions of each are not recorded. Academics and imams (other than the convener, if he was an imam) were not invited.

In many US and British discussion meetings, there were Anglican/Episcopalian hosts present, but their comments were only intended to prime the pump of the discussions for the Muslims (in fact they have not been recorded). It was decided that there was no need for non-Muslims to attend the talks at a later stage.

The ultimate result was the successful holding of 38 roundtable discussions in the US and Britain, each involving three meetings. In total, these meetings involved about 400 Muslims (cf. Turner 2007).

After the first few meetings, there was a request from one group that the records should not list the names of those attending, but that they should be identified only by their first name and that the list of those present should simply describe them by

gender, occupation and, in some cases, by "type" of Muslim. The decision was instigated by request from a group in the US that said it feared national security authorities might see the results. This request was agreed to and from then on full names of those attending were not listed and their first name usually identified speakers.

There seems no doubt, in retrospect, that this procedure had a very positive effect in eliciting a fuller and franker discussion. All the original notes of the meetings have been preserved on the notepaper or loose sheets on which they were made by the two members from each group chosen to take the notes. They were all found in verbatim form. In the Canadian and the continental European reports, the quotations are set out according to the discussion notes of the sessions they were given, i.e., in the order spoken at each meeting.

The positive benefits of the absence of non-Muslims from the later discussions (apart from the convener in many cases) only became expressly clear in October 2010 when in an all-Muslim discussion group in Italy the following discussion probably would have not have taken place so openly if non-Muslims (apart from the convener) had been present:

> *"I recently read in a famous Italian newspaper that Democracy might be achieved only by "moderate Muslims". But who are they? I have never met moderate Muslims in my life."* (Italy 2010)
>
> *"I have heard that moderate Muslims are the ones who pray three times a day instead of five."* (Italy 2010)
>
> *"If they prayed three times, they would be almost ok!"* (Italy 2010)
>
> *"Theoretically Islam is moderate in itself, as a whole. It is definitely a moderate religion, but in Italy the situation is different. So many controversial Muslim exponents are defined as moderate Muslims by politicians and the media."* (Italy 2010)
>
> *"The ones you are talking about are not Muslims at all!"* (Italy 2010)
>
> *"… If you find a Muslim in a disco, for example, it does not mean he is moderate; he is a sinner. Some terms, such as the one we are talking about, have*

been imposed by Western societies. Even democracy in some cases is something that has been imposed from outside Islam." (Italy 2010)

"I hate moderate Muslims. These are the ones who accept to see their peoples subjugated and their lands robbed and destroyed. Western democracy is not a solution." (Italy 2010)

"Being moderate Muslims means to be sinners. It means to forget Allah to please the westerners …." (Italy 2010)

"Anyway the Muslim way to democracy will lead to something that will be different from the Western model of democracy." (Italy 2010)

"Islam is the basis of our life. Islam is everything in the Arab-Muslim world." (Italy 2010)

"Islam has its own resources for democracy, the problem is to be able to use these resources with the ruling regimes that are currently subjugating us. Voting is our only way to freedom." (Italy 2010)

"Who calls himself Moderate, admits that his religion is difficult and unbearable." (Italy 2010)

"Islam has any single answer to any single problem in the texts and in the word of God. One person-one vote is a Muslim idea, it is not something borrowed from the West." (Italy 2010)

The point is then made that *one person – one vote* does not guarantee the continuation of democracy; a case in point is Hitler's rise to power. In this respect *Shūra*, or continuing consultation in Islam as distinct from any specific vote, more effectively considers opinions and points of view.

The report of this discussion has been set out almost *in toto*. It is very unusual, being the only discussion recorded in a continuous flow of argument. Normally the reports of discussions appear as individual points in a brief sequence.

Recorded in this manner, it acts as a vital illustration that much of Muslim discussion starts from totally different vantage points than those in the western world might find natural.

In addition, originally, there was an instinctive feeling by the organizers that embedding "Islam and democracy" in a substantial list of other similar subjects might make responses on Islam and democracy less self-conscious. However, after all the results of the British and American reports were re-studied, it became apparent that usually a discussion group said everything it wanted to in the first two and a half-hour and that the discussion of other subjects made little difference.

Consequently, after that, in Canada and the European continent, only one meeting for each group was held. It was confined to one subject: Islam and democracy. The Islam/democracy discussions themselves were sufficiently robust, broadly-viewed, and confident so that the back-up of other topics, though interesting, added little to the main point and certainly put a far greater burden on the discussion meetings and their organisation.

The US and British discussions report are based on the transcription of the handwritten records of the above-mentioned 38 roundtable discussions in the US and Britain on Islam and democracy. Thus, these roundtable discussions also focused on human rights, respect for the law, and the rule of law, globally consistent justice and equity, materialism, cultural specificity, freedom and self-government and civil society. But all the emphasis was on Islam and democracy.

In retrospect, reading through the comments on the seven subjects, other than "democracy", it is clear that, although quite interesting, they added little to Islam and the West's primary issue.

Consequently, when it came to Canada and the European continent, it was therefore decided, with the confidence of that prior experience, that one subject and one meeting on Islam and democracy was sufficient.

II. Canada, the U.S.A. and Europe

Dr. Davide Tacchini, then Visiting Professor of Islamic Studies at Hartford Seminary in Hartford, CT, USA, approached Amédée Turner in January 2010, with the proposal that they produce comprehensive research on the results of the dis-

cussions in Britain and the US. It was agreed that discussions on the continent of Europe and Canada should be added.

In these later roundtable discussions in Canada and on the European continent, the conveners were not Christian priests, and there were no non-Muslims, apart sometimes from the convener, who took part. Each group met only once (for about two and a half hours). These changes were based on the experience in the US and Britain.

Dr. Tacchini in **Italy** was able to approach people from different backgrounds from among his connections and to chair some of the meetings. He held three sessions in the North of the country over 2010 and 2011, while Dr. Gracia Lopez Anguita organized one in Seville in 2012. In **Spain** in 2012, and **France** in 2013, discussion meetings were also successfully held, but it proved to be practically impossible to penetrate these countries from the outside. The Catholic Church in France appeared, if at all interested, to have contact of a formal nature with Muslims only through imams so that all attempts through these routes failed *ab initio*. Only one meeting in Paris, organised by a Muslim assistant of a French non-religious Islamic private foundation, succeeded. The two most notable and disappointing failures were young Muslim civil servants in the Paris *Arrondisement* of St Denis, who had seemed genuinely keen on being approached, but repeatedly failed over two years' time to organise meetings.

In **Germany**, university contacts did their best. Eventually, Muslims contacted initially through the German civil service succeeded in getting together to participate in two large discussion groups in Bonn, and through quasi-governmental and university contacts, another four discussion meetings were held in Frankfurt.

In the **United States**, it is reasonably clear from the known background of the Episcopalian-run discussions that the Muslims felt well at home and established where they lived (it must be remembered that friendly non-Muslim Americans attended these meetings). They also appeared to give the impression of being generally, relatively, economically comfortable and confident. This also was the case for students, particularly those in Boston.

The one meeting where economic difficulty and unemployment may have been a slight factor was in Dearborn, MI, where the automobile industry predominates, but in fact there were no apparent differences of opinion from this meeting.

However, unlike in Britain, Canada, and Europe, there were in some cases in the US, where suggestions of suspicion arose over the impartiality of security

authorities. There was no indication of such an attitude in the other countries, though in Italy in July 2010, one participant said, "Today I have realised the fear that Muslims feel in Italy. Many people do not agree to come here and participate in this meeting because they are suspicious, wary." This probably reflected an Italian, western society rather than the suspicion of security authorities reflected in the US.

In **Britain**, although no discussion groups were held in the densely Muslim-majority urban areas in the Midlands and the North, it is probable that the social level of those attending was on average not as high as in the US. In **Canada**, the Muslims were approached through student-related contacts and their discussions were relatively free of social bonds or backgrounds.

In **Germany**, four discussion groups were organised by a teacher of intercultural communications and two more appeared to be relatively individualistic rather than being family oriented. They were atypical for Germany only in that Turks were in the minority. The French discussion was comprised of relatively young Parisians.

Normally, in all discussion groups, the Muslims did not identify themselves Sunni or Shia. There were one or two groups in the US where both Sunni or Shia were reported to be present together, and in those cases, clearly, not the slightest problem arose from this. It is possible that there were some undeclared Shia in some British meetings, but there was no indication of this. The same goes for Canada and the whole of Europe.

In conclusion, convening about 550–650 lay Muslims from all over the western world in nearly 60 separate groups, none of which had any knowledge of any of the others, could not have been more general and non-specific in every respect.

From such a set-up as this, it might be concluded that no general significance should be expected from the method described above other than an expression of a haphazard range of Muslim views, showcasing the most lax indications of the relative commonness of the views expressed.

It might be expected that conclusions as to lay Muslim views in the west, apart from their variety and scope, could not be obtained. In fact, the homogeneity of their opinions and total lack of disagreement between any one attendee and another indicated the most remarkable singularity of attitude between Muslims of different persuasions, different national sources, countries of origin, of residence,

and during a period of more than ten years (2004–2017) which included the cataclysmic events of the Arab Spring of 2011.

So, what were the results? Over two hundred statements by lay Muslims living all over the western world who are unanimous in their attitude to Islam and democracy during all these years despite the many political developments arising and the vast geography of where they reside in the West and of their origins (with the incidence of the "Arab Spring" in the middle of the investigation).

There is no scientific justification for the study because all of the lay Muslims' meetings were set up fortuitously. However, due to the very widespread geography in the western world and the temporal scope of the study and because – and only because – of the unanimity of their views, the results have clear significance.

III. The Results

The first result from studying each discussion meeting's records is that it is quite impossible to identify the geographic place in which a discussion took place. The second conclusion is that it is equally impossible to determine the national origin of any speakers, or whether they are Sunni or Shia. It does seem quite remarkable that the similarity of response, whether from San Diego or Bonn, Winnipeg, or Milan results in the statements being summarily indistinguishable.

The resulting observations suggest an amazing and strong homogeneity in the opinions of Muslims living in the West, who are inevitably observers of Western democracy but also participants in it.

Their unanimous conclusions are as follows.

First and foremost, **democracy is not a global concept and is not a principle or ideal**. It is, therefore, in no way comparable to Islam.

Democracy is merely a **"technology."** None of the meetings used the word "technology", but referred to "a way of conducting government," or similar terms. The word "technology" was used by Ali Paya[1] in a public meeting at Westminster University in London in 2010 when replying to one of Amédée Turner's presenta-

[1] Senior Research Associate and Visiting Professor at the *Centre for the Study of Democracy*, Westminster University, London, public lecture, (unpublished proceedings) in Westminster, London, March 11, 2010.

tions of the project's early results. However, the word perfectly reflects the position taken in all the lay Muslim discussions.

As to the effectiveness of this "technology," opinion in the meetings went from *probably the best* (some adding *of a bad lot*). This was what, according to an anecdote, Winston Churchill had noted, and it was at one end of the scale. At the other end of the scale was the extreme opinion of students in East London who said democracy was no good because their MPs did not follow their constituents' views. This was a complaint about the British Parliament not responding to the anti-war demonstrations in Parliament Square over Iraq. They complained that democracy did not work in practice; they were not saying that it was wrong or unacceptable in itself. Frequently (e.g., in Italy and the UK, but also in some of the US meetings), statements reflected the reactive opinion of some participants to the news of the previous days or weeks, sometimes local or regional (e.g., the closure of a local Mosque, some violent action that involved a Muslim).

Thus, no one found a *clash of civilizations* in any of the discussions. Democracy is merely way of doing things, while Islam is *drawn down from Heaven,* as one discussion group said.

It is impossible to tell at the present stage what forms democracy might take in the Muslim world. Erdogan, then Prime Minister of Turkey, said in a speech to the Egyptians in Cairo in 2010 that they should adopt a secular state (like Turkey), adding, however, "a person is not a secular." Essan Al-Erian, then deputy leader of the Egyptian Muslim Brotherhood, responded with the well-established Muslim Brotherhood dictum that they look for a civil state with a religious reference in which the principles of Sharia Law would be an essential source of legislation. Since then, Mohamed Morsi, when President of Egypt, proposed that Christians and Jews should have their own tribunals (not unlike the *dhimma* system of the Ottoman Empire?). While in a mass meeting in Tahrir Square, he stated that the Muslim Brotherhood's government program would be a distillation of Islam itself (cf. Kirkpatrick 2012).

However, eventually, all hopes of democracy in any form was killed by the revolution, which put Abdel Fattah el-Sisi in power. In Tunisia, a more secular tendency than Morsi's was evident in practice though its existing and proposed constitution, which states that Islam is the religion of the state. Tunisia's father-figure Mohamed Ghannouchi indicated the probability of a hybrid partially presidential and partially parliamentary constitution (cf. Ghannouchi 2018).

The attitude of ordinary lay Muslims in the West in the discussions that took place before the Arab Spring suggests confidence that Islam can contain democracy so long as it is not viewed as an independent and basic principle, but only as a pragmatic way of conducting government. Typical illustrations of this attitude in the discussions are:

> *The government not going against the view of elected representatives means operating within the spirit of divine guidance of the Qur'an* (Minneapolis 1994–6) (Turner 2007).

> *The constitution is the Qur'an which sets the legal tone. Islamic law is strict (Christians have more choice). Discipline, basic moral codes, respect. Democracy is an evolving thing that can be improved. Nomocracy* (Dearborn I 1994–6) (Turner 2007).

> *Provided democracy is seen as a limited form of popular sovereignty, restricted and directed by God's law; it is compatible with Islam* (Boston II, Students 1994–6) (Turner 2007).

> *There is no conflict between democracy and Islam, provided it is a mechanism for ruling and checks and balances of government and not an ideology that is a supremacist ideology* (Bury St Edmunds 1994–6) (Turner 2007).

The following three sentences have been recorded during meetings in Northern Italy, July 2010, before the Arab spring. The second quotation from 2010 was a mixture of 30 % of the previous discussion members, and the rest were new to the discussions. The last four are extracted from meetings after the commencement of the Arab spring.

> *– Every "Muslim" state has adjusted Islam according to its needs. Furthermore, we have to consider that most citizens in "Muslim" countries are not educated at all. They know only either popular Islam or the one proposed by Salafiyya movements, which is against any form of democracy.* (Italy, July 2010)

> *– In Iran, scrutiny is secret, even though it is a Muslim State.* (Italy July 2010)

– In Morocco, democracy has been working in a Western way for many years. What should we learn? (Italy, July 2010)

– The issue of compatibility is not between democracy and Islam, but between the governments of the Muslim countries and democracy! These revolts are showing the world that not only the words Islam and democracy can be put together, but that Islam needs democracy. (Italy, April 2011)

– Ok, ok, the revolts, but are we sure that these people are in the streets for democracy? I think that they are oppressed, and they want to get rid of the present regimes. I am not sure of what they want for their future. They shout BEN ALI DEGAGE, which all of them agree on, but they may wish for something different after Ben Ali. (Italy, April 2011)

– Muslim democracy may be different from the so-called western Democracy. The idea of a new Muslim democracy is being shaped in Tunisia and Egypt, and hopefully, more countries will follow (Italy, April 2011).

–The people in the streets of Tunis and Cairo are fighting to have one person one vote elections next time. In Egypt, Mubarak always wins with 99 % of the votes. Do you think that the Egyptians love him that much!? Come on! (Milan, Italy, April 2011)

– These uprisings are telling the world: hey, we are Arabs, we are Muslims, but we are not ignorant fellahin! It is a young revolution that is beginning (Milan, Italy April 2011).

Sometimes these statements reflect an actual *spontaneous overflow of powerful feelings*, sparked by what they had watched on TV the previous night, but on other occasions, you could feel the passion in the participants' words, which clearly showed a renewed and young enthusiasm for the opportunities of the present.

These sentiments teach those in continental Europe that there is a passion for politics among Muslims, for instance. A passion that, at least in some *continental* European countries, has been lost. At the same time, the young protesters in the early stage of the so-called *Arab awakening* showed a strong need for *normal* lives,

in which you can live freely and in which you can express yourself safely. The Arab Spring, at least in its early developments, expressed a quest for normalcy, for a reliable rule of law.

However, ten years later, the situation is so fluid that we cannot know where the donkey will lead us.

One proviso repeatedly made in the discussions was, "*nothing in a Muslim democracy should happen contrary to the Qur'an.*" This might seem a sweeping exception, though it is only a natural or indeed automatic limitation that a lay Muslim would take literally. Considering this limitation from the point of view of a parliament's work and procedure, however, its effect is minimal. The Qur'an speaks (though only a little in fact) of *consultation* of which it approves, thus integrating one general concept of democracy. As far as the legislative actions of a modern parliament are concerned, the Qur'an is the only reference concerning a parliament's activity in the passing of laws on crime and punishment and in legislation pertaining to the status and rights of women.

As a postscript, there is one indication of a fundamental difference of approach to democracy between the West and what would be considered natural and essential to Muslims. It is the issue of blasphemy. This arose in an acute form in late 2012. In the US, blasphemy has never been a federal crime (though it exists in some state laws) and in Britain it was abandoned in 2008. It still exists in some continental European countries and has been used against Muslims, but not in their favour (for instance, in France).

However, though the issue never arose in the lay Muslim discussion of the Project, there is no doubt that Muslims, in general, would unquestionably support the exercise of blasphemy laws. The strength of feeling associated with the issue is indicated in Mohamed Morsi's speech at the United Nations in New York in September 2012 when he said we expect from others what they expect from us, that we will all respect our respective cultural specifics (MacFarquhar 2012).

Finally, as mentioned above, it must be reiterated that Western democracies, particularly the British, US and Canadian are robust. Though the pains and frustrations of being in opposition after losing an election are real, and though power passes from one to another usually with minimal swings on the electorate, their political systems can bear the strain. This is most certainly not the case in "new" democracies, where losing an election may lead to fears that the losers will not have a second chance. Therefore, it is essential that all voters in an election in a

young democracy feel they own the parliament and the government. It is theirs whether they win or lose. They must have confidence in the system. It would seem therefore that a coalition government should be a vital feature of any young democracy. This is in harmony with the three basic principles of Islam: conciliation, community, and consultation. These principles call for coalitions of interests to be the cornerstone of Muslim democratic procedure.

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Diplomacy for Democracy in Palestine Post-Oslo: Success or Failure?

Dalal Iriqat

I. Introduction

The globe is witnessing an internationalist century. Developments in geopolitical forces do not arrange themselves around convenient points in the calendar. Change is rapid in international relations, especially with the rise of the revolution in communications technology, which has introduced new tools and channels for diplomacy (cf. Cook 2000).

Palestine cannot remain indifferent to the evolving world around them. In their struggle for freedom, for an end to Israeli occupation, and to resolve the Palestinian-Israeli conflict, the Palestinian Liberation Organisation (PLO) and the Palestinian Authority (PA) in the post-1993 Oslo Accords adopted a new strategy focused on presenting a new image of the Palestinian cause, using diplomacy at all fronts. In the late 1980s early 1990s, the PLO shifted strategies from armed struggle to negotiations and peace talks. At that juncture the PA focused on diplomacy as a strategy to adapt to the internationalist century we are witnessing.

This PA strategy has been a success since it helped put Palestine back on the international agenda. However, the increased focus on the international level had unintentionally come at the expense of democratization.

- Is the West interested in democratizing Palestine?
- Is a parallel track domestically and internationally possible?
- How will diplomacy on the international level affect democracy on the domestic level?

Most scholars define diplomacy as managing relations 'among states' and as the dialogue 'between states', such as the classic definition of Ernest Satow: "The diplomacy is the application of intelligence and tact to the conduct of official relations between the governments of independent states, extending sometimes also to their relations with vassal states." (Satow 1979: 3; cf. Otte 2002) But since neither

the PLO nor the PA is acknowledged as a state by the United Nations, we shall adopt a more general definition. For this paper, we will adopt a definition from a dictionary, which generally understands diplomacy as "the profession, activity, or skill of managing international relations, typically by a country's representatives abroad: an extensive round of diplomacy in the Middle East. "(Oxford Reference)

II. Visibility vs. Democracy

In recent years, the debate on systematic national image building has become an important topic of interest among academics and policymakers, inferring the national governments' awareness on the significance of a 'national image', i.e., how a country is perceived, in a globalized world. The demand for a national image has led to different activities leading to the systematic construction of a national government. The concern with national image building can serve a dual purpose if conducted efficiently: it may help create domestic political support through improving one country's international influence. In a world where nation-states desire to integrate with global markets, participate in global affairs more than ever and improve their country's status on the world stage, current preoccupation with the systematic construction of a national image seems to serve that purpose rather well. This surge in demand for a national image has become a significant variable in defining a country's international relations (cf. Iriqat 2019: 204).

Palestine has been busy for the past decade trying to become visible on an international scene. However, joining organizations and international conventions, focusing on becoming a member in international forums to ameliorate the 'brand' Palestine, and creating a modern national image have all came with a decreasing awareness of domestic issues and have eroded the primary focus on conducting elections to ensure the cycle of democracy.

III. Democracy in Palestine Post Oslo

In 2011, the Palestinian Authority failed to get a UN Security Council majority vote to become a full UN member. Consequently, in 2012, Palestine obtained a non-member observer state status at the UN General Assembly (UNGA) by a ma-

jority vote of 138 out of the UN's 193 member-states (cf. UNGA 2012). As a result of the non-member observer status, Palestine enjoyed several diplomatic procedures, including joining 68 international treaties/conventions. The Palestinian flag was also officially raised at the UN headquarters in New York on September 10th of 2015 (cf. ibid.).

Following the creation of the Palestinian National Authority (PNA) in 1995, Palestine exercised democracy on legislative and presidential levels in 1996 and 2006. After Fatah party leader Mahmoud Abbas was elected PNA president in 2006, Hamas came to power by winning the Palestinian legislative elections. Hamas – a non-member of the PLO – formed the 12th government headed by Ismail Haniyeh after winning a majority in the Palestine Legislative Council (PLC). Haniyeh refused to submit the government plan to the PLO's executive committee, as required by the Palestinian Basic Law, since Hamas was not a PLO member. In response to the election results, Israel detained many Hamas PLC members. Consequently, the PLC was no longer in a functioning mood (cf. Khalil 2016: 863). The PLC's inability to function meant putting he legislative body on hold, impacting Palestine's democratic system. This resulted in the absence of democracy, absence of elections, and lack of adherence to the Basic Law.

Furthermore, the international community and Israel imposed coercive diplomacy through economic sanctions on the newly formed Palestinian government, which led to several strikes that paralyzed the functioning of the Palestinian public institutions (cf. Khalil 2016: 864). The deteriorated situation led to the formation of a unity government in Mecca in 2007. Due to regional and international pressure, the international community continued to deal with selective ministries, mainly those affiliated with Fatah, which led to the failure of the unity government.

A Hamas military *coup d'état* took place in Gaza in June 2007, overthrowing the PNA (Fatah being the leading party). Hamas established its government, a local newspaper, its security forces, and its public personnel body (cf. ibid.: 867). It changed PNA laws and introduced a legal division that paved the way for a geographical and political separation. Hamas created the Islamic National Bank[1] to undertake all public financial transactions (cf. ibid.: 874) and began to collect tax revenues funneled to their budget. When Israel threatened to close Rafah Border

[1] The Islamiv National Bank though is not recognized by the Palestine Monetary Authority.

Crossing in Gaza in 2006, President Mahmoud Abbas issued a presidential decree putting the crossing under PNA jurisdiction.

The 13th Palestinian government was then formed by Salam Fayyad, who adopted a two-year plan to end the occupation and build the Palestinian state (cf. Kuttab 2009). The IMF report of 2011 called the Fayyad plan a 'Birth Certificate for a Palestinian State' (cf. Kanaan et al. 2011). The IMF report concluded that the state's sustainability depends on collaboration between Palestine and Israel and for Gaza to fall back under PNA control (cf. Clawson/Michael 2011).

The World Bank report clarified that the PNA was ready to function as a full state (cf. UNDP 2014). However, two years passed, and the long-aspired state did not see the light of day.

IV. Evolution of Palestinian Diplomacy

To accomplish national goals, the Palestinian diplomacy strives in every way to strengthen its foreign relations, particularly with major states. However, the patterns in which the PLO defended its rights over time differed. Since the beginning of the PLO's establishment in 1964, its strategy was based on military armed struggle while it had no experience, no trained cadres, and no control over land. The armed struggle for Palestine has been the universal call of the Palestinian National Movement since its inception in the early 1960s, but the results have never been more than marginal. Instead, the 'Fedayeen' Guerrilla groups have primarily served a political function, providing the Palestinians in Diaspora organizational structures for their goal of aspiring for political expression.

Because it lacked expertise, Palestinian diplomacy depended on learning from mistakes and counting on individuals' skills posted in various capitals. It did not rely on strategic planning and accordingly its vision varied.

The nature of the PLO as an entity in exile that was trying to unite disparate factions, led to authoritarian and cautious leadership vis-à-vis the administrative, civil, and social bodies necessary to establish a state. The armed struggle undermined the establishment of an independent Palestinian state, as much as it helped emphasize Palestinian collective identity (Sayegh 1997: 10).

In 1964, the PLO began to send representatives to several Arab countries. One of the most critical challenges the PLO faced was the lack of unity concerning their representative function, considering the indemic plurality of the Palestinian people and the existence of more than one official as secret representative, unclear to the Palestinian people themselves. This led to the inability to take a unified decision.

Palestinian diplomacy officially existed after Fatah took over the PLO in 1968. The Palestinian diplomatic experience began with the rudimentary tools to establish foreign delegations to enable it to advance on the world map as a state to fulfill the aspirations of the Palestinian nation. The diplomats' role was not only to embody the role of diplomacy but also to strengthen the revolutionary spirit (of 1964–1974).

PLO founder leader Ahmad al-Shuqairi did not think that the United Nations would add any additional benefit for the Palestinian cause. Nevertheless, he requested UN Secretary-General in 1965 to have the right of participation in any discussions regarding the Palestinian issue. The first official reaction to the point in 1969 was the adoption of a UN Resolution stating that the rights of the Palestinian people are inalienable and assuring them their right to self-determination.

UN recognition of the PLO as the sole and legitimate representative of the Palestinian people in 1988 was a diplomatic boon for Palestinian diplomacy. Previously, it had been invited by several international organizations to participate in conferences such as the International Conference on the Law of the Sea in 1973, and UNESCO in 1974. At the 1974 UN General Assembly debate on the Palestinian issue, PLO Chairman Yasser Arafat delivered a speech outlining Fatah diplomacy to be recognized internationally.

The PLO in the late 1980s early 1990s adopted the strategy towards a peacefully negotiated solution inspired by the role of international law and UNSC resolutions to ensure the support of other countries to guarantee the rights of the Palestinian people. Though still without abandoning the option of armed struggle altogether, international law, negotiations, and diplomacy had become a familiar means of interaction within the global environment. The PLO was left with no other option but to engage in international affairs and therefore accepted establishing a two-state solution through the Peace Process. The 1993 Oslo Accords stipulated that the interim period would end in 1999, but the peace process began to face severe obstacles and deadlocks.

Consequently, the PLO in 2011 adopted a new strategy of internationalization through recognitions and access to UN organizational membership. As a result of penetrating international organizations and gaining more visibility, the Palestinian leadership was coerced by the US in 2013 to postpone accession to multilateral treaties and conventions in exchange for the release of 104 pre-Oslo prisoners in four stages.[2] The PLO decided to join different conventions due to Israel's non-compliance to fulfill the long hoped-for Palestinian national aspirations.

With the continued Israeli policy of expanding the settlements in the West Bank and East Jerusalem, the PLO declared that the State of Palestine is no longer obliged to postpone its rights to accede to multilateral treaties and conventions, an ability that Palestine gained in November 2012 following its upgrade to Observer State status by the UN General Assembly.

In an unprecedented diplomatic step, PA President Abbas, on April 1st, 2014, signed letters of accession to the following 16 multilateral treaties and conventions:

1. The Four Geneva Conventions of August 12th of 1949 and the First Additional Protocol
2. The Vienna Convention on Diplomatic Relations
3. The Vienna Convention on Consular Relations
4. The Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict
5. The Convention on the Elimination of All Forms of Discrimination against Women
6. The Hague Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations Concerning the Laws and Customs of War on Land
7. The Convention on the Rights of Persons with Disabilities
8. The Vienna Convention on the Law of Treaties
9. The International Convention on the Elimination of All Forms of Racial Discrimination
10. The Convention against Torture and Other Cruel, Inhuman or Degrading

[2] In fact, release of pre-Oslo prisoners is a commitment Israel had already made 20 years ago as part of the Palestinian Israeli interim accords, again in 1999 through the Sharm al-Sheikh Agreement and a third time at the beginning of this negotiations process.

Treatment or Punishment;
11. The United Nations Convention against Corruption;
12. The Convention on the Prevention and Punishment of the Crime of Genocide;
13. The International Convention on the Suppression and Punishment of the Crime of Apartheid;
14. The International Covenant on Civil and Political Rights;
15. The International Covenant on Economic, Social and Cultural Rights
16. In January 2015, Palestinians requested to join the International Criminal Court ICC.

The step was considered a significant shift in Palestinian diplomacy. Nevertheless, there are major factors to be considered concerning this maneuver:

- Joining these treaties, conventions, and organizations is a right that all UN member and observer states have. In the Palestinian case, these treaties are crucial to continued Palestinian institutional building, good governance, and the upholding of human rights, all of which form the basis for an independent and sovereign State of Palestine.
- Understanding the UN protocols is the fulfillment of Palestine's right and has nothing to do with negotiations or the reaching of a comprehensive peace agreement.
- The PNA seeks to achieve an independent and sovereign Palestinian state on the 1967 border with East Jerusalem as its capital with a just solution concerning the refugee issue based on UN General Assembly resolution 194. It is not seeking to clash with any state. The tools it uses are legitimate and non-violent. Understating international law is the best option for any nation to fulfill its people's fundamental human rights.

V. The Status of Democracy in Palestine

At this stage, this paper will investigate the PA's practices per international obligations and good governance treaties. It will elaborate how the Diplomacy of Internationalization and the accession into global forums and international fronts did not instigate democracy in Palestine, not only in the sense of elections and

authority transfers, but also regarding human rights and civil liberties. Gaps in Palestinian democracy became evident ever since Palestine joined the international treaties.

As mentioned earlier, Palestine has been recognized as a non-member state by the United Nations in 2012 (cf. UNGA 2012) according to the UN General Assembly resolution that received the majority of member states' votes. This legal recognition has allowed the PA to join several treaties in 2014 and become bound by these treaties under international law.

The UN has received this accession to core democracy and human rights treaties as a significant step towards enhancing the promotion and protection of human rights in Palestine.

Over 560 UN multilateral instruments[3] (not all of them are human rights related) and member states who enjoy full membership in the UN are subject to the Universal Periodic Review (UPR), which is a comprehensive review of the human rights situation in the respective country. It receives great support of the review mechanism by the UN treaty body. According to the UN treaty database, Palestine has taken actions to sign, ratify, accede, and lodge declarations, reservations, or objections regarding 68 of these instruments.

Each of the core human rights treaties has a monitoring body, i.e., the relevant committee. A state that has ratified a treaty is requested to submit a state report to the committee. This report is the essence of the monitoring mechanism. Additionally, shadow reports by civil society may be submitted to contribute to the process. Individual communications are also accepted before the committees to report violations of human rights committed by the state. The monitoring is dependent on three reports: the state report, the shadow reports by NGOs and civil society, and the committee report, which is a review of the status of the relevant human rights in the state.

The UN treaty body has a system for monitoring the fulfilment of obligations as per the treaties ratified by the states. This system offers all states an opportunity to declare what actions they have taken to improve their countries' human rights situations. The treaty monitoring mechanism has been running in each of the committees since their establishment. States are bound to submit their reports

[3] This includes subsequent treaty actions, texts of reservations, declarations and objections, etc.

within one or two years after ratification. A periodic review is then conducted within a timeline that varies between two to five years depending on the different committees. The monitoring mechanism cannot be conducted in the absence of the state report.

However, checking the profile of the state of Palestine documentation reveals that during the past five years they have only submitted reports related to CEDAW and CERD, while the remaining five core treaties, which were requested to be reported due to 2015 and 2016, have not been submitted. Hence, no review of the status of the relevant rights has been conducted by the committees.

There have been collective efforts between the state and civil society organizations to consult with human rights experts and advocates to comment on the treaties. The PA Ministry of Foreign Affairs has established a department for the treaties' reviews, with a subcommittee for each treaty.

The main driver for hopefully positive change in the status of democracy and human rights in Palestine is political will. Al-Haq, a Palestinian human rights NGO that has previous experience in the review process as they submitted reports to committees reviewing Israel and took part in the review process of Palestine, finds the state of Palestine needs to do its *due diligence* and that the aim of ratifying a treaty should be to advance access to rights for Palestinian citizens. Al-Haq notices that there has been an increase in the violation of the human rights of Palestinian citizens committed by the state since the ratification of the seven core human rights treaties in 2014, indicating a lack of political will. They also add that there is a centralization of power due to the fact that the legislative council has not functioned since 2007. The absence of legislative authority has led to the current status where the executive authority took over the legislative functions.

Article 43 of the Palestinian Basic Law allows PNA President to issue presidential decrees with the power of law. This curbs the possibility of policy changes. It is thus doubtful to have a positive status of human rights in the absence of a democratic atmosphere.

The positive step of ratifying core human rights treaties is acknowledged widely by different organizations. It enables the human rights community in Palestine to have more room for demanding accountability. The absence of the legislative council is repeatedly argued as one of the core obstacles towards improving Palestine's democratic procedures.

Among the discussions in 2018, held in an attempts to achieve change, was the consideration of retrieving the Palestinian National Council's role as a legal representative for Palestinian people within the PLO and providing it with authority to act as an alternative for the Legislative Council. This option for achieving the realization of electoral rights is not promising, since the members of the national council are mostly elderly politicians who are not familiar with the significance of Palestine joining human rights treaties and the importance of efforts already invested to harmonize domestic laws with international norms. Additionally, this procedure will no longer remain legally acceptable once a new legislative council is elected.

VI. Concluding Remarks

The discourse of democracy within Palestine cannot be fully grasped without recognizing 'the elephant in the room'; namely, the Israeli occupation. The state of Palestine is a duty-bearer under international law. So are the Israeli authorities occupying the West Bank, the Gaza Strip, and East Jerusalem. The occupation is the main challenge that the Palestinian process of democratization is currently facing. Nevertheless, any state is held responsible for its people. Hence, Palestine's state has shortcomings that can only be tackled if the political will allows it. In this regard, the numerous presidential decrees' creating a centralization of authority is a tremendous legislative obstacle.

It is not enough for the international community to endorse the two-state solution in conferences and forums. Nevertheless, it still needs to exert severe pressure on Israel to make this solution a reality. Palestine's democratic process will be rejuvenated by ending the Gaza/West Bank division and carrying out free elections in Palestine.

The Palestinians need to accomplish a parallel diplomatic track domestically and internationally. Succeeding on the international level would oblige the PNA to harmonize national laws and guarantee citizen's rights in a democratic culture.

Diplomacy matters. It is a non-violent and well-received global and peaceful tool Palestinians ought to stick to – especially in promoting domestic democracy. The added value for diplomacy is that it puts Palestine on the international map and puts pressure on the Palestinian decision-makers to harmonize local laws per their international obligation in accordance with signed treaties.

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The Notion of Democracy in International Law

Gerd Hankel

In 1998, Recep Tayyip Erdogan of Turkey remarked: "Democracy is like a train. When you reach your destination, you get off" (Blau 2016). Today, more than two decades later, Erdogan, now President of Turkey, looks back on a process of dissolving democracy in Turkey because he no longer saw the need for it. Voices of opposition are being oppressed or prohibited, their representatives arrested or muzzled. The public service sector has been purged, as have schools and universities. The press and public opinion are now only free in so far as they tout the official party line. Hand-in-hand with these developments, Erdogan decided to completely overhaul the legal system which he and his party, the AKP (Justice and Development Party) felt had stood in their way upon taking office, but which now, through a process of judicial replacements in their favor, has given them practically free reign. As a result, Turkey's internal justice system is unable to stop the marginalization of democracy or at least is severely hampered in its efforts to do so.

Erdogan is only one such example. His name can be substituted for any authoritarian foreign leader who rules like a dictator or who is undemocratic and heavy-handed in his practices. The issue is particularly pressing where it has to do with international law. On the one hand, it is possible that a country could end up in a state of permanent violation of international law. On the other hand, it could also be the case that the existence of an authoritative dictatorship and its commensurate political influence may skew the underlying conditions of international law such that any normative statement about democracy is weakened or, worse, not allowed to emerge.

Let us first focus on the requisite conditions for the appearance of democracy in international law. In article 2 of the 1945 UN Charter, which formulates the UN's underlying principles, the very first paragraph states: "The Organization is based on the sovereign equality of all of its Members." And in paragraph seven, we find the conclusive statement: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter (…)." In other words, in terms

of international law, no distinction is made between big and small, powerful, or less powerful countries. All countries are sovereign, and as such, there is no other power over them since the sovereignty of the nation is the "highest" on an international level and considered absolute. This basic idea is repeated in paragraph seven, where it forbids outside meddling in internal affairs. Exceptions to this rule are only allowed under very restricted conditions, such as described in chapter 7 of the UN Charter. Since the conditions are not significant for discussing how the assertion of international law contributes to the notion of democracy, they will not be discussed here. Nevertheless, we can safely say that all nations rank equally in terms of the law and that it is left up to each government how to proceed to organize itself internally.

Regarding the above, it is beneficial to investigate whether or not rules for democracy are endemic in international law, limiting the sovereignty of nations and thereby obliging them to respect democratic values. In this context, one should start by considering the sources of international law, the most important of which can be found in Article 38 of the ICJ (International Court of Justice) statutes:

- international conventions establishing rules recognized by states;
- international custom, as evidence of a general practice accepted as law;
- the general principles of law recognized by civilized nations.

How these different sources stand in relationship to each other is not easy to determine. However, as a basic rule, treaty law agreed upon by two or more countries takes precedent. In this connection, *jus cogens* (compelling law) takes on a special meaning, describing a pre-emptory norm, from which no deviation is permitted (Vienna Convention on the Law of Treaties, art. 53). It forbids a nation from particular acts or requires it to respect certain rights. Examples of *jus cogens* are: waging an aggressive war; the commission of war crimes; crimes against humanity; genocide, or torture. Every *jus cogens* norm is also valid *erga omnes*, according to which compliance can be demanded of all countries by any other government. Obviously, democracy doesn't belong to the category of *jus cogens* norm or *erga omnes* obligations, which leads to the question of where to find statements on democracy in international law among the plethora of legal sources and, once found, how these statements should be evaluated in light of the sovereignty of nations.

For example, article 21 of the Universal Declaration of Human Rights (UDHR) of 1948 says:

> "1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
> (…)
> 3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

And article 25 of the International Covenant on Civil and Political Rights (ICCPR) of 1966 states:

> "Every citizen shall have the right and the opportunity ():
> a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
> b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
> (…)."

Both articles contain provisions about people's representation in government and the will of the people which, in general, is represented by free elections using secret ballots. Regarding these classic means of democracy, the articles give them the weight of existing individual rights (UDHR) or as rights to be realized sometime in the future (ICPPR). However, the UDHR is not legally binding, but is, as its name suggests, conceived as a "declaration." The ICPPR, on the contrary, is legally binding for all legal parties involved. While 173 state parties have signed this pact, it does not mean that the individual *has* a right to the constitutive elements of a democracy, but only that they *should have* such a right. The ICPPR therefore, does not limit a country's sovereignty because it does not contain a direct order for compliance but instead raises democracy as a goal to create the possibility of democratic participation for citizens.

A further look at legal sources on this subject brings us to the area of regional international law and, ultimately, to Europe. Article 8 of the European Convention

on Human Rights (ECHR) of 1950 is stipulated under the title "Right to respect for private and family life." It says:

> "1. Everyone has the right to respect for his private and family life, his home and his correspondence.
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

Article 8 of the ECHR is not without limitations. As seen from the language in paragraph 2, the law according to Article 8 is under the reservation of possible limitations that arise from a democratic's tranquil existence and the possibility of a peaceful co-existence in it. Articles 9 (Freedom of thought, conscience, and religion), 10 (Freedom of expression), and 11 (Freedom of assembly and association) of the ECHR also fall under the same reservation. However, the ECHR does not define what constitutes a "democratic society." That is why one could conclude from the reservations in reverse that a "democratic society" should guarantee the fundamental rights in the broadest sense. In other words, the ECHR state parties are obligated to guarantee the basic human rights of articles 8 to 11 if they want to be regarded as "democratic societies." Thus, limits are placed on their rights as sovereign entities, as is evident from the fact that the European Court of Human Rights' task is "(to) ensure the observance of the engagements" on the part of the countries that have ratified the ECHR.

Forty years later, with the Cold War over and victory by the West seemingly unstoppable, the European countries, with the US and Russia's participation, signed the "Charter of Paris for a new Europe" in November 1990. Using the keywords "Human Rights, Democracy and Rule of Law," the Charter promised and declared:

> "We undertake to build, consolidate and strengthen democracy as the only system of government of our nations. In this endeavour, we will abide by the following:

> Human rights and fundamental freedoms are the birth rights of all human beings, are inalienable, and are guaranteed by law. Their protection and promotion are the first responsibility of the government. Respect for them is an essential safeguard against an over-mighty State. Their observance and full exercise are the foundation of freedom, justice, and peace.
>
> Democratic government is based on the will of the people, regularly expressed through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law. Democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person.
>
> Democracy, with its representative and pluralist character, entails accountability to the electorate, the obligation of public authorities to comply with the law and justice administered impartially. No one will be above the law."

The Charter is a clear affirmation of democracy. Here also the observation of human rights and basic freedoms are placed in relationship to democracy. However, the Charter is not a legally binding obligation like the European Human Rights Convention. Rather, it is a declaration of purpose, expressed in the reassuring voice typical of the period at the beginning of the 1990s. This voice's spirit is also evident in the so-called "Vienna Declaration," which reported the world conference results on human rights in June 1993. It points beyond the European arena and expresses in the very first sentence of the relevant paragraph the idea that democracy should not be seen as isolated (Point I. 8):

> "Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. In the context of the above, the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached. The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world."

Without the observance of human rights and fundamental freedoms and development, there is no democracy. Conversely, without democracy, there is no observing human rights and basic freedoms and no growth. Democracy is thus a key value. It stands at the center of how a state is perceived in international law and is not a threat to its sovereignty. The "Vienna Declaration" is, namely, a declaration and not legally binding. Like other declarations that are not limited regionally, it "only" erects goals and shows why a democratic constitution is to be preferred.

The American counterpart to the European Convention on Human Rights is the American Convention on Human Rights (ACHR), enacted in 1978. The Inter-American Court of Human Rights oversees the activities of the ACHR, whose state parties and, at the same time, members of the Organization of American States are aiming at "consolidat(ing) in this hemisphere, within the framework of democratic institutions, a system of personal liberty and social justice based on respect for the essential rights of man" (Preamble). What precisely constitutes "democratic institutions" or "democracy," is not spelled out by the Convention. Rather, there is a special Charter addressing this topic drafted in 2001 as the Inter-American Democratic Charter. In article 1 of the Charter, it says: "The peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it. Democracy is essential for the social, political, and economic development of the peoples of the Americas." Accordingly, North and South American people have a right to democracy and participate in democracy. The standards for democratic participation are formulated in articles 2 and 3 of the Democratic Charter:

> "Article 2: The effective exercise of representative democracy is the basis for the rule of law and the constitutional regimes of the member states of the Organization of American States. Representative democracy is strengthened and deepened by permanent, ethical, and responsible citizenry participation within a legal framework conforming to the respective constitutional order.
> Article 3: Essential elements of representative democracy include, among other things, respect for human rights and fundamental freedoms, access to and the exercise of power per the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as

> an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government."

Due to the coup against the democratically elected Honduran President Manuel Zelaya and his subsequent exile, the membership of Honduras in the Organization of American States (OAS) was suspended from 2009 to 2011 (OAS 2011). In 2017, Venezuela announced that it was ready to leave the OAS. As a reason for wanting out, the Venezuelan President Nicolás Maduro cited the OAS meddling in Venezuelan domestic affairs. However, this admonition was nothing more than a pretext in reaction to the growing international criticism of Venezuela's lack of democracy. In 2019, the OAS and the Venezuelan opposition decided that the opposition party, which ostensibly adhered to the democratic principles, should represent Venezuela in the OAS in the future (CSIS 2020).

If one were to attempt to summarize the representation of democracy in international law, one might come to the following preliminary conclusions:

- International law is dealing with democracy through treaties, conventions, and declarations.
- The legal order of democratic principles moves between individual rights, which can be legally disputed, and pure standards that inscribe an achievable goal.
- In regional treaties, democratic principles are firmly anchored as rights. In contracts with global reach, democracy is formulated as a goal that countries should try to achieve.
- As a result, democratic principles are not internationally recognized. They do not give way to an individual right owned by all people.

In 2019, the "Democracy Index" published by *The Economist* reported that among the 167 countries it studied, 22 are full democracies, accounting for a total of 5.7 of the world population; 54 countries with 42.7 percent of the world population are flawed democracies; 37 countries are hybrid regimes with 16 % of the world population, and 54 countries with 35.6 % of the world population are authoritarian regimes. Not even half of the world population (48.4 %) lives "in a democracy of some sort," according to the accompanying commentary in *The Economist*. In contrast, more than half live in undemocratic governments or dictatorships. And

the future is not promising. The trend goes "towards authoritarianism in the developing world," concludes the commentary.

Democratic principles are not only not universally recognized in international law. They are not part of international customary law either, i.e., they do not exist as "international custom, as evidence of a general practice accepted as law." Authoritarian countries also hold elections and their constitutions guarantee power-sharing and the most important fundamental rights and freedoms. In some countries, the reference to democracy is in the official state title, as with the Democratic Republic of the Congo. However, this has nothing to do with understanding democracy as it is represented in international treaties. Even when this contradiction is mitigated, as in the example of Africa, with the remark, "there is a special form of African democracy," the daily governmental activities and the state's behaviour exhibited in various social arenas stand in stark contrast to the regulations contained in international conventions and treaties.

Nevertheless, even by interpreting the law in this way, a particular understanding of the law is strengthened and inevitably finds expression in international law. As a consequence, the treaties that contain democratic objectives to be implemented remain mere promises, and customary international law cannot be condensed to the point where state practice and its corresponding legal convictions coincide.

An interesting consideration – unfortunately, disappointing in the end – is supposed to terminate our little search for forms of democratic concepts in international law. The starting point of this consideration is the close relationship between democratic principles and fundamental human rights observation. The protection against torture belongs to these fundamental human rights. As already mentioned, the rule against torture is a *jus cogens* norm – a norm that is imperative and to be observed before all others. Moreover, all other countries must respond when they detect evidence of torture in another country.

In October of 2017, Human Rights Watch (HRW) published a report about numerous cases of torture committed in Rwandan military detention centers.

Rwanda was and is a party of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which means that Rwanda is legally obligated based on *jus cogens* to observe the ban on torture. In the wake of the HRW's public statements on torture victims, an organ of the UN, The United Nations Subcommittee on Prevention of Torture (SPT), visited Rwanda in the same month. However, the investigation yielded no results because

the subcommittee had to end its work prematurely. "We have been barred from completing our work in some places, and grave limitations have been imposed on granting access to certain places of detention, said Arman Danielyan, head of the SPT delegation. We have also been unable to carry out private and confidential interviews with some persons deprived of their liberty. Moreover, many of those we have managed to interview have expressed fears of reprisals. We must not place the persons that have cooperated with us in danger, he added." The subcommittee is authorized to conduct investigations into torture in 84 countries. Aside from the Rwandan case, only twice in its ten-year history has the work of its investigation been cut short.

Source: HRW 2017; © 2017 John Holmes for Human Rights Watch

In July 2018, The United Nations Subcommittee on Prevention of Torture made a second attempt to investigate. As for the first attempt, there must have been an unfortunate misunderstanding that could have been prevented, according to a previous statement by the Rwandan government. The subcommittee would be very welcome as Rwanda had nothing to hide, the government had added. However, once again, the subcommittee's work was cut short, and this time for good. The subcommittee complained bitterly: "In 11 years of exercising its mandate and more than 60 visits, it is the first time the SPT is terminating a visit before its com-

pletion. There was no realistic prospect of the visit being successfully resumed and concluded within a reasonable timeframe" (Mugisha 2018).

How did the world respond? Did countries, which describe themselves as friendly to international law and ascribe to fundamental human rights, put pressure on Rwanda, which is easy to apply since Rwanda is mostly dependent on western financial support? No, the world did not respond. No pressure was put on Rwanda; it was as if nothing had happened. How can democratic values be successfully enforced when the very people who espouse them endorse opportunistic solutions? For the future of democratic principles in international law, this bodes ill. Countries like Turkey will undoubtedly pay careful heed to the case of Rwanda.

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IV. Islam and the Question of Gender

Women in Islam – Between Social Traditions and the Quran

Zeina M. Barakat

I. Introduction

This study addresses Muslim women's struggle for identity, education, justice, liberation, and rights in defiance of religious extremism, traditionalism, and conservatism. It discusses the reality of their lives in a male-dominated world drawn from lessons of liberated women. It illustrates the impediments facing young Muslim women seeking education in a conservative, traditional society that is not receptive to emancipation and freedom. I benefit from my personal experiences as a Palestinian Arab Muslim female seeking freedom through education and my long-term aspirations to take a leading role in paving the road for reconciliation and peace to the Palestinian-Israeli conflict.

The objectives of this essay are many-fold. First, to bring awareness to the sensitive, complex, and highly debated topic of women raised in traditional Islamic communities and their struggle for justice, independence, and human rights. Second, to shed light on significant themes concerning democracy, feminism, and identity by exploring whether social restrictions and limitations on Muslim female freedom and equality are religious or cultural. Third, to help Muslim women define their identity and comprehend how the world defines them – as female and Muslim. Fourth, to explore the various cases of Muslim women caught in the web of culture and outdated traditions of their societies compared to those who flew away from their nests. Fifth, to expose the unfair and discriminatory ways Muslim women endure in their communities, pushing them to rebellion and immigration. Sixth, to inspire Muslim policymakers in legislating laws promoting rights and gender security.

The essay addresses the following questions: Is the phenomenon of gender inequality in Muslim societies a persisting social, tribal tradition that keeps rejuvenating itself from the pre-Islamic era? In my view, it does not stem from the Quran but male-dominated Islamic traditions.

II. Western Perception of Muslim Women

Western culture perceives women in Muslim societies as oppressed and subjugated sexual objects. It is believed that women are socialized to be submissive, obedient, dependent, and inferior in male status (cf. Schmidt 1989). Muslim communities tend to value male children more than female children, and boys receive more affection, privileges, care, and attention than girls.[1] Western scholars maintain that these cultural norms and social values are transferred from one generation to the next. The Muslim family is organized in rigid patterns of unequal relations based on age and gender, reflecting male dominance and authority. In their societies, they are denied their voting rights, and some are forbidden to drive or to participate in public life.[2] In general, the legal code in many Muslim countries punish

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[1] In the pre-Islamic Hijaz, the Arab tribal families used to receive the news of a female birth with grief and take the newly born child out to the desert and bury her in the hot sand. Islam did forbid that practice.

[2] As an example, in a television debate on Rotana Khalijiyya TV on February 11, 2015 (O'Neill 2015), "A Saudi Arabian historian trying to justify the nation's ban on female drivers says women who drive in other countries such as the United States don't care if they're raped and that sexual violence "is no big deal to them." Saleh al-Saadoon claimed in a recent TV interview that women can be raped when a car breaks down, but unlike other countries, Saudi Arabia protects its women from that risk by not allowing them to drive in the first place, according to a translation posted online by the Middle East Media Research Institute. "They don't care if they are raped on the roadside, but we do," al-Saadoon said on Saudi Rotana Khalijiyya TV. "Hold on. Who told you they don't care about getting raped on the roadside?" asked the host, a woman who is not named in the transcript. "It's no big deal for them beyond the damage to their morale," al-Saadoon replied. "In our case, however, the problem is of a social and religious nature." Two other guests on the show – a man and a woman – appeared to be in shock over his comments. Al-Saadoon said they were out of touch.
"They should listen to me and get used to what society thinks," al-Saadoon said. Since the rape argument didn't seem to be convincing anyone, al-Saadoon tried another approach, claiming that women are treated "like queens" in Saudi Arabia because they are driven around by the men of the family and male chauffeurs. That led the host to ask if he wasn't afraid that women might be raped by their chauffeurs. Al-Saadoon agreed. "There is a solution, but the government officials and the clerics refuse to hear of it," he said. "The solution is to bring in female foreign chauffeurs to drive our wives." That caused the female host to laugh and cover her face with her palm.
"Female foreign chauffeurs?" she said. "Seriously?" Saudi women face serious penalties if they are caught driving, including lashing. Two women who defied the ban on driving

men with light sentences or are even acquitted for the crime of 'honor killing' of women. Some Muslim countries, such as Egypt, still practice female genital mutilation in violation of human rights.

Well-known Muslim theologians like Ibn Taymiyyah, Muhammad ibn Abd al-Wahhab, Sayyid Qutb, and Hasan El-Banna, founder of the Muslim Brotherhood, promoted a *Salafi* ultraconservative orthodoxy in the teachings and practice of the faith, while at the same time, calling for purging what they considered impurities and innovations in Islam (cf. Qutb 1980). Using a radical interpretation of the Quranic scriptures and the *Sunna*, they transmitted a negative image of women to justify their subjugation. They portrayed women as *fitna,* distracting men from the right pious path, making them lose moral control and deviate from the right way by ignoring their religious, social, and political duties and obligations. They advocated backward ideas and punishments not prescribed in the Quran, such as no education for women, inequality of men and women, and other.

Adopting these guidelines, religious authorities in many Muslim countries teach women should not be permitted to decide for themselves and should not be educated. They contend wives should obey their husbands blindly, and if not, husbands are allowed to beat them. Daughters and sons should not be entitled to equal rights and equal inheritance. To them, a woman traveling should be accompanied by a *mahram* such as her father or brother, and girls under the age of ten may get married. Although women are veiled in the conservative Muslim world, they are at the center of male thoughts, connections, exchanges, concerns and are a recurrent theme in their daily discourse. In Muslim society, women must obtain permission from a male relative, such as father, brother, or both, to get married, be employed, travel, or even get a passport. The 'custodianship right' is usually transferred to the husband. Marriage is a relationship in which one person is always right, the other being the wife.

Algerian columnist Kamel Daoud comments, "Women are seen as a source of destabilization — short skirts trigger earthquakes, some say — and are respected only when defined by a property relationship, as the wife of X or the daughter of Y." He adds: "… one of the great miseries plaguing much of the so-called Arab world, and the Muslim world more generally, is its sick relationship with women. In some

last year, Loujain al-Hathloul and Maysa al-Amoudi, are being tried in a court that handles terror cases." (citation according to Mazza 2015)

places, women are veiled, stoned and killed; at a minimum, they are blamed for sowing disorder in the ideal society." (Daoud 2016) Similarly, Garrison explains in his article, 'Muhammad was a feminist', that "the suppression of woman is done in the name of Islamic Law, known as *Sharia*" *(Garrison 2016), written by men who are seeking the subjugation of women by denying them their rights.*

The prevailing status of inferiority encouraged the prevalence of sexual harassment (in Arabic *al-taharrush al-jinsi)* behavior in the street, work, and education. This taboo topic in the Muslim world has only been exposed in the last few decades. It begins with verbal sexual communications filled with sexual connotations and inferences. It develops into the woman experiencing physical touching on different parts of her body at home, in the streets, and in the workplace (cf. Barakat 2012). There are strict laws in Islamic countries against the act of physical, sexual harassment known as "*hatk ʿard"* (هتك عرض). Yet, the problem facing women victims of sexual harassment is the difficulty of divulging its occurrence and complaining about it to the police or family members for fear it may shame the woman and her family and that the female victim may be blamed for it. The Muslim Brotherhood blames the Western style of clothing, which exposes their body and hair, even though victims of sexual harassment could often be wearing the veil and a decent dress.

III. Muslim Women Struggle for their Rights

Women in the Muslim world are struggling to make 'gender equality' a legal and constitutional right. They are demanding that strict laws be enacted to protect women from sexual harassment at work and the so-called 'honor crimes.' However, they are facing stiff resistance, although conditions are changing in their favor, albeit very slowly. Women activists, who generally come from the educated urban segments of society, are challenging the status quo demanding equality in the family and community and calling for economic, political, and social empowerment. They are making progress but at a small pace. Muslim countries such as Turkey elected a female prime minister, Pakistan elected a female prime minister twice, Bangladesh elected two female prime ministers, and Indonesia elected a female president.

Among those advocating gender rights, Egyptian leading feminist Nawal Saadawi, persistently demanded intellectual freedom and human dignity for women (cf. Saadawi 1994).

Iranian Muslim activist Maryam Rajavi, in *Women Against Fundamentalism* (cf. Rajavi 2013), criticizes the Islamic religious dictatorship in Iran and denounces the religious fundamentalism that had deprived women of their human rights. She pays tribute to Iranian women's struggle to bring about freedom and gender equality.

Afghani political leader Malalai Joya in *A Woman Among Warlords: The Extraordinary Story of an Afghan Who Dared to Raise Her Voice* (cf. Joya 2009) narrates how she was raised in the refugee camps of Iran and Pakistan and why this inspired her to become a teacher and protector of Afghani young orphaned girls. In her book, she describes Muslim women's struggle who bravely took to the streets in peaceful protests against their oppression. (Joya 2009)

Afghani young Muslim woman Malala Yousafzai in *I Am Malala: The Girl Who Stood Up for Education and Was Shot by the Taliban* (cf. Yousafzai 2013) narrates her courageous story of standing up to the Taliban, refusing to be silenced, and fighting for her right to an education. Malala was fifteen when on October 9, 2012, the Taliban shot her in the head while riding the bus home from school. She miraculously recovered. At sixteen, she became a global symbol of peaceful protest and the youngest nominee ever for the Nobel Peace Prize. In her book, she narrates her family's tale uprooted by international terrorism and her fight for girls' education. Her parents encouraged her to learn and attend school. Their love inspired her to challenge the social tradition of favoring sons over daughters.

In her memoirs *Not Done with Life Yet: A Palestinian Woman from Jerusalem*, Wafa Darwish expresses her determination as a blind single mother of two daughters to finish her education and become a professor at Birzeit University in Palestine (see Darwish 2014).

Anna Korteweg and Gokoe Yurdakul, in *The Headscarf Debates: Conflict of National Belonging* (cf. Korteweg/Yurdakul 2014) explores how the headscarf for Muslim women has become a symbol used to reaffirm or transform stories of belonging. The authors discuss recent cultural and political events and the debates they engender, recreating the fervor which erupts near the core of each national identity when threats are perceived. Changes are proposed.

Irene Schneider, in *Women in the Islamic World: From Earliest Times to the Arab Spring,* (Schneider 2014) analyses the various roles women have played in the Islamic world, past and present. She explains the application of the *sharia* regulations in Islamic societies throughout history. She addresses the obstacles and opportunities women have faced and still face in various Islamic communities.

Despite their cultural, social, and ethnic backgrounds and differences, Muslim women worldwide have been vocal in their struggle for gender equality, many exhibiting incredible courage in breaking away from the bondage and restrictions of their traditional societies. Their books and memoirs express the conviction that emancipation is a freedom worth fighting to have a better future.

IV. Muslim Women and National Liberation

Muslim women played and still play a critical role in the struggle for national liberation and independence. For example, Jamila Bu Hraid became an icon for her heroic role in the Algerian battle for ending the French rule of Algeria. Leila Khaled became an icon of the Palestinian revolution and the liberation struggle. Her image flashed across the world after she hijacked a passenger jet in 1969 (cf. Irving/Khaled 2012).

In *Land Before Honour: Palestinian Women in the Occupied Territories*, **Kitty Warnock** describes the female role in traditional Palestinian Muslim society and their participation in the national liberation movement. She analyses the conflict between sexual purity and obedience of women and the violent struggle for independence (cf. Warnock 1990).

Palestinian activist Amal Kawar, in *Daughters of Palestine: Leading Women of the Palestinian National Movement* (cf. **Kawar** 1996), presents profiles of Palestinian women active in the struggle for Palestinian rights.

Maria Holt in *Women in Contemporary Palestine: Between Old Conflicts and New Realities* (cf. Holt 1996) addresses individual women and female groups' achievements. She explores the underlying dynamics of gender relations to ascertain how they have changed and speculates about future co-existence.

Islah Jad in *Palestinian Women's Activism: Nationalism, Secularism, Islamism* traces the transformation of the Palestinian women's movement from the 1930s to

the post-Oslo period and the Second Intifada to examine the relationship between women, nationalism, and Islamism in Palestine. (cf. Jad 2018)

In *Women's Political Activism in Palestine: Peacebuilding, Resistance, and Survival* (Richter-Devroe 2018), Sophie Richter-Devroe portrays their struggles to bring about social and political change through in-depth interview methods and personal observations. Daily, women confront Israeli settler colonialism directly and indirectly in their public and everyday acts of resistance.

Palestinian women play a significant role in the national struggle to end the repressive Israeli occupation and establish an independent democratic Palestinian state. During the last three decades, Palestinian women have practiced creative forms of political activism to confront Israeli occupation violence and repression. The incarceration of more than 10,000 men by Israel has resulted in more dependence on women to support their families, offering an opportunity and impetus for women to join the work market and for men to accept that. Besides, the deteriorating economic conditions and the rapidly rising cost of living forced families to increasingly depend on the additional income that female family members can provide. However, participation in the labor force by Palestinian women is still low. Their wages are much lower than males with similar qualifications, and their chances to be hired are much lower than men.

V. Muslim Women Caught Between Two Worlds

Unable to make significant changes within their societies, Muslim women headed West seeking better opportunities and recognition for their female identity. Women in Muslim communities do not enjoy the same independence, liberty, and freedom as Western women. When offered the opportunity to emigrate to the West, this discrimination explains why they would grab the opportunity to escape from their native countries to seek education, economic independence, personal security, legal equality, and liberty. In general, they wanted to escape from their lower social status.

Egyptian professor Leila Ahmed offers in *Women and Gender in Islam* (cf. Ahmed 1992) a vivid history of the Islamic discourse on women and considers Middle Eastern women's relationship to education, culture, social change, modernization, feminism, and the veiling of women. She explores the various prem-

ises of the Islamist position on women and how Islamic discourse was affected by Western societies. Ahmed is also the author of *A Border Passage: From Cairo to America – A Woman's Journey* (cf. Ahmed 1999), which narrates her journey across cultures and her struggle to define herself.

Iranian feminist Mahnaz Afkhami in *Faith and Freedom: Women's Human Rights in the Muslim World* opens the dialogue on Muslim women's quest for their rights (cf. Afkhami 1995).

Moroccan Islamic feminist Fatema Mernissi, in her profoundly penetrating narrative *Scheherazade Goes West: Different Cultures, Different Harems*, sheds light on the lives of women in the Arab world by revealing her own experiences as a liberated, independent Moroccan woman faced with the unexpected intrusion of Western culture (cf. Mernissi 2001).

Palestinian doctor and author Ghada Karmi offers in her biographical story, *In Search of Fatima: A Palestinian Story* (cf. Karmi 2002), a deep insight into the Palestinian exile experience reflecting her personal experiences of displacement, loss, and nostalgia. At the age of nine, she had to leave Jerusalem for Britain during the Palestinian Nakba of 1948 that led to Israel's statehood. Her family resettled in a Jewish neighborhood in London. Ghada quickly began to assimilate-become an avid reader of English literature and befriending Jewish neighbors-despite her mother's insistence on traditional Palestinian culinary customs, dating mores, and family codes. She narrates the struggle of a young Muslim woman growing up with traditional parents and their challenges. In England, she grew up and studied to be a Doctor of Medicine at Bristol University. As she grew older, memories of the lost homeland began to haunt her. She describes her life in 'Little Tel Aviv' and, later, her struggle, like that of many other women in the late fifties, to get a university grant to study medicine. She describes the feelings of people who live suspended between their old and new countries, fitting into neither. In depicting the subtler privations of psychological displacement and loss of identity Karmi narrates her quest for cultural identity after her "fragile … and misfit Arab family." (Karmi 2002: 445). As a result of the 1967 war, Karmi becomes an impassioned pro-Palestinian activist and in 1977 she begins practicing medicine in a Palestinian refugee camp in South Lebanon where she finds that her Western upbringing and habits make her even less welcome there than she was in England.

Somali author Ayaan Hirsi Ali in her book *The Caged Virgin: An Emancipation Proclamation for Women and Islam,* criticizes women's rights in Islam. She aims

to awaken Muslim women to the brutal religious and cultural oppression they endure in their societies and calls upon them to free themselves from its old-fashioned cult of virginity (cf. Hirsi Ali 2006). In her second book, *Infidel* (cf. Hirsi Ali 2007), Ayaan tells her life story from her traditional restricted Muslim childhood in Somalia, Saudi Arabia, and Kenya to her rebellion and activism in the Netherlands and beyond to her immigration to the United States where she became a devout anti-Islam spokeswoman. She narrates her childhood upbringing as a Somali girl in a traditional Muslim society, which is part of the Third World conditions of poverty, underdevelopment, warfare, scarcity, and repression. Her third book, *Heretic: Why Islam Needs a Reformation Now*, calls for a religious reformation in Islam as the only way to end extremism, terrorism, and repression of women and minorities. She links Muslim extremists' violent acts to Islam's religious doctrine, claiming that Muslim extremists are driven by the political ideology embedded in the sacred scriptures of Islam itself (cf. Hirsi Ali 2015).

Jean Sasson in *Princess: A True Story of Life Behind the Veil in Saudi Arabia* gives a rare glimpse into the agonies suffered by a Saudi princess living in a society that views women as the bearer of sons or as sex objects, and where male relatives have life-and-death power over women **(cf. Sasson 1992)**.

In *Leap of Faith: Memoirs of an Unexpected Life*, Noor Al-Hussein, former Queen of Jordan (born Lisa Halaby – an American of Lebanese origin) narrates her inspiring story of an American woman's journey into the heart of King Hussein of Jordan and his people. With direct lineage to Prophet Muhammad, King Hussein was a moderate voice in the Arab world, struggling to bring peace to a worn-torn region. She recounts her struggle to create a functional role as a humanitarian activist in a royal court that saw her role as a woman and wife was to make her husband happy and to raise children. Her son Abdullah is the current King of Jordan. Her book was written "in the spirit of reconciliation" in the hope of contributing to "a better awareness in the West of events that have shaped the Middle East and to build bridges between cultures in a way to promote constructive dialogue" (Noor 2003: ix).

In her memoirs *Between Two Worlds*, Iraqi women activist Zainab Salbi describes tyranny in Iraq under Saddam Hussein as she saw it. Her story is a quest for truth that deepens the understanding of important themes such as silence, fear, and sexual subjugation under despotic dictatorship rule (Salbi 2005).

Iranian scholar Azar Nafisi in her books *Reading Lolita in Tehran: A Memoir in Books* (Nafisi 2003) and *Things I've Been Silent About Memories* from the safety in the West, narrates her personal story of growing up in post-revolution Iran, describing the repressive laws and political, cultural, and social injustices in the Islamic Republic of Iran (cf. Nafisi 2008).

It took courage for all of these women to narrate their journeys across cultures and chronicle their struggles to define themselves. When offered the opportunity to emigrate to the West, they took that opportunity to escape from their native countries to seek better education, economic independence, personal security, legal equality, and liberty. They thought they succeeded in escaping from their lower social levels to higher social and economic status to find that their families were still confined to the thinking of the past. The difference is that laws in the West are in their favor, yet they fail to use them to avoid antagonizing their families. But time is in their favor.

VI. The Rights of Women in Islam

The Quran calls for gender equality. It spells out the rights of women in the Islamic faith. Asghar Ali Engineer in *The Rights of Women in Islam* (cf. Engineer 2008) portrays the female Muslim perspective on women's lives in the modern Muslim world, covering various aspects relating to the status of women in pre- and post-Islamic periods, including, among others, customs, traditions, and forms of marriage. She cites instances of equal female personal and democratic rights, quoting extensively from the Quran and *Sunna* to arm Muslim women with Islamic arguments for their empowerment.

Amina Wadud, in both her book *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective* (cf. Wadud 1999) and *Inside the Gender Jihad: Women's Reform in Islam* (cf. Wadud 2008), details the rights of women in Islam according to the Quran.

Na'ima B. Robert in *From my Sisters' Lips: A Unique Celebration of Muslim Womanhood* recounts the compelling story of her conversion to Islam and offers a complimentary account of her experience living as a Muslim woman (cf. Robert 2006).

Tamalyn Dallal, in *40 Days and 1001 Nights: One Woman's Dance Through Life in the Islamic World*, sets out on a journey to find the truth herself of extremists in Islam spending forty days among each of five very diverse Muslim peoples in Indonesia, the Siwa Oasis, Zanzibar, Jordan, and China (cf. Dallal 2008).

American anthropologist Lila Abu-Lughod in *Do Muslim Women Need Saving?* Rejects the popular image of women victimized by Islam and challenges the West's prevailing perception that Muslim women need to be rescued. She delves into Muslim women's predicaments today, questioning whether generalizations about Islamic culture can explain the hardships these women face and asking what motivates particular individuals and institutions to promote their rights (cf. Abu-Lughod 2013).

Maria Holt in *Women, and Conflict in the Middle East* (Holt 2014) discusses Islam as a faith and a form of political and militant activism in women's lives. She condones "the use of violence in the name of religion" and regards "close adherence to Islam as a way of asserting their own moral order." (Holt 2014: 11)

Despite widespread misconceptions, the Quran teaches that the status of women is equal to men. The Prophet preached the unique contributions of women to family and society. The negative stereotypical images of women in Islam arise from Islamic cultural practices that are in opposition to the Quranic scriptures.

VII. The Hijab: A Tradition or Quranic Obligation

The term 'hijab/veil' is not used in the Holy Quran to refer to a Muslim women's dress code, as is widely interpreted. Consequently, it is essential to explain the Quranic injunction that is not well understood even by Muslim women themselves. Thus, there is a need to shed some light on the meaning of the hijab in the Quran by reviewing the verses in which the term is mentioned and evaluating their relevance to the dress code. The questions addressed are: Is 'veiling' an important marker of an Islamic identity that is continuously threatened by the 'unveiling' of Modernization and Westernization? Does 'veiling' in Islam aim to emphasize, preserve, and protect women's Islamic identity? Is wearing the veil a voluntary or obligatory enforced act of women's submission to male dominance?

Muslims in general, Muslim Sunnis (following the four major schools of thought (Hanafi, Shafi'i, Maliki, Hanbali), and Muslim Shias following the Ayatollah's as

God's representatives on earth, agree to the sanctity of the Holy Quran. However, they disagree regarding the Hadith's comprehensive compilation (sayings of the Prophet) recorded more than 150 years after his death. That is why this paper focus on the text of the Quran exclusively.

The standard and widespread interpretation of the term hijab is misleading and confusing to both Muslims and non-Muslims. However, despite popular belief, the Quran does not mandate that Muslim women wear a hijab (headdress) or niqab (head covering except for the eyes) or *burqu'* (full head shielding with the eyes)[3]. Actually, nowhere in the Quran has the term 'hijab' been used to express the meaning of a scarf covering Muslim women's hair[4]. However, regarding the Muslim women's dress, the Quran does require women to use their *khimar* to veil their bosoms by drawing their *khumur* over their bosoms *(juyyub)*. The use of the term *khimar* does not refer to concealing the face but using the loose ends of the scarf to hide the bosom, as it was customary in pre-Islamic times for the women not to cover their breasts.

VIII. The Dress of the Dwellers of Earth

The Quranic ethical guidelines regarding the female dress code are laid down in two verses: Khimar (Quran 24: 31), and the other using the term Jilbab (Quran 33: 59).

{"And tell the believing women to reduce [some] of their vision and guard their private parts and not expose their adornment except that which [necessarily] appears thereof and *to wrap (draw/wear) their veils (headcovers) over their Juyubihinna (i.e., bosoms/chest/breast)* and not expose their adornment except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers, their brothers' sons, their sisters' sons, their women, that which their right hands possess, or those male attendants having no physical

[3] The names of these garments derive from non-Arabic origins which indicate they are not Islamic.

[4] The term hijab is used in the following verses to mean separation in a variety of ways: 7; 46, 19; 17, 38; 32, 41; 5, 42; 51, 33; 53 and 17; 45.

desire or children who are not yet aware of the private aspects of women …"} (Quran 24: 31)

When the Quran refers to women's dressing, the term used in the Quran is not *hijab* or *niqab* but *khimār,* a headcover or headscarf; a female piece of cloth customarily worn to cover their heads. By asking to 'place the *khumur* over the bosoms,' the Quran requires women to let their scarfs extend to conceal their bosoms but did not say to cover the bosom and the face.

وَقُل لِّلْمُؤْمِنَٰتِ يَغْضُضْنَ مِنْ أَبْصَٰرِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا
مَا ظَهَرَ مِنْهَا ۖ وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَىٰ جُيُوبِهِنَّ ۖ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا
لِبُعُولَتِهِنَّ أَوْ ءَابَآئِهِنَّ أَوْ ءَابَآءِ بُعُولَتِهِنَّ أَوْ أَبْنَآئِهِنَّ أَوْ أَبْنَآءِ
بُعُولَتِهِنَّ أَوْ إِخْوَٰنِهِنَّ أَوْ بَنِىٓ إِخْوَٰنِهِنَّ أَوْ بَنِىٓ أَخَوَٰتِهِنَّ أَوْ نِسَآئِهِنَّ أَوْ مَا مَلَكَتْ
أَيْمَٰنُهُنَّ أَوِ ٱلتَّٰبِعِينَ غَيْرِ أُو۟لِى ٱلْإِرْبَةِ مِنَ ٱلرِّجَالِ أَوِ ٱلطِّفْلِ ٱلَّذِينَ لَمْ يَظْهَرُوا۟
عَلَىٰ عَوْرَٰتِ ٱلنِّسَآءِ ۖ وَلَا يَضْرِبْنَ بِأَرْجُلِهِنَّ لِيُعْلَمَ مَا يُخْفِينَ مِن زِينَتِهِنَّ ۚ وَتُوبُوٓا۟ إِلَى ٱللَّهِ
جَمِيعًا أَيُّهَ ٱلْمُؤْمِنُونَ لَعَلَّكُمْ تُفْلِحُونَ ﴿٣١﴾

The Quran states: "O Prophet! Tell your wives, your daughters, and the women of the believers to cast (draw) their outer garments (clothes) over themselves (*jalabibihina*). That is more suitable (proper/convenient), so they will be known (recognized) and not be hurt (insulted/molested/offended/abused)". (Quran 33: 59)

Before Islam, head coverings that did not include the face was a tradition for the wealthy women from powerful tribes to exhibit their high social and economic status. Servant and slave women were not allowed to have a headscarf or to cover their bosoms so as to be identified as belonging to a lower class. This tradition exposed them as targets for thieves, killers, abductors, and rapists, particularly when they would need to go outside the city at night to urinate and defecate. So, when the Muslim women complained to the Prophet about their condition, the verse was revealed as calling upon all Muslim women to dress the same for their own safety.

IX. The Dress of the Dwellers of Paradise

The following Quranic verses describe how the dwellers of paradise would dress:

> *"They have deserved gardens of Eden wherein rivers flow. They will be adorned therein with bracelets of gold and will wear clothes of green silk and velvet and will rest on comfortable furnishings. What a wonderful reward; what a wonderful abode!"* (Quran 18: 31)

> *"God will admit those who believe and lead a righteous life into gardens with flowing streams. They will be adorned therein with bracelets of gold, and pearls and their garments therein will be silk."* (Quran 22: 23)

> *"On them will be clothes of green velvet, satin, and silver ornaments. Their Lord will provide them with pure drinks."* (Quran 76: 21)

Men and women believers who lead a righteous life would live in the gardens of Eden wherein rivers flow. They will be adorned therein with bracelets of gold and pearls and will wear clothes of satin, silk and velvet and will rest on comfortable furnishings.

X. The Veil Separating God and the Dwellers of Earth

Generally speaking, the popular term *hijab*, similar to many other terms in Arabic (Bakhtiar 2007) has various meanings. It is used about seven times in the Quran not to mean the way a woman dresses or covering the head, but to mean a *sitar,* a barrier, a partition, a curtain; namely a separation between things.

> *"O you who have believed, do not enter the houses of the Prophet except when you are permitted for a meal, without awaiting its readiness. But when you are invited, then enter; and when you have eaten, disperse without seeking to remain for conversation. Indeed, that [behavior] was troubling the Prophet, and he is shy of [dismissing] you. But Allah is not shy of the truth. And when*

you ask [his wives] for something, ask them from behind a hijab (partition/curtain). That is purer for your hearts and their hearts. And it is not [conceivable or lawful] for you to harm the Messenger of Allah or to marry his wives after him, ever. Indeed, that would be in the sight of Allah an enormity." (Quran 33: 53)

„يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتَ النَّبِيِّ إِلَّا أَن يُؤْذَنَ لَكُمْ إِلَىٰ طَعَامٍ غَيْرَ نَاظِرِينَ إِنَاهُ وَلَٰكِنْ إِذَا دُعِيتُمْ فَادْخُلُوا فَإِذَا طَعِمْتُمْ فَانتَشِرُوا وَلَا مُسْتَأْنِسِينَ لِحَدِيثٍ ۚ إِنَّ ذَٰلِكُمْ كَانَ يُؤْذِي النَّبِيَّ فَيَسْتَحْيِي مِنكُمْ ۖ وَاللَّهُ لَا يَسْتَحْيِي مِنَ الْحَقِّ ۚ وَإِذَا سَأَلْتُمُوهُنَّ مَتَاعًا فَاسْأَلُوهُنَّ مِن وَرَاءِ حِجَابٍ ۚ ذَٰلِكُمْ أَطْهَرُ لِقُلُوبِكُمْ وَقُلُوبِهِنَّ ۚ وَمَا كَانَ لَكُمْ أَن تُؤْذُوا رَسُولَ اللَّهِ وَلَا أَن تَنكِحُوا أَزْوَاجَهُ مِن بَعْدِهِ أَبَدًا ۚ إِنَّ ذَٰلِكُمْ كَانَ عِندَ اللَّهِ عَظِيمًا „-(Quran 33: 53)

In this verse, the Quran tells the believers to break away from the tribal tradition of entering homes without announcements and to enter the houses of the Prophet when invited to a meal only after they ask permission and allowed to enter when the Prophet is ready to receive them. After they have eaten, they are instructed to disperse without seeking to remain for conversation. The traditional tribal behavior was troubling the Prophet, and he was shy of asking them to leave. But God is not shy of the truth. And when you ask his wives for something, ask them from behind a hijab (partition/curtain). That is purer for both hearts.

Thus, the term refers to a curtain of separation to provide personal privacy to the Prophet's wives from visiting men who were not part of the immediate family; it was a symbol of separation between private life and public life (cf. Lamrabet 2019; Ahmed 1992).

In a metaphoric sense, it refers to a metaphysical dimension in which the veil separates mortals/humans from God. According to the Encyclopedia of Islam, "The metaphysical sense of hijab is precisely a veil which 'refracts' the light of the Divine Intellect, which otherwise would be blinding." (Glasse 2002: 180)

{"And it is not for any human being that God should speak to him except by revelation or from behind a partition or that He sends a messenger to reveal, by His permission, what He wills."} (Quran 42: 51)

«وَمَا كَانَ لِبَشَرٍ أَنْ يُكَلِّمَهُ اللَّهُ إِلَّا وَحْيًا أَوْ مِنْ وَرَاءِ حِجَابٍ أَوْ يُرْسِلَ رَسُولًا فَيُوحِيَ بِإِذْنِهِ مَا يَشَاءُ ۚ إِنَّهُ عَلِيٌّ حَكِيمٌ.»

In this verse, God asserts that no human being can address him directly but that He would speak to them through revelations or from behind a separation or by sending them a messenger. The verse refers to a separation between God and human beings.

Other forms of separation is a curtain separating between the believers and the nonbelievers in the hereafter and the wrongdoers in hell and the righteous dwellers of paradise.

> {"And there will be a *hijab* (veil) between them."} (Quran 7: 46)
>
> {وَبَينَهُما حِجاب}
>
> {"And they say, "Our hearts are within coverings from that to which you invite us, and in our ears is deafness, and between you and us is a *hijab* (barrier, partition), so work; indeed, we are working."} (Quran 41: 5)
>
> «وَقَالُوا قُلُوبُنَا فِي أَكِنَّةٍ مِمَّا تَدْعُونَا إِلَيْهِ وَفِي آذَانِنَا وَقْرٌ وَمِنْ بَيْنِنَا وَبَيْنِكَ حِجَابٌ فَاعْمَلْ إِنَّنَا عَامِلُونَ.»
>
> {"And when you recite the Quran, We put between you and those who do not believe in the Hereafter an invisible hijab (concealed partition)."} (Quran 17: 45)
>
> وَإِذا قَرَأتَ القُرآنَ جَعَلنا بَينَكَ وَبَينَ الَّذينَ لا يُؤمِنونَ بِالآخِرَةِ حِجابًا مَستورًا

The verse emphasizes that when the believers read the Quran, God would put between them and those who do not believe in the life to come to an invisible barrier/partition.

The hijab is mentioned as a barrier between right and wrong:

> {"And he said, "I held the love of the good things instead of remembering my Lord." until it was hidden by the hijab (veil)."} (Quran 38: 32)
>
> {فَقَالَ اِنِّیۤ اَحۡبَبۡتُ حُبَّ الۡخَیۡرِ عَنۡ ذِکۡرِ رَبِّیۡ حَتّٰی تَوَارَتۡ بِالۡحِجَابِ}

In this verse, the believer expresses his sorrow for having loved wealth which occupied him from God's remembrance. So, God took away his wealth making it disappear by setting a separation (hijab) between him men and his wealth. The *hijab* mentioned in this verse implies a barrier separating believers and their lust for things that distracts them from worshipping God. When wealth distracts the believers from their sacred duty towards God, then He takes that wealth away.

> {"And she took, in seclusion from them, a hijab (screen). Then We sent to her Our Angel, and he represented himself to her as a well-proportioned man."} (Quran, 19: 17)

{فَاتَّخَذَتْ مِن دُونِهِمْ حِجَابًا فَأَرْسَلْنَا إِلَيْهَا رُوحَنَا فَتَمَثَّلَ لَهَا بَشَرًا سَوِيًّا}

This verse where the term 'hijab' is mentioned refers to the virgin Mary who went into seclusion upon feeling she is pregnant. God set up a separation (*hijab*) between her and her people and sent her a vision to comfort her whom she envisioned as a human being.

Women veiling was not instructed by the Quran but originated long before Islam and before the two other major Abrahamic religions (Christianity and Judaism). It is more of a cultural tradition rather than a religious obligation. As the *Egyptian advocate of women rights Qasim Amin* (1863–1908) argues in his book *Tahrir al-Mar'a* [The Liberation of Women], published in Arabic in 1899, it is the culture and the local patriarchal tradition and not Islam as a religion that oppresses women and enforces their confinement and social seclusion (cf. Amin 1993). His criticisms of the veil are based on the rules of Islam. Amin maintains that women's casting off their veils was an essential step in advancing Muslim societies without being contrary to the principles of Islam. He views women's education as the primary means to play a constructive role in society.

There is no religious implication for the hijab as a female dress code in the Quranic scripture. Wearing a headscarf as a veil reflects traditions, social beliefs, and lifestyles. Face-covering is not what God had ordained for Muslim women, but wearing it may be giving them feelings of contentment, fulfillment, and, most significantly, a self-nirvana of Islamic identity.

Muslim women have the right to choose how to dress, and only they bear the responsibility for their choice. Wearing the veil will not prevent women from being molested, nor will it stop sexual harassment. Thus, education plays a significant role in empowering women to exercise their rights as individuals and have male members of the community recognize their right to do so.

For many Muslim women, the hijab goes beyond the dress code to be more of a *sitar* (shroud/curtain) between modernization and tradition. Its absence signals a break from tradition and custom that could be construed as a betrayal of one's religious identity. Accordingly, it is believed that the hijab protects the believers from 'moral decay' – from being tempted to go astray and betray one's faith. The West, on the other hand, understands the hijab to mean Muslim women's confinement, discrimination, and low status in society, a barrier confining women to their private space and preventing them from accessing the public sphere and their socio-political participation.

As a female identity, the veil forms a separation between feminist, liberal, secular women, and conservative women, separating Western immorality and Muslim ethics. It is a symbol of separation between Western emancipation and secularism and traditional Islamic patriarchy. In Algeria during the French colonization, the veil resembled a wall of separation between the indigenous culture and tradition and the colonizer's Western culture. Similarly, in Palestine, the veil/dress covering resembles a separation wall/barrier between the occupation and the occupier; it communicates Muslim women's resistance to their homeland's military occupation.

The piety and righteousness of a Muslim woman should never be defined by how she dresses. The Quran does not oblige Muslim women to adopt a formal religious uniform. Focusing on the physical and ritual distracts the believers from Islam's universal spiritual message. Contrary to popular belief, a veil or headscarf does not encompass modest behavior, nor good manners, nor peaceful dialogue. And a headscarf will not restrain men's illicit sexual desires; this is a faulty misperception. Muslim women seeking God's pleasure will not achieve it by covering their heads or faces but exhibiting piety, good virtues, and sincere devotion. They should look past the external and the superficial and focus on the internal and the sublime. The concealed inner soul is not revealed through a woman's garment and veil, but by her moral compass and God's guidance. The Quran declares, *"… In God's eyes, the most honored of you are the ones most mindful of Him: God is all-knowing, all aware"* (Quran 49: 13). The Quran

highlights the importance of devotion over physical appearances and clothing: «O son of Adam, we have provided you with clothing to cover your nakedness, as well as adornments, but the best clothing is the reverential fear from God.» (Quran 7: 26)

XI. Conclusion

The West's dominant paradigm views Muslim women as oppressed, enjoying no rights as mothers and wives, forced to cover themselves entirely, condoning domestic violence, and accepting the denial of education, work, and participation in public affairs as part of their Islamic teaching dictated by Quranic scriptures. This perception is far from reality. These repressive practices do not originate from the Quran but come from historical customs and traditions which Islam aims to eradicate. Guided by the Quranic verses, Muslim women have struggled against human inequality and outdated social practices. In modern times, they have challenged male domination within their societies to overcome the archaic social traditions and extremist theologians and religious leaders' autocracy, using the Quranic teachings as their guide.

The Quran provides women with several rights. It encourages Muslim women to learn and be educated and instructs Muslims to educate their daughters and sons. Muslim women can inherit property, testify in court, and retain their assets separately. They can join the workforce and be productive in society. They are encouraged to play an active role in leading the Muslim community, even allowing them to lead the Muslim Friday prayers.

The Quran forbids female infanticide. Women are not forced to marry against their will and can refuse a prospective husband. They are allowed to dictate certain conditions in the marriage contract, such as retaining the right to divorce their husbands should they abuse them or take another wife or are impotent. They are allowed to keep their last name after marriage should they desire to do so. While polygyny is permissible, it is conditional; it is not to exceed four wives and the husband must be just and treat all wives equally.

Abusive behavior against women in Muslim society, such as stoning an adulterous to death, 'Honor or Shame Killing,' and female genital mutilation, are not part of the Quranic traditions.

An excellent example of gender inequality, proving it does not originate from the Quran, is that Christian women living in Palestine share the same fate as Muslim women. American-Palestinian author Hala Deeb Jabbour in *A Woman of Nazareth* (cf. Jabbour 1992) narrates her story of growing up in a Palestinian patriarchal religious society in Nazareth. She defies her family's strict traditional values and leaves her refugee community's protective circle to explore the world beyond its borders. She narrates her struggle as a young woman to mold her identity and overcome the restrictions imposed on her as a woman by her traditional society, defying its social taboos at a high cost to her welfare and security.

Muslim societies should be judged by universal human rights, which match concepts in Islam. However, patriarchal structures in Islamic societies claim they are contradictory to Islamic teachings. The suppression and subjugation of Muslim women and denying their human rights stem from the misinterpretation of Quranic religious texts (cf. Kaskas/Hungerford 2016) by conservative male religious leaders. Undoubtedly, empowering Muslim women and restoring their human rights would profoundly improve their social progress (cf. Garrison 2016).

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Muslim Feminism in the Netherlands and Its Discontents – The Case of Shirin Musa

Wietske De Jong-Kumru

I. Introduction

The growing presence and visibility of Muslims in an increasingly secularized Europe is the bone of contention, if you will, in Europe's identity crisis (cf. Mavelli 2015: 185–197). European populations are struggling to come to terms with the challenges of a visibly multicultural, and multi-ethnic, multi-religious society. In the Netherlands, too, issues of integration, immigration, and security are at the centre of public and political debates. They usually boil down to debates about Islam and Muslims and their place in Dutch society. Such debates increase polarization as they normalize a logic of 'othering' and a rhetoric of exclusion. As a result, main topics in pre-election debates are not those related to "the infernal self-propelling machine of Capital" (Žižek 2012: 35) – climate change, health care, education, job security, pensions, and tax reforms. Instead, hot political topics remain identity, immigration/Islam and the European Union (EU). In sharp contrast with self-identifications of tolerance and openness, throughout Europe there is a preoccupation with the question of how to protect one's identity in the face of immigration (read: Islam) and the power of EU's Brussels over national politics.

Current perceptions of Islam in the West reproduce stereotypes dating back to the Middle Ages (cf. e.g. Daniel 1993 [1960]). As Edward Said has argued, Western perceptions of Islam and Muslims are often dualistic, viewing everything associated with Islam and Muslims in opposition to everything associated with "the West". According to this dualistic logic, Islam and Muslims are both a security threat and a threat to cultural values. Islam and democracy are perceived as clashing forces, with modernity and democracy being seen as Western, enlightened products, while Islam is assumed to be Eastern and backward. In reality, we only need to look at Indonesia to know that this binary view is false and that Islam, modernity and democracy are multiplicities that are in flux – rather than stable, fixed, singular entities. Yet to Europe, Said claims, Islam, as a monotheistic, cultural,

and military competitor, has always represented a threat (cf. Said 1981: ii; idem 2003: 116; and De Jong-Kumru 2013: 36).

Islam and Muslims do not just occupy the position of "the other" in public debates and in government policy, but also in academic discourses, including Protestant Christian theology. As Joshua Ralston establishes, the latter has a history of using Islam as a trope to justify Christian claims in the service of Christian theological superiority (often in relation to anti-Catholic rhetoric, cf. Ralston 2017). In its contribution to interreligious relations, this essay's examination is embedded in a process of self-reflection. It is part of the collective effort to examine the various ways in which Islam and Muslims are designated as "the other" and the mechanisms through which they are kept in that position of being "the other". There are many, intersecting forms of othering at work here: racial, cultural, religious, gendered, and sexual forms of othering (cf. De Jong-Kumru 2013). In Van der Valk's definition (2012: 18-21), contemporary islamophobia is the discrimination of (Turkish, Moroccan, Afhan, Somali, or Syrian) migrants and their descendants *as* Muslims, whether they are in fact Muslim or not. Muslim women may face racism and sexism simultaneously, especially if their dress makes them more visibly Muslim and their gender renders them relatively easy targets compared to men. Veiled Muslim women's experiences particularly reveal the contested place of Islam and Muslims in Dutch society.

Contemporary islamophobia shows traces of the legacies of European colonialism and imperialism, which this essay illustrates for the Dutch context. This perspective is limited, but the issues that are at the centre of Dutch political, public, and theological debates resonate with recent debates in other countries in the West, especially formerly colonizing ones. To be sure, even countries like Germany, that claim to have been really very poor at colonialism, nevertheless show traces of a strong colonial mindset that is similar to the Dutch. For although the period of German colonialism was rather brief in European comparison, cultural and literary studies suggest that a colonial imagination was still deeply rooted in German society (cf. German History Society 2008: 251–271).

After an introduction of the Dutch context and the *longue durée* of its colonial legacy, this essay focusses on the work of Pakistani Dutch activist Shirin Musa as illustrative of the difficult situation in which concerned Muslim women in the Netherlands can find themselves. This case study will then be evaluated for the oppositions and forms of othering it exposes, using insights from Muslim femi-

nist theorizing and activism in the West. Finally, this essay reflects briefly on the importance of letting Musa and other women disturb our conversations at the interreligious dialogue table.

II. Dutch Colonial and Contemporary Contexts

The Netherlands is a highly secularized country: less than half of the Dutch population is affiliated with a particular religious institution (CBS statistics 2020). Religion is generally considered to clash with science and intellect. How could any intelligent person still believe in God? In this common perception of religion as backward, however, something has shifted. In the last decade, political actors have adopted the idea that the Netherlands is a Jewish-Christian civilization rooted in Europe. Until the late 1990s the adjective "Jewish-Christian" was rarely used in Dutch newspapers. When it did appear, it generally had a religious/theological and moral/ethical connotation. After the terrorist attacks of September 11, 2001, however, the term became ubiquitous. Importantly, it moved from its prior theological context to a political anti-Islamic context. Its common use ignores both the fact that, historically, Christianity has been hostile to Judaism and that Islam has been part of Europe for centuries (cf. Van Vree 2013).

Since 2006, right-wing politician Geert Wilders has suggested repeatedly to take the principal of non-discrimination out of the Constitution, and to replace it with an article that secures the "Jewish-Christian and humanistic culture and tradition of the Netherlands as the dominant culture" (cf. Maris 2018: 340–344). This idea that Dutch culture, however secularized, is nevertheless based on the Jewish-Christian tradition, is now commonly regarded as a self-evident and undisputed truth, not just across the political spectrum but in all layers of society. For Geert Wilders, and other far-right political leaders such as Thierry Baudet, it is a weapon in his struggle against Islam. Islam, he insists, as opposed to Judaism and Christianity, is a stranger in Dutch culture. And yet, this is an invention of tradition, as a man of Indo(nesian)-Dutch descent would know (cf. Van Leeuwen 2009).

Within the context of the Netherlands, the history of encounter with Islam is interwoven with the history of colonialism in Indonesia (cf. Steenbrink 1993). Until the 1950s, the Muslim population in the Netherlands was very small. Islam was a distant, colonial matter. Through colonialism, the Dutch have been in

contact with the large Muslim population of Indonesia since the late sixteenth century. Dutch colonial rulers generally regarded Muslims as the 'natural' enemies of Dutch colonial rule, as 'members of a backward religion' who were 'detestable', 'untrustworthy', and 'fanatic' (ibid.: 5). Islam was considered a threat to the authority and influence of the Dutch colonial government, which tried to control it.

In the early twentieth century, Christiaan Snouck Hurgronje, in his role as colonial advisor on Islamic issues, advocated a 'modernization' of Islam. He started a debate on 'association', which is reminiscent of contemporary debates about integration. He reasoned that Indonesian Islam and Muslims needed a process of modernization to accommodate their association with the Netherlands. As familiar as this logic sounds to our contemporary ears, what is most striking for this essay is that Hurgronje's understanding of 'modernization' did not include the advancement of Muslim women's rights.

Karel Steenbrink recounts how Hurgronje became appalled when he found out that some *sharia* courts would advise women who were seeking divorce that they should use *sharia* law to their advantage: they were encouraged to confess to the courts that they believed in two gods, after which apostacy their marriages would be annulled. Then they would have to wait for a prescribed period of four months before they could return to Islam and be able to look for a new husband as free women. Hurgronje strongly disapproved of these Islamic courts' acceptance of apostacy as grounds for divorce and compelled them to be stricter (Steenbrink 1993: 135f.). Here we can see that where the Islamic courts in question valued Muslim women's freedom over religious loyalty, the liberal white Western man was horrified at such tolerance and, apparently, he could have cared less about the women's freedom. The 'modernization' of Islam that Hurgronje advocated was not based on gender justice, but on the advancement of patriarchal religion and colonialism.

As postcolonial feminists would argue, the example of Hurgronje's intervention with the Indonesian *sharia* courts illustrates how colonialism reinforced patriarchal relations: while men were colonized, women faced a double colonization – and this double colonization by both patriarchal and colonial relations continues long after their countries have achieved independence (cf. e.g. Ashcroft et al. 2000: 66f.). In contemporary Islamophobia, religion, race/ethnicity and gender continue to intersect, as responses to Musa's activism illustrates.

III. The Struggle for Migrant Women's Rights: The Case of Shirin Musa

The quotation marks in the title of this essay refer to a controversial statement by Shirin Musa. Her foundation, Femmes for Freedom, is dedicated to the struggle against patriarchal injustices such as marital captivity, forced marriage, honour-based violence, and female genital mutilation. In an interview with a Dutch national newspaper, she once said that: "I am sometimes called a 'Muslim feminist', but I think that is a stupid word[.] We base our work on human rights treaties, not on holy scriptures. And Femmes for Freedom does not just serve Muslim women" (Rusman 2018). Musa is Muslim and feminist, but she does not want her feminist activism to be confined to 'Islam'. She does not want to base her activism on the Quran, or to defend it with it. Her statement is significant, both for the praxis of interreligious dialogue, for reflections on the perception and reception of Islam and Muslims in Western democracies and also because it has been so misunderstood.

Musa came to the Netherlands with her Pakistani parents at six months old. Although her parents encouraged her to study, she felt she was treated differently. She felt that she was loved equally, but that her brothers were more important. The inequality she felt had to do with family honour, love, and sexuality. Her activism is informed by her wish for women to be free to make their own choices without being punished for them (ibid.). In 2010, she successfully appealed to a Dutch court to force her husband to cooperate in the annulment of their religious marriage. She was the first Muslim woman to win such a case demanding a religious divorce through an appeal to a civil court. A Jewish woman was the first woman to do the same in the Netherlands in the early 1980s. After this personal victory, Musa started her foundation Femmes for Freedom, which aims for 'marital freedom and equality between women and men'. Through her efforts, marital captivity, or the refusal to cooperate in religious divorce, has officially become a criminal offence punishable by Dutch criminal law in 2012. Other successful interventions by the foundation have led to the establishment of a fund that provides women and girls abandoned abroad with a hotel room and a plane ticket to return home. Women's shelters have also been improved. A campaign called "Escape your vacation" successfully raised awareness of the signals indicating when a young wom-

an travelling abroad might be at risk of becoming the victim of forced marriage, abandonment, or female genital mutilation. The foundation is also pushing the government to offer free medical recovery operations for victims of female genital mutilation. Its most controversial initiative was a poster campaign with pictures of mixed couples kissing – a Muslim woman with a Jewish man, a white woman with a woman of colour, etcetera – with the slogan: "In the Netherlands, you choose your own partner" (cf. www.femmesforfreedom.com).

As a feminist with a Muslim background, Musa faces hostilities from all sides. She is criticized by Islamophobes for wearing a veil and thus being overtly Muslim, by anti-racist activists, academics and liberals for fueling Islamophobia, and by fellow Muslims for bullying them or for brainwashing Muslim women (cf. Rusman 2018). When a progressive academic accused her of being the new Ayaan Hirsi Ali and of feeding into islamophobia with her efforts to criminalize marital captivity, she replied that she, as a Muslim woman who has experienced what she fights against, cannot be called islamophobic. When anti-racist politicians and activists accused her poster campaign for free love of being paternalistic and when a Muslim party accused her of bullying the Muslim community with it, she responded that she, as a Muslim woman who wears a veil, knows discrimination and hatred against Muslims, so how could anyone label her campaign racist? Musa's acceptance of support from right-wing nationalist parties has fuelled accusations from the political left that she cooperates with islamophobes who wish to "save brown women from brown men." She gets angry: "As a Muslim woman who is vocal about the emancipation of women, I am demonized and vilified" (Rusman 2018). Musa complains that politicians and civil servants have refused to cooperate with her, for fear that "the communities" would not be able to cope. In her mind, violence against women is different for different women. She accuses those who ignore or deny the problems of women in migrant communities of supporting patriarchy, and of letting their fear of being accused of racism or Islamophobia win over their concern for Muslim women's human rights.

IV. The Challenge of Contemporary "Muslim" Feminism in the West

Responses to Shirin Musa, a Pakistani-Dutch woman whose activism is dedicated to freedom of marriage and equality between women and men, reveal how she is criticized from all sides; by politicians, academics, activists, and fellow Muslims. These controversies expose a number of oppositions that can improve our understanding of the difficulties experienced by Muslim women in the West who struggle against Islamophobia and fight for gender justice.

To start with, her struggle for minority women's rights sets Musa apart from white feminists in the Netherlands. The issues she raises are different, as her focus lies with legal issues, women's safehouses, and government policies, rather than "all gender toilets" and "gender neutral toys". To be fair, white feminists in the Netherlands are concerned with violence against women, too. The global pandemic of sexual violence against women does not bypass any society, class, ethnicity, or religion. Almost half of women in the Netherlands face sexual, physical, or psychological abuse at least once during their lifetime (Cornelissen 2018). More important than their different agendas, Musa also chooses her own approach – a path which underscores Sara Ahmed's deconstruction of the assumption that feminism is the imperial gift of the West to the East. Instead, feminism can be found everywhere. Ahmed found it with her "auntie in Lahore, Pakistan, a Muslim woman, a Muslim feminist, a brown feminist" (Ahmed 2017: 4). Perhaps Musa was found by feminism when she fought her marital captivity. In any case, as a Pakistani-Dutch Muslim woman who fights for gender justice, Musa displaces the myth that feminism is rooted in the West.

Second, Musa privileges her concern for women's freedom over the concern for the backlash of islamophobia, which places her at odds with those who reverse that order. Musa's activism is indeed risky, as Ahmed also explains: "When we speak of violence directed against us, we know how quickly that violence can be racialized; how racism will explain that violence as an expression of culture, which is how racism and religion become entangled. Violence would then again be assumed to originate with outsiders" (idem: 72). The fear that revealing gender injustices in Muslim communities inevitably incites an islamophobic backlash is well-founded.

And yet: "We must still tell these stories of violence because of how quickly that violence is concealed and reproduced" (ibid.). The tension cannot be resolved.

Third, Musa separates herself from those who work for the emancipation of Muslim women by negotiating with religious discourses. Musa chooses to base her work on human rights treaties and not on holy scriptures. This makes sense, since she is not a theologian and most of her work is aimed at the adoption of legal measures according to Dutch civil law to enhance and secure women's rights. While various Muslim women scholars argue for a gender inclusive interpretation of the Quran to achieve gender equality, such a theological approach is different from Musa's legal approach. If the label "Muslim feminist" is understood theologically, it does not apply to Musa.

Fourth, Musa challenges the supremacist assumption that Muslim and other migrant communities cannot cope with her campaigns for the rights of Muslim and other minority women to, for example, choose their own partner, to be protected from female genital mutilation, or to get a divorce. In line with someone like Ayaan Hirshi Ali, she calls out the 'racism of low expectations' through which Muslim, immigrant, and other minorities are assumed to be incapable of meeting social standards that are otherwise considered "normal" (Hirsi Ali 2010: xxi). Another effect of such racist expectations is that schoolchildren with migrant or Muslim backgrounds are consistently underestimated or advised to attend lower levels of education than their grades would actually give them access to (cf. e.g. Het Parool 2008). Even the most well-intended generalizations about the resilience, or lack thereof, of Muslim communities and their children unwittingly reinforce contemporary islamophobia.

Finally, Musa challenges Western, Christian participants at the interreligious dialogue table to take the notion seriously that not just 'our' identity, but also the identity of the Muslim 'other' is a hybrid construct in which many different identities besides a religious identity interact. She distances herself from the Western prejudice that Muslims are primarily, if not exclusively, informed by their religious identity. Hence, she stated that "Muslim" feminism is a stupid word for a woman who wears a veil, but who does not feel the necessity to let her every action be informed or justified by her Muslim identity. The veil has become the symbol par excellence of Islamophobia. A veiled Muslim woman, whose actions contradict islamophobic prejudice, is easily misunderstood. Even in interreligious, and especially in Christian-Muslim dialogue circles in the West, Muslim conversation

partners are often assumed to be primarily informed by their religious identity, even more than Christians may understand their own identity to be informed by Christianity.

Interestingly, Amina Wadud, who has dedicated decades of research into gender inclusive interpretations of the Quran can empathize with Musa's standpoint. She understands why it may be less frustrating to work for gender justice from a human rights perspective instead of working from a gender-inclusive Islamic perspective (Wadud 2006: 191). Having been disappointed in progressive male thinkers and activists' lack of assistance in the transformation of Muslim women's identity, Wadud has drawn the conclusion that the strategy of gender-inclusive Quran interpretation alone is insufficient to solve practices of inequality. She continues to work for actual social reforms through the Quranic text, but now introduces the possibility of refuting the text, to talk back, to even say "no" (idem: 187–191, 191). Wadud's view is in line with recent developments such as in Tunesia where legal reforms have been made, such as those in inheritance laws which are unique in the Arab world and which guarantee gender equality on the basis of citizenship, the will of the people, and the supremacy of the law.

Participants in the academic discourse on interreligious dialogue the case of Shirin Musa and the controversies surrounding her activist work, begin a process of self-reflection: how do we work for gender justice if our religious and academic loyalties come into conflict with our assumed loyalty to Muslim women and actually frustrate the advancement of gender justice for all? Perhaps the beginning of an answer lies in the history of examples such as that of the Indonesian shariah courts discussed in this article, which shocked the Dutch colonizer by placing Muslim women's freedom over religious loyalty under colonial rule. Such histories invite us to question our Western assumptions.

V. Closing remark

In the Netherlands, Pakistani-Dutch woman activist Shirin Musa experiences a double struggle for Muslim and other minority women's rights and against islamophobia. As goes for all minority women in the Netherlands, Muslim women who fight for justice and equality for themselves and for other women are exposed to a multiple risk of critique. One side or another will always criticize what they are

doing, be it for betraying their brothers and sisters, for feeding into racism and islamophobia, or for siding with racists. This multifaceted vulnerability to criticism is what constitutes the discontents of Muslim feminist activists in the Netherlands.

The double struggle of Muslim women's rights activists in the Netherlands against Islamophobia and for Muslim women's rights is a story that is at least partially rooted in modern European colonial histories. Contemporary islamophobia is based on a dualistic, colonial and racist logic that places Islam and Muslims in opposition to the West and perceives them as a security threat and a threat to Western cultural values. Unfortunately, the common use of the term "Christian-Jewish tradition" in anti-Muslim political discourse has unmistakably politicized interreligious dialogue. As a white, Dutch, protestant-Christian theologian committed to interreligious dialogue, as someone who is personally concerned by the rise of right-wing populist parties and their anti-Islamic rhetoric – rooted in Christian polemic dating back to the Middle Ages – the discontent in Muslim feminist activism in the Netherlands is uncomfortable to reflect on. As Musa insists, however, the fear of feeding into Islamophobia, or the fear of offending the Muslim community, cannot outweigh the concern for the rights and freedom of all women, Muslim or otherwise. As long as interreligious dialogue is a privilege of institutionalized religions and their elite representatives, women and their concerns will mostly be absent from the dialogue table. From the privileged position of someone who is not the target of anti-Islamic rhetoric and not suffering from patriarchal oppression in any comparable way, the privileged can at least study the accounts of Muslim women who are exposed to islamophobia whilst also fighting for rights withheld from them by their communities, and to let those women's voices disturb our comfortable academic discourse on interreligious dialogue.

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Michel Houellebecq's 'Submission' – Islam, Democracy, and a Case of Radical Desublimation

Thies Münchow

I. Introduction

Without a doubt, Michel Houellebecq's *Submission* is a provocative novel, and, without a doubt, it was a great success, being a worldwide bestseller when it was first released in 2015. Even five years after its original release one can still find many copies of the novel in bookstores all over Germany (and it would not surprise if the same goes for lots of other countries since Houellebecq is translated into more than forty languages). It was in one of these bookstores I had an exciting experience concerning *Submission*; and one can say it was, in a way, my genuine encounter with Houellebecq's novel, although I had read it years before that.

My first encounter with *Submission* (which, by the way, was also my first encounter with Houellebecq) was genuine in its own way but relatively trivial: my first reading of the novel was rather technical. I was interested in the portrayal of religion within a more or less fictitious political scenario. When I was through with it, I was amused by Houellebecq's narrative execution of France's transformation from a laicistic to an Islamized state. I found it very interesting to see an author – who is publicly known as the infamous, islamophobic, and what not *enfant terrible* of French literature – offer an image of a very moderate and sophisticated Islamic party that, through legal procedures, managed to gain the trust of the French populace and eventually – with support of the *parti socialiste* – got democratically elected to provide the government and the presidential office. What fascinated me the most, then, was the smooth character of this drastic political reform. Indeed, the transformation portrayed by Houellebecq spawned some protests and riots, but none of them were too serious or had any political significance. Still, I was a bit disappointed with the lack of religious or rather theological deliberations within the novel. Long story short, Houellebecq's novel was amusing but there was not much out of the ordinary. Or so I thought until the novel came around another time.

My second encounter with *Submission* took place in a bookstore where it came to be that a saleswoman and I were discussing a completely different book when the subject changed to Houellebecq's novel. She then said something intriguing, for in her opinion *Submission* clearly is a book for women and should, by all means, be read by women. When I was asking her for the reason why she thinks so I got a striking answer: 'Well,' she said, 'because women are immaterial in this novel.' And then it dawned on me: What her answer implies is that the political and social transformation described by Houellebecq is at the same time (1) a narrative disclosure of the obvious (and no longer subversive) victory of patriarchalism over any emancipatory movement within western society and (2) an implicit treatise on the fundamental problem which is known as "political theology."

To put it into a hypothesis: *Submission* is not about religion, faith, conviction, devotion, ideals, not about Islam, not about Christianity, and not even about politics but rather about the uninspired but inexorable unwinding of the "logic of the master" – a term I borrow from Alain Badiou (cf. Badiou 2003) – which facilitates the establishment of rigid patriarchal world order. So, let us take a look at the logic of the master so that we can analyze Houellebecq's *Submission*.

II. The 'Logic of the Master'

The master's logic is substantially linked to a patriarchal ideology which, through this substantial connection, knows nothing but status – from the social status of an individual up to the state – understood as a closed system of static administrative institutions. It lacks the ability to tolerate real and dynamic change and promotes the *status quo*. Within this logic, i.e., within the real institutions derived from it, anything, any subject is counted and placed within a pre-stabilized structure much like a closed system that is deployed to maintain itself. This pre-stabilized structure thus needs to be secured in and through itself. This is achieved by institutionalizing a "foundational reference" – as French legal historian and psychoanalyst Pierre Legendre calls it –, a reference that is uncircumventable in the sense that it functions as the basic legitimization of the above-mentioned system of sociality.

Legendre describes this complex as follows (cf. Legendre 1989): The foundational reference of any human society is the father figure.[1] The concept of fatherhood, which (unlike motherhood) is but a virtual concept, instigates the idea of a filiation that transcends the mere biological factuality of birth. Birth and filiation have always been a legal matter as Roman law long ago attested: Whilst the mother is always certain (*mater semper certa est*) the father needs to be signified and officially registered (*pater est, quem nuptiae demonstrant*). So, to become a father the father-to-be needs not only to be recognized as such, but he needs to adopt the child as his child.

However, from the child's perspective, this procedure plays out as a symbolic birth as distinct from the real birth: in a rather intellectual sense the human child is born a second time, but this time the delivery takes place within the boundaries of the "legal fiction,"[2] that is fatherhood. Filiation, thus, not only includes the element of legality but is the source of its idea. And fatherhood is a function: it is the fundamental function that instigates society. It produces a genealogical but more importantly an intellectual order of sociality centered around the father-function.

With the human child being integrated into society's conceptual realm, the question arises: Where does the father's authority that enables him to claim fatherhood come from in the first place? Since the same procedure of filiation functions as the inception of societal order and thus of fatherhood itself and of legality, how can it be that the father's authority is not affected by this? What we have here is a classical *petitio principii*. The father's authority can only be understood as being presupposed. Once established, it would (at least seem to) be a catastrophe to lose this reference since the whole societal fiction hinges on the interdependence of filiation and fatherhood. Still, this interdependence seems to be a giant with feet of clay.

There is a remedy: Every society knows its way out of this troublesome issue. That is by way of the institutionalization of the mythical validation of the idea of fatherhood. Since we are already in the legal fiction realm, it comes as no surprise that this very fiction validates itself utilizing the imaginary[3], mytho-

[1] This is supported by anthropological and ethnological findings like those of Claude Lévi-Strauss (cf. Lévi-Strauss 2002; cf. Lévi-Strauss 2004).

[2] The ingenious term is used by James Joyce in his *Ulysses* where in one scene the protagonist Stephen Dedalus muses about the concept of fatherhood (cf. Joyce 2010: 186).

[3] I use the term imaginary in a Lacanian sense (cf. Lacan 2013: 116f.): The imaginary labels a psychological capacity that is potent in the sense that it supports the process

logical idea of a *primal father* (be it a Freudian *Urvater* or the father-god). To cut a long story short: As Legendre can show, the legal fiction and the societal order goes along with the idea of the institutionalization of mythical fatherhood where the ultimate reference is imagined as the original father, i.e., the male[4] godhead.

We can see that this institutionalization of the foundational reference is itself but a mere *petitio principii*. So how does institutionalization even help overcome the issue? The idea of the institution is to draw attention to this foundational reference (cf. Legendre 1989): the reference needs to be staged and validated through use of a minute complex of rituals and ritualization/administration. One realizes quickly that the two principles provide a complex where they mutually determine each other. In other words, its structure is inherently unstable and therefore relies on its advocates.

I will not go into detail here but will cut right to the chase:[5] Those advocates are none other than the patriarchal authorities who determine the symbolic systems of institutional procedures and act as their administrative nodes. Throughout human history institutionalization is male-dominated, the institutional procedures over-determine the societal order regarding sexuality: maleness is the symbolic center of society and men its guardians. Under the aegis of the primal father, patriarchy – the rule of the father-sons – can flourish. But due to its unstable nature, the male-centered institution relies on administration with the purpose of self-preservation. To guarantee a functioning patriarchy, society's responsibilities need to be unambiguous. Within this complex, anyone is allocated to her or his 'rightful' place. This means that within the patriarchal structure, woman's place is over-determined as well – with the difference that women are the passive subject of patriarchy. This is where the logic of the master flourishes. By means of this supposedly inevitable logical over-determination, women are hedged into their traditional roles (e.g., homemakers, playmates, lovers, mothers, or even as blessed virgins) while male subjects are privileged.

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of subjectivation. It is to be distinguished from the illusory which is associated with psychosis and the disruption of subjectivation.

4 Even if the godhead is imagined as asexual its function still identifies it as essentially male because it does not give birth, i.e. creates, like a woman would but in a spiritual, i.e. intellectual, way.

5 For a detailed analysis see Legendre 2005, Legendre 2010, and Lipowatz 1998.

So, with our terminology clear, we can now examine the hypothesis. In the following, I will give some examples of how Houellebecq implements the static, patriarchal logic of the master in his novel and how, by doing so, offers a horrifying vision of the subtle but effective mechanisms that permeate the foundations of (not only) western politics. This will eventually lead us to question the relationship between religion and politics in our – supposedly – secular age.

III. A (Pseudo-)Political Scenario

The logic of the master is woven into the novel from beginning to end. Houellebecq captures its symptoms within any scenario, whether it would be the interaction between a male and a female person or two male persons (note that there are no interactions between two female persons throughout the novel). For example, let us take a look at the main protagonist, François.

François is a literary scholar and lecturer at the *Université de Paris III*. He lives in perfect, though melancholic, harmony with the manners of a post-modern society. This gets pretty obvious when we look at his sexual life (what else could it have been?). From year to year, he sleeps with one of his students. Their relationships start on schedule and end as planned, just like the semester. Everything is in order. For him, it is important to avoid disillusion and disappointment and thus, he keeps love and affection at bay. But the balanced economy of his sexual life is not only implicit but explicit: at the start of a new semester, François rushes to examine the "'new talent'" ("'nouveaux arrivages'"), the fresh (wo)men.[6] Accordingly, being in a privileged position as a university docent comes in handy for him (cf. Houellebecq 2016: 15f.).

It is important to note that François is a man who has lost his vision and ideals. He is a melancholic person who fosters a past, one-time success (his dissertation on the romancier Joris-Karl Huysmans) but now has lost his motivation and academic ideals. What drives him is his sexual desire. Driven by it he became a beneficiary of the economy of post-modern matrimonial markets as they are described by the sociologist Eva Illouz (cf. Illouz 2011: 80–112): As a man with rather good

[6] It is interesting to note that the German translation reads "'neue Ware'" instead, blatantly pointing out the economical implications.

income his "erotic capital" is on par with that of the young students who compensate the gap between social classes with "sexiness."

Here we have a perfect example for the logic of the master that carves its way through the whitewashed surface of a liberal, righteous, social, equitable, and educated society. In a neo-liberal late-capitalist society the Enlightenment's idea of equality is undermined by the fact that a person is not simply a person as such, but also the personification of human capital – in one way or the other, as we have just seen. French philosopher Alain Badiou states the problem clearly: universal discourses of humankind like *politics* and *love*[7] in modern late-capitalistic and neo-liberal society have been replaced by systemic discourses, namely *administration* (which blocks out the discourse of politics) and *sexuality* (which blocks out the discourse of love). While the old discourses in the capitalistic perspective had the disadvantage of transgressing given structures, the advantage of the new system administration/sexuality is that it is quantifiable. Within this new system, parties and categories can be determined so that eventually anything that is recorded, and anything counted can be accounted for due to its value within the boundaries of the given power structure, which relies on the economy. (Cf. Badiou 2003: 12)

It comes as no surprise that this new system administration/sexuality, having ties to the market, is in the same sense bound to the structure of an economic-political hegemony that is, in its basic form, decidedly patriarchal, i.e., it relies on the logic of the master. One only has to exchange some terms: the primal father becomes the Capital or the market, and the patriarchs become capitalists and economists.

In this sense, *Submission* presents itself as a divine (read: paternal) comedy. In the beginning of the novel François enjoys the advantages of a patriarchal society. And although, in the course of the story, he loses his privileged position, the social privilege as such is not gone at all. Instead, the Muslim Brotherhood Party reinstates it on a whole new (or should we say archaic?) level. François is now tempted by this 'new old order.' And he can become a part of it if he accepts to play his due part. So, while the sociopolitical transition of France may at first glance seem to reflect the identitarian lament of the so-called 'decline of the west,' it eventually turns out that on an ideological level the fundamental structure has not changed at

[7] For now, we are focusing on these two though there are other like the discourse of *science* which we will investigate at the end of this essay.

all. The transition was not a genuine political act but a mere administrative coup. It is just a slight accentuation of the patriarchic capitalist hegemony which was already the prevailing order.

In this regard, *Submission* is a divine comedy with a modern twist. In a contemporary comedy, the comedic effect is frequently generated by depicting reality but at the same time exaggerating it a little bit. In the same way, Houellebecq exaggerates the political reality just a bit to focus on the all-too-real reality of western politics and economics and their underlying ideology. This has nothing to do with the absurd idea of the 'decline of the west' but with the fundamental flaw of patriarchy. The big problem portrayed here is that (again: not only) western society perpetuates the logic of the master.

IV. The Patriachal Order and the Second-degree Other

The interesting point now is that *Submission* shows a specific symptom of the patriarchal administrative work in the shape of a 'revolution from above,' namely the reestablishment of a full-blown patriarchal order. At the end of the novel where the fictional political transition is completed, we witness a conversation between François and the new director of the *Université de Paris III*, Robert Rediger, who long has been a supporter of the Muslim Brotherhood Party all along. Rediger lets François (and us) know that the political agenda did not involve submitting to a government or a nation but instead focused on women's compliance. To him, the submission of the woman to man mirrors the general submission of man to god:

> "'It's submission,' Rediger murmured. 'The shocking and simple idea, which had never been so forcefully expressed, that the summit of human happiness resides in the most absolute submission. I hesitate to discuss the idea with my fellow Muslims, who might consider it sacrilegious, but for me there's a connection between women's submission to man, as it's described in *Story of O*, and the Islamic idea of man's submission to God. You see,' he went on, 'Islam accepts the world, and accepts it whole. It accepts the world *as such*, Nietzsche might say. For Buddhism, the world is *dukkha* – unsatisfactoriness, suffering. Christianity has serious reservations of

> its own. Isn't Satan called 'the prince of the world'? For Islam, though, the divine creation is perfect, it's an absolute masterpiece. […].'" (Houellebecq 2016: 217)

Rediger himself realizes that his interpretation might be sacrilegious. Once again, we can recognize that it is not about religion but about pseudo-political ideology; or, to be precise, it is not only about maintaining the current power structure but to overcome, once and for all, any actual political idea, any real emancipatory movement instigated by people who are a part of the system but who, at the same time, remain outside of the dominant (power) structure. These people form the "part of those that have no part" as the French philosopher Jacques Rancière puts it (cf. Rancière 2004); namely, those who have no place in the pseudo-universal logic of the master but are still subject to it.

But then again, it is this "part of those that have no part," the *other* – and this means the genuinely other, a second-degree other, the other who in the worst case does not even count as a human being let alone the neighbor[8] – who is troubling the shareholders of a rigid patriarchal power structure. Since this other is outside of this structure s/he is *eo ipso* unstructured, in other words: irrational, crazy, dangerous, etc.[9] Hence the troubling second-degree "other" must be transformed and become fully institutionalized; in other words, s/he must be submitted to the logic of the master not only in the eyes of its advocates but in her/his own eyes. The second-degree other needs to become a first-degree other by force of will. This procedure of categorizing and enclosing the other is a masculine design, but why is that the case?

Following Alain Badiou's reading of Freudian and Lacanian psychoanalysis, it can be said that, ontologically speaking, masculinity denotes a status while femininity denotes a process (cf. Badiou 2016: ch. 3). While the male, objectively, can only show itself as a status or, subjectivistically, as a fixed identity (that

[8] An example for this sort of dehumanizing othering of the highest order would be the treatment of the Jewish people by the Nazis.

[9] Note that the stereotype of men being rational while women being irrational sustains itself until today. This does not necessarily mean that this stereotype is accepted uncritically – though even the critique itself may not be without the problem of perpetuating the stereotype. See for instance George Carlin's famous comedic quote: "[W]omen are crazy, men are stupid. And the main reason women are crazy is that men are stupid."

the particular individual tries to cling to) the female shows itself as dynamic and process oriented. Badiou gives a simple, admittedly stylized, example: the female always ranges between two poles. Even the traditional female roles of a patriarchal society show this dualistic logic that disagrees with the logic of the master. Take, for instance, the (house)wife. Her other pole would be the role of the seductress. But here is the incoherence of the male-induced dichotomy of the roles: the woman needed to be seduced or needed to seduce to become the (house)wife in the first place. However, because of this (now) 'impossible' and 'disgraceful' other side of her she is from then on kept at home behind closed doors because of her husband's anxiety about being confronted with the other side of her. The same thing goes for the mother who must have had intercourse. Since this side of her is unacceptable to men she became the Holy Mother instead and – thanks to the creativity of the Church Fathers(!) – was impregnated through her ear.[10]

Woman to man is a *skandalon* that he cannot fully accept. So, when French psychoanalyst Jacques Lacan writes that 'woman is a symptom of man'[11] he means that the male-induced roles of women simply indicate the male hysteria, i.e., man's reoccurring struggle to fixate his identity. For man, the woman is the ominous second-degree other who needs to become a first-degree other to reaffirm the male identity and, thus, the patriarchal order. This is why Badiou distinguishes between a "masculine territoriality" and a "feminine virtuality" (cf. ibid.). While the masculine logic of the master can make a general proposition about the whole, yet remain still very specifically the structure of the patriarchal world, the female logic goes beyond this structure. Thus, the female logic is indeed universal.

To put this into technical terms: any structure that is established to deal as the legitimation of any institution (whether it would be the family, the tribe, the religious community, the state, the market, etc.) produces its excess. Because of the master's logic, this anti-egalitarian determinant can shine even in societies that proclaim general human rights. It is all about the difference between an institutionalized generality and an unstructured universality.

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[10] As of late, Joseph Ratzinger (Pope Benedict XVI.) reaffirms this idea in his book on Jesus Christ (cf. Ratzinger 2012: 46).

[11] Lacan presented his famous formula on January 21st 1975 in his seminar *RSI*.

But let us return to the novel: The reason for our excursion into 'gender ontology'[12] is that we find a similar pattern in *Submission*. During François' conversation with Rediger the latter's wives show up, one after the other. There is Malika, the housewife who serves them food. There is fifteen-year-old Ascha, his new wife, who might serve as a playmate – at least this is implied by François' musings. And François is sure that there are certainly some two other wives for various occasions (cf. Houellebecq 2016: 247). I think it is safe to say that the social transformation portrayed by Houellebecq shows itself as a radical desublimation of masculine consciousness: blocked out power fantasies as well as sexual fantasies can run wild without all of the 'annoying' aspects of universal human rights and dignity. Women are driven back into their traditional roles and since this involves excluding them from higher education men will have an easy time making women accept their role voluntarily.

The reoccurring theme of sex and polygamy in *Submission* and Rediger's commentary show the substantial, though easily overlooked and frequently downplayed, role that patriarchal ideology plays in modern societies and their policies. This ideology reveals itself to be highly adaptive. Houellebecq's novel, for instance, clarifies how it is compatible with the so-called 'western community of shared values' as well as the imprecisely-termed 'Islamic world.' And to be clear, it is consistent with any of those societies because it works as their original foundation in the first place. The difference lies only in the methods and manners of how the foundational reference is staged: institutionalization once was achieved through sacred rituals and masses but is now insured through pseudo-political procedures that are economically over-determined and kept alive by governmental administration (cf. Legendre 2005). The democratic procedure itself is subverted by neoliberalism and late-capitalism, which again is because of the inherent logic of the master.

V. *Submission* and Political Theology

Finally, even though *Submission* is not about Islam or democracy (though, at least it presents certain aspects of representative democracy and features an Islam-

[12] Slovenian philosopher Alenka Zupančič provides another fine examination of gender ontology (cf. Zupančič 2017).

ic party) we can still draw an interesting conclusion from our reading concerning the peculiar engagement of religion and politics. In the middle of the novel, François tries to avert a depression caused by a lack of female affection and love (this is, by the way, a recurring theme in Houellebecq's novels), by finding shelter in a monastery. He tries to emulate Huysmans' example, who became a Catholic in his later years. But François' actions are without efforts. It was a mere imitation without actual conviction or faith. The Christian faith has nothing to offer that can satisfy an aging, sexually depressed man. And when at the end of the novel François weighs becoming a Muslim, once again, this has nothing to do with faith but with cold and calculating reason: there is the promise of power (he can again become a professor with thrice the salary) and there is the temptation of polygamy.

In fact, we can find another perversion of a fundamental discourse here, namely that of science. Although the whole novel and its main protagonist focuses on the matter of religion there remains a shattering lack of theological thought. The question of God, for instance, is brought up nowhere. This simple fact shows that the society portrayed here is unaware of the question of its fundamental reference. The concept of God is not questioned in any way or form but resides subcutaneously as a presupposition of the patriarchal logic simply because it needs to exist without being questioned. This is the reason for the lack of religious and theological fervor in this scenario. There is no science, no methodology, and no mode of thought to question the system, its mechanics, and especially its fundamental reference. The discourse of *science*, as Badiou says, is reduced to the discourse of *technology* (cf. Badiou 2003: 12). François' religious efforts and pseudo-theological musings are mere mechanical procedures that just imitate original inspiration and philosophical questioning of individual and social issues. What we have here is a perversion of Saint Anselm's famous Scholastic formula: it is no longer *fides quaerens intellectum* but *fides non quaerens intellectum*. In *Submission,* we find no religion or theology but a self-referential system that forces people to adopt submission as a mere psychosocial survival technique. And it achieves this submission utilizing the pseudo-secular rituality of so-called democratic procedures that are over-determined by the logic of the master. It comes without a surprise then that the question of God, i.e., the fundamental reference, is blocked out and banished to the "other scene" (a fitting Freudian/Lacanian term), namely, to the unconscious. The master is taboo because the sacrilegious act of touching him, be it only in (critical)

thought, endangers the status of his deputies and administrators, i.e., the patriarchs who are in power.

In this sense, the concepts of religion and politics, or terms like God and Allah in the novel are as immaterial as the second-degree other, the women. But in displaying this, *Submission* leaves us with the task of revisiting and critically examining the phenomenon of "political theology" while taking the issue of the logic of the master into account.

When Carl Schmitt came up with the term in the early 1920s, he gave an outline of his thesis about the integral link between politics and theology: "All significant concepts of the modern theory of the state are secularized theological concepts." (Schmitt 1985: 36) Although Schmitt realizes the transformation of the term God (which, as he saw, was replaced by the omnipotent legislator) he did not know the inherent problem of this transition. To provide a simplified example: even if one considers sovereignty of the people to replace the sovereignty of God directly (or, to be precise, the authority of the monarch which, as such, is derived from God's sovereignty), the new form of sovereignty is still over-determined by the logic of the master since the concept of the heavenly sovereign has not been deconstructed properly but has merely been 'enharmonically changed.' In this vein, those procedures that appear to be liberal are contaminated with anti-liberal and anti-democratic elements from the start and benefit from their own pseudo-liberal fetishisms.[13]

So, to conclude, the problem is as much a political one as it is theological. Be it the concept of sovereignty or the concept of God, examining both needs to be done in due consideration of the psychosocial element of the essential reference. Thus, this project comes with a redetermination of the concept of sovereignty and the concept of God due to the fact that both are heavily relying on the legal function of fatherhood and the idea of the mythological figure of the primal father. With *Submission*, Houellebecq demonstrates this fundamental problem: We live in a world that believes(!) God, i.e., the primal father, to be dead. But God is not dead – he is just unconscious.[14]

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[13] An example for this fetishism is the so-called 'neoliberal Newspeak' (a term derived from George Orwell's famous novel *1984*).

[14] Lacan already pointed this out in his 1964 seminar on *The Four Fundamental Concepts of Psychoanalysis* (cf. Lacan 1998: 59).

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Final Reflexions

The Democratic Impulse and the Light of Faith – Concluding Interpretations from a Christian Perspective

Colin H. Williams

Having read the title of this volume, one would naturally expect to be enlightened about three questions, namely: What can Islam tell us about democracy? How does Islam conceive of, and inform the democratic impulse? Can democracy tell us anything about Islam in action?

The chapters in this volume examine the interrelationship between Islam and democracy and in so doing address several long-established conundrums, tackle head on key misunderstandings and willful prejudices and offer a set of perspectives by which the practice of Islam can be reconfigured so as to lessen discrimination and uphold the dignity of those who for far too long have been subjugated by authoritarian teaching and practice. In that sense the volume offers a very rich collection of arguments and insights which are bound to attract approval and contestation alike.

Clearly democracy is neither natural nor sacred. When interpreted through the lens of an organized religion it is hard to disentangle elements for discrete justification and evaluation, let alone implementation. Accordingly, the operative word for understanding democracy would seem to be contestation rather than representation! In truth, there are many varieties of democracy and generalizing is dangerous but weakening or abandoning it is more dangerous still!

Long ago Alexis de Tocqueville observed that "if the liberty of association is a fruitful source of advantages and prosperity to some nations, it may be perverted or carried to excess by others, and the elements of life may be changed into an element of destruction." (Tocqueville 1835)

Democracy, at least in its external form, may be considered a fragile phenomenon in unpromising contexts. Several of the arguments in this current collection would suggest that democracy in parts of the Muslim world is in a perilous condition and that some states, having tasted periods of democratic representation, have now been transformed by authoritarian forces into polities where freedom of association, clashes of judgement, open expression and free and fair elections, let alone dissent have been weakened or are absent. Some argue that the West's indif-

ference and apathy or misplaced feelings of benign neglect of politics in favour of commerce and trade can only delay the return of democracy.

The same might be said of the observance of human rights and fundamental freedoms and development. For far too long geostrategic considerations and military/industrial contracts have constrained the actions of the guardians of the international community in pressurising for internal reform in several authoritarian regimes. And when the superpowers do intervene, directly or indirectly, as they did in Afghanistan, Iraq, Iran, Libya or Syria, there is no guarantee that any lasting solution, let alone peace, will ensue.

Accordingly, one may ask whether or not democracy may be imposed from above or, in short order, forged from the first principles of electoral reform. Can one conceive of democracy as a series of mutually strengthening stages where what starts as the politics of resistance becomes in time a permanent organised form of popular representation? Contributors to this volume are clear that true democracy is far more than the operation of an electoral system so as to produce a representative government (electoral democracy). It also involves the maturation of a political and civic culture which requires the protection of minorities, the freedom of speech, thought, and religion, the equality of people, and the fair competition between different political parties and worldviews (liberal democracy). But being pragmatic, could one be satisfied with the former in the hope that the latter would one day flower?

Is there something inherently inimical in Islam which discourages democracy? The answers provided herein derive from a complex amalgam of conservative theological interpretations and radical secular propositions. Several authors are keen to demonstrate that the Islamic belief system is not inherently anti-democratic. It is, however, a complex set of revelations and ideas which may be encapsulated in the light of six articles of faith. These are the unswerving belief in one God/Allah the author of creation, His Angels and Prophets, the revelations of God/Allah, the coming Judgment Day, the hereafter, and the belief in predestination. Just as the other two Abrahamic faiths, Judaism and Christianity, have produced different interpretations, traditions, and prognosis for the correct relationship between religion and politics, so has Islam. If democracy can be counted variable and episodic so can Islam in general, together with the condition of individual believers in widely dispersed geographical domains. This variation is clearly demon-

strated by the contributors who have provided evidence for their interpretations from contexts as different as Turkey, Saudi Arabia, and the Netherlands.

It is evident that the basic question is not whether Islam is compatible with democracy – most Muslims have already answered that question in supporting the democratic impulse and modernisation. Rather it is how democracy can be shaped so that it transcends both secular authoritarianism and political Islam. (Esposito et al. 2016)

One way in which the unfailing authority of Islam in spiritual and material affairs may be represented is in accepting the ultra-conservative position that all material earthly events are ordained by God and in consequence the citizen's duty is to obey God and to obey the established order and law. The gloss put on this interpretation is that it is a separation of religion from politics and in that sense is analogous to pre-enlightenment Christendom with the oft-quoted injunction that one's citizenship is in heaven, from which, of course, the powerful benefit, relatively unhindered by any thought of acceding to popular considerations, let alone consensus. Christians are also encouraged to pray for those in authority and to be obedient to just laws. While Paul's teachings, as for example in Romans, 13: 1–7, appears to require submissive obedience to governing authorities so that a peaceful and good life may ensue, there are very many other interpretations of this and related Scriptures which give succour to those who would resist unwise laws and evil regimes. After all, God, it would seem has not ceded His authority to all public authority. Public authority has its legitimate existence, but it is not unbounded. Both Christians and Muslims believe that human rule stands under law which accords with the moral order of God's creation. (Lawrence 2014)

A more moderate position is to argue that engagement in civic affairs is a moral duty and that so long as representative politics is conducted within the ambit of a legal system which is derived from or respects Islam's religious precepts then the resultant policies and programes are not only admissible, but to be fully supported. But does this mean that citizens should suspend judgment on the affairs and dictates of political leaders? Of course not, for there is in so many polities an acute sense of the frailty of the political class and so much is left undone that there is always room for improvement.

It is further argued herein that understanding the concept of democracy in Islam can only be derived from the flexible side of Islamic laws. By elevating peace above all other societal virtues, it would seem that some degree of re-

ligious injunction would pervade Islamic society, for as we are reminded below, this worldly life is a test; it is a chance to prove oneself as deserving of the eternal blissful life in the hereafter. That so often peace does not reign, and the supremacy of tolerance and mutual respect does not hold forth, is no stain on the religious precepts, merely an acknowledgement of human frailty. Does this teaching change the relationship between the citizen and the state? Does it impede the democratic impulse? It certainly stands in complete contrast to the Christian doctrine of grace and salvation through faith, where eternal life is a gift of God, not earned by merit or works or privilege, at least for Bible-believing followers. God's common grace brings blessings along life's pathway, but the full revelation of the power of grace to transform lives is the special grace revealed in and through Christ.

In the past, as now, variants of both the conservative and flexible Islamic positions have prompted quite different perceptions of the autonomy of the individual, the response to authority, and the habit of obedience, dissent, and the appeal to the individual conscience as a justification for decisions and action.

Yet is there a middle ground where some parts of the democratic program are negotiable and amenable to the indispensable truths of Islam? While some of the contributors appear to accept that this is possible, others vehemently deny this restriction and argue that democracy is not about belief or obedience to God, whether Muslim or Christian, but rather the exercise of responsible and equal citizenship. In contrast to a viewpoint which portrays many members of society as supplicants, as disempowered residents, the call to liberty is an empowering injunction for political engagement and there is nothing in Islam which contradicts this response in the modern age. The only constraint is the recognition that human rule is a limited imitation of divine rule.

What is intriguing is that several authors dismiss as mischievous the assertion that democracy is a halting phenomenon within the Muslim world because it is ill suited to Islamic civilization. Rather they point to the observation that it is within civilisations, not between them, that the real debates and lasting conflicts occur. Thus, inherent within modern Islamic political thought there are strong currents of disagreement as to the appropriate interpretation and weight that should be given to secularism and rationalism as alternatives to conservative thought and practice. This comes to the nub of any agenda for reform: for whatever choice is made determines the degree to which civil laws in an Islamic context prevail or

whether a version of civil Islam versus political Islam comes to dominate social life and constitutional matters.

An acid test of the difficulties involved is a consideration of gender and this element is given a forensic treatment together with an accompanying case study. The argument is made that Muslim societies should be judged by universal human rights, which corresponds to concepts in Islam. Implementing such considerations is often hindered by patriarchal structures in Islamic societies which claim that such rights are deemed to be contradictory to Islamic teachings. Accordingly empowering Muslim women and restoring their human rights would profoundly improve social progress, and what could be a more critical test of democracy than the equal treatment of all citizens? It may, however, be objected that waiting for democratic practice to be established in several Muslim states would be an apologist's stance. If so what of the role and situation of Muslim women in long-established European democracies? Could not their condition and best practice principles inspire reform in other contexts? Would that it were so logical. An illustration of the struggle of Muslim women in one of Europe's most representative and innovative democracies, that of the Netherlands, suggests that it is internal values and familial structures, not necessarily the formal engagement in democratic governance, that constitutes the biggest barrier to empowerment. We are confronted with the case of Shirin Musa whose 'Femmes for Freedom' is dedicated to the struggle against patriarchal injustices such as marital captivity, forced marriage, honour-based violence, and female genital mutilation. Hers is a double challenge: first, how we as fellow citizens should respond and second, how members of the Muslim community themselves should manage such restrictions and search for solutions which are forged through mutual respect, meanwhile not shunning or abrogating the precepts of Islam as locally conceived.

The struggle for representation and dignity is fundamental to most of the issues discussed in this volume whether at the level of geostrategic considerations, the race for resources, the long-standing conflict between neighbours over disputed territories and sacred spaces, the appropriate role for women in society, the tension between faith and secularism, and the degree to which modernisation and innovation are seen as an opportunity or a threat. Opposing or contrasting value systems determine how we react to such challenges. Thus, issues related to core virtues such as mutual respect, civility, accountability, trust, and governance all

play into the manner in which political systems are deemed to have been more or less successful.

What unites the contributors to this volume is a conviction that key ideological currents have to be tackled if some semblance of progress and tolerance are to be built into the architecture of the international community. Of critical concern is the growth of contemporary islamophobia which it is argued is based on a dualistic, colonial, and racist logic that places Islam and Muslims in opposition to the West and perceives them as a security threat and a threat to Western cultural values. Of course, the task is made that much more difficult each time the use of force is invoked in furthering a jihadist cause, whether for defensive or offensive purposes. Nevertheless, the persistence and regularity of such atrocities has to be factored into the international response, whether that be at the level of UN Peacekeeping operations (Murphy 2007) or national level anti-radical socialisation and educational programes, such as the UK's Prevent Strategy.

There is much to commend in this volume, but given the scope of the topic so much more to be discerned about the interrelationship between democracy and Islam. The most intriguing from my point of view is the role of nationalism in shaping the democratic impulse and the counter attractions of the universality of Islam and the particularity of place, language and community.

Many have identified the clash between an ethnic and territorial conception of the nation. The most celebrated case being that of the Turkic-speaking core in Anatolia surrounded by Arab, Armenian, Greek Orthodox, and other ethnicities "which made it difficult for Ottoman elites to envisage a 'Turkish' nation, at least until the empire had shrunk considerably in Europe and the territorial national ideals of the French Revolution had penetrated the social consciousness of rulers and intelligentsia." (Smith 1986: 143). How the Young Turk movement of 1908 and their successors strove for unification, giving rise to a more representative polity, is a fascinating example of the interplay of pre-Islamic and Islamic ideological currents, which have proved an enduring challenge for the construction of a modern Turkish nation-state. The transformation of Turkey post -1928 into a secular, if not necessarily, democratic state, heralded a plethora of predictions that urbanization, industrialization and other forms of modernization, would encourage greater secularism in Muslim-majority nation-states. These presumptions were recalibrated following the 1996 election of Dr. Necmettin Erbakan, leader of the Welfare Party

(WP), as Turkey's first Islamist prime minister and the subsequent reinforcement of the country's twin formative influences from its inheritance, namely Islam, and the glories of the Ottoman Empire.

The second tension is that occasioned by the Arab Spring, triggered by the self-immolation of Mohamed Bouazizi in December 2010 in Tunisia, and the subsequent wave of protest which diffused across the region. For a brief moment a form of democratic transition was ushered in by popular demand only to be crushed in most states some two years later when authoritarian forces gained control. There are many references in this volume to the events of 2011 and several contributors note how resistant Arab societies were to the modernization pressures which promised a form of democratic governance. It is claimed that there are now only nine Muslim electoral democracies, down from double that number a generation ago. Why should this be so? Since the second half of the twentieth century, following the collapse of dictatorial regimes in parts of Western Europe and authoritarian regimes in Central and Eastern Europe, many intellectuals predicted that the spread of democracy would represent an ineluctable force which would engulf those parts of the globe which had suffered far too long under repressive, militarized regimes. Other less triumphant voices emphasized that stability, more than representation, was the priority most needed to deal with a series of crises ranging from civil war, factional elements acting as proxies for superpower rivalry, famine, infrastructural and capacity issues, the challenges of education, literacy, skills development, female empowerment, and the list goes on. Faced with such near-permanent structural difficulties, any political system that could manage to offer solutions, relief and betterment was to be welcomed, whatever its composition or model of representation.

A third dualism that underpins much of this volume's content, but is not fully explicated, is the tension between the public and private realm in Islamic thought and practice. Social criticisms and public engagement would seem to have been amplified by the rise of the media in the Islamic world and the establishment of dedicated television channels and social media platforms. What role does and will the mass media, IT, and AI play in the articulation and diffusion of alternative visions of reality, social precepts, such as the wearing of the veil or female engagement in public administration, the affairs of state, the judiciary, international commerce, and the like? The public square is a forum for the refinement of both abstract and material issues, such as the roots of authority and accountability, is

truth absolute or relative, or, how are education and justice to be formulated and dispensed? When such matters are discussed across national and state lines what version of reality is to be applauded and implemented? How has globalisation impacted on social mores and relationships and does it presage a growing conformity within once disparate societies, all under the ambit of Islam?

Reconfiguring important institutions, whether in the domain of politics, justice, health and welfare are a priority, but so also is climate change, environmental protection, the management of biodiversity, and the engagement in civic action to address several of the worst effects of industrialization and modernization. Such considerations would constitute a fourth area of fruitful research and investigation for colleagues interested in the relationship between international agencies, democratic accountability, and Islam. Demography alone would convince one that the beliefs and actions of citizens who adhere to Islamic values will have a profound effect on world issues. Consider the weight of the Muslim population base of Indonesia, 270 million, Pakistan 216 million and Bangladesh 152 million, let alone India with its 195 million people who constitute the third largest Muslim concentration within the largest democracy in the world. If the nineteenth century was a European century and the twentieth a Trans-Atlantic one, then surely the present century is an Asian century, replete with advances in science and innovation, manufacturing prowess and consumer demand, commercial competition for resources, especially food, minerals and water, financial prowess and political demands, basic human needs, and the desires all of which will have a significant influence on the global economy and environment.

A broader philosophical question is the impact of modernisation and globalisation on Islamic religious and political thought. It is evident that opposition to secularism is not equivalent to opposition to democracy. But how much of it is a matter of degree and how much stems from the historical trajectory of Muslim-majority countries as they adjust to new patterns of trade, commerce, international affairs and the growth of a consumer society?

I am confident that the analyses and interpretations offered in this volume will go some way to enlighten the underexplored corners of the enigmatic relationship between democracy and Islam. I am equally confident that the challenges identified herein will continue to provoke discussion in the public realm and that various remedial solutions will be proposed for many decades to come. The idea of democracy goes well beyond the question of representation and requires a set of ongoing

adjustments to changing circumstances. However, it would be foolish to assume that in Muslim-majority societies democracy can be analyzed independently of religious precepts and injunctions. Multiple sources of power are in contention and they do not express themselves necessarily in easily discernible forms. So, the enduring issue remains how to encourage dignity, mutual respect, equality, and opportunity within a set of jurisdictions that have conventionally been antagonistic or slow to adopt these apparently universal human values. How rationality, diversity, progress, and representation will be forged in the light of faith will be a fascinating test of the resilience of democrats as they seek to encourage citizens and their representatives to make justifiable decisions for their society in the face of fundamental disagreements that are inevitable in pluralistic societies.

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Modernity, liberalism, democracy – Conclusion Chapter from a Muslim Perspective

Qamar-ul Huda

Modernity, liberalism, democracy – all of these terms are contested using various prisms to understand them. For example, modernity has multiple concepts, multi-layered meanings, and social-political phenomena. In the Weberian positivist perspective, modernity is tied to European political history and sociological paradigms. Fundamental to this understanding are two critical aspects: the first is the application of rationalization rooted in the eighteenth-century European Enlightenment principles and the second is secularization, which demands the clear separation of Church and State as expressed in a Western Christian context. It is important to recall that Max Weber asserted that rationalization is uniquely Western and it is lacking in other parts of the world, however, it is open for 'imitation or emulation' by other societies. Weber believed that modern capitalism, tied to liberal systems, represents a rational mode of economic prosperity because of its dependence on calculable process of production and consumption. (Cf. Weber 1992) This rationalization extends into all aspects of life: in arts, music, science, architecture, sports, religion, politics, and so on. Modernity, in effect in Europe, is an ongoing historical process of rationalization and continued sharp bifurcation between Church and State. Within modernity, there have been a flourishing evolution of diverse cultural, political, social systems of democracy. In France, democratic secularism is encoded in laïcité rooted in the French Revolution and there are several examples in Europe and beyond of monarchial parliamentary democracy, socialist democracies, and representative parliamentary democracies.

This volume of essays explores and operate in this world of modernity, or post-modernity, where the authors are rightfully examining overlapping and divergent spaces in which the faith tradition of Islam has or does not have democratic principles and institutions embedded in it. Moreover, analysis of Muslim modernist intellectual attempts to reconcile the legal tradition of Islam with modernity is a crucial step toward the question of compatibility.

Important to the examination of modernity and liberal democratic principles is the way Western scholars have understood religion to be a problem and an obsta-

cle for human social advancement. In Hegelian terms religion should be disjointed from modern life because it no longer plays a role in the intellectual formation (*Gestalt des Geistes*) of individuals and societies. Wesley Wildman, scholar of philosophy of religion, claimed that religion is irrelevant whenever societies become secular and modern (Wildman 2010). He claimed that religion naturally retreats from intellectual endeavors because of its own authoritative beliefs which are unable to compete when economies thrive in secular democracies, rendering religion superfluous because it cannot engage meaningfully with goods, and the elimination of poverty empowers people not to submit to religious authoritarianism. Before Wildman, Reinhold Niebuhr distrusted the 'inflexible authoritarianism of the Catholic religion' and a host of German, English, and French scholars believed that Jews could not adhere to citizenship of democratic principles because they abided 'too closely to their laws which prevented their full allegiance to secular liberal principles.' (Niebuhr 2010)

Fast forward to the middle of the twentieth century, much of the scholarship in the 1960–1980s assumed that secularization, modernity, and democracy go hand in hand. Essentially, with more modernization comes more secularization – thus the emphasis on the sciences in developing countries of that era. However, renown sociologist Peter Berger believes those assumptions were too easily accepted and admits that civil participation and civil engagement, such as the civil rights movement in the United States or the anti-apartheid movement in South Africa, were inherently designed and implemented by religious institutions.

Acknowledging the diverse roles of religious dynamics in civil politics has not only contested assumptions of secularism and ways in which democracy thrives scholars like Charles Taylor, Alasdair MacIntyre and Robert Bellah coined the term 'post-secular society' to demonstrate the fact that religion has played an increasingly prominent role in public sphere. These scholars, and others, point out the ways in which religion is shaping, and in some cases defining, the debate and public policy conversations on climate change, abortion, euthanasia, racism, social and economic inequalities, immigration, extreme bias in the judicial systems, and ethical issues relating to technology and science.

In examining the compatibility of Islam in these intellectual, cultural, and political milieus we are reminded that there is a significant transformation of understanding of secularism and democracy, of biases, and faulty assumptions of secular democracies and the place of religion. Throughout the history of Islam

the faith tradition and civilization evolved, adapted, accommodated, and innovated new research and development for societal questions. The faith tradition was not a hindrance but a crucial foundation for scientific, mathematical, and medical discoveries in 12–15th centuries. By the 10th century it already achieved diverse and divergent schools of theology, philosophy, and jurisprudence, as well as accepted mutually dependent but different Sunni and Shi'ite sects. The religion was the basis for multiple interpretations for political systems from North Africa to Southeast Asia. In respect to democracy and liberalism, modern reformers of the nineteenth-century like Sir Syed Ahmed Khan, Jamal ad-Din Afghani, and Muhammad 'Abduh utilized traditional concepts and institutions such as consensus ('*ijma*) of the community, expert reinterpretation of law (*ijtihad*), and accountability in the public welfare (*maslahah*). However, these modernist scholars set in motion a complex intellectual, legal, and religious questions relating to divine sovereignty and human agency, Islamic life vis-à-vis political systems, relying on the first generation of Muslims as an historical precedent for political language, political philosophy, and political-economic systems.

The Iranian revolution of 1979 dramatically shifted the minds of the role of religion for Western scholars and within the Islamic world this historic moment forced Muslim intellectuals to examine religion as part of the fabric of political life, not distinctly separate. For Muslim modernist scholars (Rashid al-Ghannouchi, Tariq al-Bishri, Maulana Mawdudi) democracy was the platform to usher in an 'Islamic Democracy' – not a theocratic state like in Iran – but a state with a class of professional bureaucratic religious experts who can ensure an Islamic 'influence' within political, economic, cultural and social institutions. As noted in this volume, al-Ghannouchi's al-Huriat al-A'amah fi al-Dawlah al-Islamiah ("Public Freedoms in the Islamic State") stressed the consultation process (*shura*) among leaders and the people as a fundamental pillar for the Islamic system. But exactly how will this be implemented in practice is a complex and unresolved question.

It is no coincidence that the rise of Islamist political parties (The Muslim Brotherhood, Jama'at i-Islami, Muhammadiya, Hamas, and Hizbollah to name a few) developed amongst Muslim intelligentsia and grassroots movements and continues to be rigorously debated among them. With decades of nationalism, socialism, Ba'athism, and ethno-sectarianism under authoritative systems, Islamist reformers emphasized democratic principles and representative parliaments as means to reform politics and political systems to reflect their own vision. During the Arab

Spring revolts of 2011–2014, it was the Islamist political parties who first formed coalitions across the board to insist on popular elections and bring down authoritarian regimes. Except for Tunisia, the Islamist parties have not been able to rise and remain in elected positions. As discussed in this volume, one needs to question whether Islamist parties are in fact representative of a popular democratic Islamic narrative or are they posing as alternative voice to current systems of totalitarianism?

In thinking about democracy within an Islamic context, Islamist modernists asserted how the Qur'an can be read to be democratic. Building on this, they pressed others to see how the Prophet's life was based upon tolerant liberalism, one that predated the Enlightenment period of Western Europe. In addition to these arguments, they believed that successive dynasties had utilized elements of liberal democratic principles (e.g., *ijtihad*). That is to say that taken as a system-wide approach, well-established judicial systems, moral principles, theological and philosophical inquiries were inherently tied to liberal principles of tolerance, argumentation, and acceptance of the other. Aside from the anachronous criticism, very little attention in Islamic texts was given to popular will and the prominence of individual rights over the collective, or vice versa. Historically, there were rigorous debates over al-haqq al-'amm (public rights) and the protection of the public order over private interests or private entitlements. These debates were connected to owning private property or ensuring medical healers were properly certified to practice healing.

Not surprisingly, Islamist intellectuals are heavily criticized for believing that democracies would transform Islamic civilization into universalisms and would deconstruct Islam and that liberal conceptions of human rights, individual rights, and the variety of freedoms allocated to the individual would be pose harsh contradictions to predominant Muslim societies. Scholars like Saba Mahmood argued that liberal democratic principles were born in specific political-economic cultural contexts which cannot be duplicated, imported, or re-enacted in Muslim countries (Mahmood 1996). To think this way is to naively believe political systems are like commercial goods. Instead, she insisted on exploring what resources already exist for imagining and developing an ethical system of tolerance, dissent, diversity, and pluralism.

Within the Islamic world intellectuals are struggling and contesting notions of Western liberal democracy and the vision of 'Islamic democracy' by Islamist

parties while attempting to identify real practical solutions to current systems of authoritarianisms. For many, the issue is not to make Muslims liberal or to re-construct educational systems that mimic liberal principles at the expense of eliminating or diluting local cultural and religious beliefs. Nor is it involved in manufacturing 'mini-liberal democratic' principalities (Bernard 2015) to eventually ensure that the intellectual market will consume liberalism. Nor does it involve enlightening or indoctrinating the scholarly religious class ('*ulama*) to preach liberal principles in the mosques. Perhaps, the answers are coming from unexpected Muslim and non-Muslim scholars from the West and East exchanging views on a new chapter on enlightenment and liberal democracy.

In these conversations, we are aware of the plethora of (Muslim) scholars intoxicated with protestations of Western epistemology, Western hegemony, and the post-modern condition. As a result, these contrarian scholars are more consumed with the pitfalls of cultural relativism, 'privileging others,' Western universalism, fears of losing to a neo-imperialism, and are willfully fixated on certain aspects of liberalism, such as human rights, and not the whole. I think the ghastly political realities of the Muslim world mandates scholars and intellectual debates to go beyond reactive thinking, pessimism, and nihilistic unpractical recommendations for these societies.

In thinking about liberal democratic principles in an Islamic context, we need to be reminded that the presence of God is not an abstract practice for Muslims, nor is it foreseeable in the future that the divine will be diluted from personal or public spaces. This means if Muslim intellectuals, political theorists, 'ulama, civil society, private and public sectors are capable of designing a liberal democratic system, it will need to be fundamentally affixed firmly with Islam and (post) modernity. A serious intellectual discourse will not abandon or romanticize the past or expend energy in dismissing the merits of present Western models of liberal democracies or indulge in reforming the faith tradition to fit into an acceptable model. Creative synergies are needed to tap into an imagination that forges new thinking on the function and purpose of the (post) modern nation state in Islamic societies. New civil discourse on the protection of individual rights, gender rights, and protection against the state's abuse of power, is needed while allowing Muslim citizens to adher to their religious convictions with the rule of law, elected representatives, unbiased judiciary, tolerant institutions, accountability, and transparency, and the embracing of and cultivation of pluralism.

These essays adequately illustrate the complex nuances in the discussion of Islam and democracy. In a world of increasing political needs to see the Islamic world in a securitized prism (i.e., shielding the West from radicalism, and at the same time propping up local governments with ammunitions to 'eradicate' the virus of terrorism) it is attractive to find 'moderate' Muslim intellectuals to propel this project. What is needed is not moderates or liberal Muslims to engage in an echo chamber or in polemic exercises, rather an internal scrutiny of ideas and intellectual examination of citizenship and democracy in the Islamic world. This volume is an important bold step toward this critical discourse.

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Further Reading on Islam and Democracy

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