Islam and Democracy: A Theoretical Discussion on the Compatability of Islam and Democracy •

Ömer Çaha*

Muslims have never sought to understand the nature of links between Islam and other systems of government as much as they have done with that of Islam and democracy. No such scrutiny, for instance, appears to have been made vis-à-vis the association between Islam on the one hand, and caliphate, emperorship or kingship on the other. Granting that the systems of government such as caliphate, emperorship or kingship which survived for a long time in the history of Muslims were indigenous to the Muslim societies, the question as to whether they accorded with Islam did not come out as a pressing issue. The ascendancy of the system of democracy that took Muslims by surprise was however received with apparent suspicion, since it was a Western construct being a political product of modernization, and the state-society relations which it envisioned were unlike anything seen in traditional societies.

It is generally accepted that today, among the five religious and cultural blocs which predominate in the world -namely Christianity, Confucianism, Buddhism, Judaism and Islam-it is the Muslim societies which have been furthest from democracy. Most of the countries in the Islamic world are governed by non-democratic regimes. Some of these regimes have constructed authoritarian structures under the absolute rule of a cult leader, a party leader, an ideology, a king or an emir. One can appreciate how vital it is for Muslim intellectuals to focus a great deal of their energy on the reasons behind the deficiency of democracy in

Islamic world. Once we consider that democracy not only brings about political freedom and human rights, but that it is also a driving force behind economic growth and development, we can better appreciate the significance and urgency of this issue for Muslim societies.

Moving from this aim, this article will concentrate on the question of "why democracy has not developed in the Islamic world?" I will firstly argue the possibility of the reconciliation of Islam with democratic values and then I will concentrate on the reasons that have brought the deficiency of democracy in the Islamic world. Before starting to discuss the relationship between Islam and democracy, we need to clarify the meaning of democracy.

Democracy is, generally, accepted by students of political thought as a mode of governance, which came to the fore and evolved as an alternative to despotic regimes prevailing in both traditional and modern societies.[1] The most fundamental values of democracy are human rights and liberties. It has been evident that democracy, among its alternatives, is the unique regime that strives to guarantee the rights of all minorities and individuals on the basis of the rule of law. A democratic system requires the existence of certain procedural (formal) conditions in order to guarantee its fundamental principles, i.e. human rights and liberties. Periodical elections, constitutional government, majority rule, the accessibility of the media and the free market economy, multiparty system, separation of powers are all ultimately intended to protect fundamental rights and liberties. In a democratic society the relationship between the state and society is founded on "contract". By means of social contact democracy limits the absolute and unlimited autonomy enjoyed by the state on the basis of societal will and the principle of the rule of law.

Political Systems opposed to democracy may come to manifest themselves in different forms. Some of such modes of government display authoritarian characteristics, while some others are totalitarian in nature. Needles to say, in terms of state-society relationships and from the perspective of human rights, there is hardly any difference between the two regimes.

Indeed, both types of regimes are disposed towards force and compulsion. In both regimes, the state exercises arbitrary control over society. The political initiative in both regimes remains entirely in the hands of the ruling elite. In short, both authoritarian and totalitarian regimes hinge on a coercive and despotic state. To put it crudely, the state in these regimes is everything, whereas the citizen, i.e. the individual, is nothing.

Historical Conditions and Political Governance in Islam

In trying to understand the positioning of Islam between democratic and non-democratic systems of government and to single out the one that comes closer to Islamic approach to political governance, we observe that Islamic theology[2] does not contain a comprehensive list of injunctions about the theory of political governance. The Quran only mentions about a number of moral principles, which are relevant to political governance, and not about its fundamental principles and organizational structure.[3] Quran often makes reference to past societies and rulers, but its principal focus is on the moral behavior of societies and the extent of justice observed by rulers rather than on the format of politics and its structure. It is told in the Quran that acts of transgression committed by past societies were grounds for their destruction by God, while those who acted upon the orders of God thrived, and the just rulers were held in high esteem by God. Prophets like David and Solomon (who also served as kings) were the type of rulers who are praised in the Quran for acting justly and compassionately towards their people[4]. Likewise, the Sunnah of the Prophet of Islam does not touch upon the organizational structure of political governance, but contains advices geared to the rulers on principles of justice, compassion, mercy and obedience to God.

Given that Islamic theology does not admonish clearly defined and binding principles about political governance, Muslims have been left free to establish their own organizational structure in matters of politics, in accordance with the social conditions of the time or the preferences of the rulers. This was, indeed, the case for the Four Caliphs' (Omar, Abubekr,

Utman and Ali) period and thereafter. The caliphate system, established during the Four Caliphs period, emanated from the *de facto* will and choice of the companions of the Prophet rather than stemming from Islamic theology. Nevertheless, Muslims were influenced by other societies when adopting norms especially in regard to political governance and the establishment of institutions. The norms and structure of the governments of Islamic states during the reign of the Omayyads, Abbasids, Seljuks and Ottomans mostly rested on the Arab, Persian and Turkish political customs of the pre-Islamic period, as well as on the Byzantine institutions. The transition from the caliphate model prevalent during the rule of Four Caliphs to the model of sultanate immediately after the foundation of the Omayyad state, was in large part an importation from Iran. The subjects in Muslim societies were, from the time of the Omayyads up to the Ottomans, on the whole perceived by their states simply as tax-paying "herds" (non-individual crowds). This idea does not find any justification from the original sources of Islam, but instead originates from Oriental traditions.

Establishing institutions and enacting laws under the influence of other societies, did not seem to Muslims at the time as a deviation from Islam. Needles to say no religion can maintain its purity and authenticity forever. Religions do not possess "purity" which is separate from culture and society. On the contrary, religious message is revealed within a given cultural environment and is expressed by means of the concepts of that culture. There are certain essential themes, which are conveyed to the human person by religions. These essential themes are enriched by religions often through an account of real events or through a symbolic language so as to focus the mind on the core of the message. This suggests that religious messages are delivered to the recipient via expressions, values, symbols and narratives developed by human societies. Seen through this prism, we observe that even before the completion of revelations, religions cannot entirely detach themselves from the human factor. This is even more so for a religion like Christianity whose messages and norms

are constructed retroactively through hearsay and interpretation. By nature, Islam does not close itself up to human contribution. On the contrary, during the course of gaining the hearts and minds of human beings, Islam begins with an appeal to human reason. Before assigning one of his companions for governorship, the Prophet wanted to know as to how he planned to resolve possible problems, which he would encounter in his place of tenure. His answer, approved by the Prophet, set a precedent for future rulers: "I will try to resolve them on the basis of the Quran, Sunnah and my own opinion". This suggests that, in Islam, there is ample scope for freedom of action as far as Muslim rulers are concerned. This freedom is not only limited to the ruling elite, but is also a cardinal feature of Islamic jurisprudence. In Islamic law (*fikh)* individual opinion of the judge, based on the consensus of the Muslims (*icma*) and on creative interpretation of law (*ictihad*), bears great significance.

Considering that the notion of time has become a rather complicated phenomenon and Islam has spread across the globe in all sorts of cultural environments, there is an essential need for Muslims to find new solutions to ever-increasing problems. More importantly, Islam, as a universal religion, enjoys an inner vitality, which enables it to survive in all kinds of cultures. Respect for the free will of the individual and toleration towards different interpretative approaches towards Islam are essential prerequisites for its success. Indeed, the most brilliant epochs of Islamic civilizations flourished in a tolerant social milieu, which allowed for plurality of norms and interpretations. It became possible in such a milieu for different Islamic sects, beliefs, schools of thought and interpretative approaches to introduce their views of faith and practical manifestations. This social and intellectual environment in the early periods of the Islamic world, which proved to be a fertile ground for an abundance of religious experience and thought, was naturally accompanied by material wealth and affluence.

Moving on from this point, we observe that political institutions, principles and practices, which Muslims set up in the past, derived mostly from historical conditions rather than from Islamic theology. The social project, which the Prophet embarked upon in Medina around the "Medina Agreement", was determined by historical conditions rather than by religion. The political practice, which Muslims introduced in Medina, was not an ideal model rooted in religious norms, but was a necessary sociological phenomenon prompted by conditions. Right from the beginning, the fact that Muslims had to live under conditions, which threatened their survival as they were considered to be members of a heretical movement and could therefore at any time be surrounded by hostile forces, inevitably compelled Muslims to organize themselves around institutionalized social structures. This was true not only for the Prophet's time, but for later periods too.

Likewise, the caliphate system, which was introduced immediately after the Prophet passed away and lasted only for 36 years, was not found in the Quran, but came to fruition as a historical, spontaneous and *de facto* institution. When the administrative structures in other Islamic countries are looked at, one sees that they tended to conform with the conditions of their time and were under the influence of the countries with which they contacted. To give an example, since the Omayyads were based in Syria, they were mostly influenced by the Byzantines. At the time, the Byzantine state prioritized itself over religion, which was the defining characteristic of the relationship between religion and state there. This model was then passed on to the Omayyads where the concerns of the state took precedence over religious principles. The Abbasids, for their part, remained mostly under the influence of Iran, since their state was established in Iraq where many trade routes lay under the influence of Iranian tradition. On the subject of the relationship between state and religion, the Iranian model seemed more open to religious influence. Under the influence of the Iranian model, the Abbasids allowed greater access for religion in matters of state in comparison to the

Omayyads. Similarly, given that the Ottomans were based in the western portion of Anatolia, which they had captured from the Byzantines, the Ottoman institutions were mostly modelled on those of the Byzantines.[5] The Iranian model, which came through the Seljuks seemed to play a predominant role over the Ottomans in the early periods but later, particularly after the sixteenth century the Ottoman Empire went under the Byzantine influence. Following the conquest of Istanbul, the Ottomans totally came under the influence of the Byzantines from the sixteenth century onwards, during which time matters of state consolidated themselves over religion, and religious organizations ranked below the bureaucracy.[6]

The caliphate system, practiced during the Four Caliphs' period and thereafter by political rulers to justify their authority, was a political institution rather than a religious one. After the rule of the Four Caliphs, the caliphate was turned into a sultanate and monarchy. The caliph in Muslim societies, unlike Caesar Pope introduced by the Catholic Church, never acted as the holder of political and religious authority. Far from it, the caliph was not entrusted with the task of enacting norms of a religious character, neither was he given a religious title. He merely regulated matters relating to the governance of the Muslim society. It was the Islamic scholars (ulama) who interpreted religious norms at the level of faith, practice and conduct. Therefore, it wouldn't be wrong to assert that the caliphate system displayed a secular character. What is more, considering that the caliph was given an extensive discretion for the enactment of laws, the validity of this view is reinforced.

The caliphate in Islam, in representing the general will of the community of believers (*ummah*), served to promote their interests rather than legitimize the power of the governing elite. The caliphate performed tasks like supervising the social harmony and security inside, and reinforce the solidarity of society against possible attacks from outside. The caliphate, in the early years, coincided with the general will of society. The powers and authority wielded by the Caliph during the Four Calips' period directly emanated, rather like contemporary

democracies, from the consent of the people. To put it differently, the Caliph did not locate the source of his power or authority in God or in any other entity. Once the Caliph Ebubekir said: "Obey my orders so long as I obey you, if I ever deviate from the right path, correct me by your swords." When Omar was elected as the new caliph, one of the companions of the Prophet said to him: "Whatever the Caliph takes from the people, he takes it by law, and spends it by law. The king, by contrast, oppresses his people, and takes from a section of society, and spends it for the benefit of a section of society". During the Four Caliphs' period, the caliphs frequently consulted Muslims as well as non-Muslims who lived alongside Muslims.

The caliphs were called, "the Ruler of Believers" (*Emir'ul Muminin*) during the Four Caliphs' period. This appellation suggests that the person of the caliphs was neither God-given nor sacred, but was instead perceived as the chief of the community of believers. Therefore, his legitimacy was founded on the consent of the people.[7] This principle was strictly observed during the Four Calips' period. However, this practice was abandoned with Muaviye's rise to power. In starting the institution of sultanate, he presented himself as the caliph and representative of God on earth and refused to call himself as "the Ruler of Believers". With Muaviye's caliphate, the term "the Ruler of Believers" was replaced by the term, "the Ruler from God" (*Emir'ullah*), implying that he was acting in the name, and as the representative, of God.[8] The term then shifted to "the Shadow of God" (*zil'ullah*) during the reign of Abbasids. It appears therefore that, while during the Four Caliphs' period, the legitimacy of rulers rested unflinchingly with the "general will of Muslims", with the coming of the sultanate, sovereignty came to rely on a rather nebulous, mostly rhetorical and abstract notion of "the Will of God". To consolidate itself, the system of sultanate constructed a theology that served to justify its existence. The Sultan, as the protector of the sultanate, incessantly sought to legitimize the institution of the sultanate and the sultan himself through

divine attributes.[9] In Islamic societies where the institution of sultanate prevailed, God represented the supreme power over the universe, while the sultan represented the power on earth. In both cases, God, described as the great and all-powerful, is seen as the deity and possessor of sovereignty over the sky, whereas the Sultan is seen as the deity and possessor of sovereignty on earth. The Turkish expression, "God on the sky, state on earth" originates from this idea.

Islam and Liberalism: The Possibility of a Reconciliation

Islam addresses primarily to the human person. Its entire message is designed to guide human beings into the true faith and to teach them right from the wrong. Most of the verses addressing to the human beings aim to mobilize the human capacity to think and reason. Islam thus aims, under the guidance of human intelligence, to activate the awareness of human beings about the signs of God in nature. The call of the Quran in this world is made to the individual who will also be held accountable to God in the hereafter. As to how religion will be perceived and transformed into everyday life is left, in Islam, to the individual who will have full responsibility. The absence of religious professionals (clergy) as a separate class in Islam enables direct communication between God and the human person, thus exalting the status of the individual. The doctrines, which put forth intervening institutions between God and the individual tend to presuppose that the individual is essentially a sinful and lowly creature. Such an individual is not capable of finding truth independently nor will he/she have the good fortune of being spoken to by God in the hereafter.[10] By contrast, Islam dispenses with intervening institutions between the individual and God, while holding that individuals will be rewarded in the hereafter only on the basis of their own deeds in this world. This precludes the possibility even of intercession or aid by others, including prophets. All this suggests that Islam does not speak to supra-human collective entities, however, it places "human being" at the center of society.

The fact that the community tended to take precedence over the human being in Muslim societies is largely a product of historical conditions rather than the nature of Islam itself. It should not be forgotten that traditional societies always lead a community-oriented life. This explains why the abandoning or acceptance of religions mostly occurred at the collective level such as tribe, race, clan or village in traditional societies. It was only after the arrival of the modern age that Islam had to tackle with challenges like individual choice and individual freedom. Muslims in the past considered freedom a matter for the community rather than for the individual. The extent of freedom, which they enjoyed far exceeded the general level of freedom prevalent in their time. The question as to whether the community-oriented characteristic of traditional societies emanates from religion, or whether it is the social and political conditions of traditional societies, which give religion a communitarian bent, is a matter for social anthropology and historical sociology. It cannot be denied, however, that traditional societies are likely to display community-oriented characteristics, and modern societies tend to display individualistic characteristics.[11] While Christianity, beginning from the sixteenth century, acquainted itself with individualism of modern societies via Protestantism[12], thus reconciling itself with modern life, Muslims have failed to launch their own Renaissance and Reforms which largely explains why they have found it so difficult to come to terms with modernity.

In Islam, the basic rights are accorded to the human person, and not to the collective entities. In other words, rather than identity rights, Islam gives rights to the individual as a human being. The type of relationship envisaged by Islam among human beings and between human being and God, is defined in reference to the former's status as the "servant" and "representative" of God. Although they derive from different premises since Islam defines the human being as a representative of God in the world the principal rights, which Islam endows upon human beings are roughly the same as those envisioned by liberalism. Islam guarantees

the human rights to life and property, protection of honor, freedom of conscience and enterprise. The social construction of democracy, as it is well known, rests on liberalism. Liberalism meanwhile puts the individual at the center of social and political life and locates all human rights in the private as well as public sphere. Liberalism justifies this preference by virtue of the individual's status as "human being"[13]. We may in this context see strong parallels between liberalism, which exalts human beings and Islam, which sees them as "the pearl of creation" (*ashraf-i mahlukat*).

Likewise, there is powerful resemblance between Islamic and liberal approaches to property and inheritance. Both Islam and liberal thought (as the founding political thought behind democracy) sanctify property rights not less than the right to life and regard it as inviolable. Ownership of property is mentioned in Islam among "pious deeds" (*amel-i salih*), and earnings and possessions are depicted as respectful activities. This principle is not only pronounced clearly in Islamic sources, but was diligently observed throughout the Islamic history. We have been informed, for instance, that during the reign of Caliph Omar, a mosque, which had been built on the land of a non-Muslim was demolished and the Governor who had permitted its construction was dismissed. Islam has a high regard for private sphere, which is an extension of the respect for property. In Islam, individuals are allowed to perform all sorts of activities in their property, including their houses, provided that they do not infringe on the rights of others. Liberal democracies in the modern world allow for extensive liberties for individuals in their private sphere, which is outside the common values about the public sphere. So long as the rights of others are not abridged, individuals are totally free in their private life.[14]

The notion of equality according to Islam is very similar to the notion of equality espoused by liberal democracy. Islam has abolished the legal hierarchy between human beings, put them under equal status, and granted them equal rights under the design of God.

There is no distinction between the ruler and the ruled in terms of their standing before God, neither can such distinction be made between the slave and his/her owner. Both have the dignified privilege of being humans. One can only speak of the superiority of a person up to the extent of his/her fear and obedience of God (*takva*), i.e. goodness. Naturally, Islam does not consider socio-economic equality as its primary goal, since this contradicts with human nature, fairness (*hakkaniyat*) and the natural flow of social life. Liberal democracy too confines itself to the principle of legal equality, and attaches great significance to the idea of fairness in the sense that everyone should be able to enjoy the socio-economic benefits matching their earnings[15].

The most fundamental characteristic of democracy, hinging on liberal values, is the fact that this is a contract-based system. The principle of reciprocity and consent, prevailing both in the realm of politics and economics, are the most indispensable attribute of liberal democracies. The notion of contract takes on a deeper meaning and a more elaborate function in Islam. Islam organizes all aspects of life on the basis of contracts ranging from the relationship of the individual with God to the relationship of individuals with each other. From the moment the individual enters Islam, he/she makes a mutual contract with God. In many parts of the Quran, God promises blessings and benefactions in the hereafter for human beings in return for their choice of the right course of action in this world. Therefore, individuals know of the consequences of each of their action in the hereafter. The Quran also envisions that Muslims should regulate their relations on the basis of a contract. This principle also applies to their relationship with the rulers. The principle of consultation, which is the defining characteristic of governance, plays an overwhelming role in the establishment of a political structure. There is no doubt that, the system which best translates into reality the basic principles which Islam admonishes as regards political governance, is a democratic system which institutionalizes   political life, founded on contract, through elections. The

contract in Islam begins with an oath of allegiance (*beat*) to the ruler. This oath implies the conditional submission of the ruled to the authority of the ruler. Its principles are explicitly laid down in the verses of the Quran, in the words and deeds of the Prophet, as well as in the jurisprudence of Islamic scholars.

Separation of Law and State in Islamic Theology

Those, mostly orientalist, writers who claim that Islam and democracy are not reconcilable, generally base their arguments on two points. According to such writers, since Islam, by its very nature, is not a secular religion, it can not accommodate itself with democracy which is founded upon secular principles. Secondly, Islamic canonical law (Sharia) is an immutable, and therefore absolutist, dogmatic and despotic system of law which is far from being applicable for all times and places. It is only recently that Islam and Muslims have been faced with a subject like secularism. Secularism, an offshoot of modern thought, which began more or less with Machiavelli[16], has been perceived in the Western world in a variety of ways. Not only was secularism never reckoned in the Anglo-Saxon world to imply hostility towards religion, but it also paved the way for religious liberties. The model of secularism, which triumphed in the Anglo-Saxon world was based on a refusal to acknowledge that religious interpretation could be an exclusive preserve of priests; this approach, so to speak, turned everyone to be his own priest. By contrast, the model of laicism enjoined by the French enlightenment tradition was taken to imply the disassociation of individuals and society from religion; under the banner of laicism, a serious war and campaign of hostility was launched against religious values in France. A similar war against religious values and norms in socialist countries in this century constituted another example of this approach.

Their unpleasant experience with French laicism explains a great about the misgivings of Muslim intellectuals regarding secularism. Indeed, the modern values which began to

diffuse in the lands of Islam, mostly originated from the French experience, and this aroused some reaction especially among peoples who were under colonial rule. Apart from a reference to this sensitivity, we need to evaluate the relationship between secularism and Islam in a more detailed way. In essence, secularism is a mode of thought, which concerns itself with the invigoration of this world and its liberation from the hegemony of the sacred, and with the secularization especially of the state, which is the political extension of social life.[17] The Catholic church which reigned supreme in Europe for nearly a thousand years on the basis of a Caesarian and Papistic doctrine, characterized the entire social and political life as a sacred sphere, hence leaving almost no scope for worldliness, in other words, for the profane. This explains why, in both the French and Anglo-Saxon approaches, secularism is mentioned alongside reason and rationality.

When the matter at hand is approached from this perspective, we can see that, although undoubtedly containing references to the hereafter, which the adherents aspire availing themselves, Islam is a religion, which strongly orients towards the cultivation of this world. Max Weber rightly asserted that five of the world religions, namely Christianity, Islam, Judaism, Buddhism and Confucianism, could be described as rational religions, which aimed at the cultivation of this world.[18] Such religions have the inner elasticity to adjust themselves to the conditions prevailing in the world. Neither do they remain indifferent towards changes in the world. In fact, as observed by Max Weber, Islam seeks to construct a mentality built on rational values. The Prophet adamantly encouraged the study of science as an expression of this outlook. The most dogmatic attitude in this regard was shown by the Catholic church after its seizure of power in the wake of the fall of the Western Roman Empire; however even the Catholic dogmatism had to give way to a more flexible approach in the face of the arrival of the modern values of the fifteenth and sixteenth centuries.[19]

Some authors have recently alleged that there is no tension between Islam and secularism on the supposition that Islam has a high regard for human reason and for the world. One of such authors, Hasan Hanafi, claims that Islam is secular at its core. In his view, the real quarrel between Islam and secularism lies in the fact that Muslim rulers tend uncritically to imitate the West which Muslim intellectual find unacceptable.[20] The irony is that secularism too evolved as a reaction to the Catholic church. Indeed the secularist movement sought to end the domination of the church over state and the God-like status of the priests, and to ensure that a believer could practice his/her religion independent of external bondages.[21] No tension could possibly arise between religion and secularism so long as religion was based on reason and it encouraged the cultivation of this world. Indeed, one of the issues, which was specifically dealt with by the Islamic scholars, was the principle that "where reason raises doubts, religion also raises doubts." This principle was advanced by Muslim thinkers.

Islam is inherently a religion of reason. It is on this basis that sciences or disciplines such as physics, mathematics, syntax, medicine, political philosophy, philosophy of history, chemistry, alchemy, and astronomy greatly improved in the Islamic world in the past. Most of the verses of the Quran, in particular those about faith, enjoin believers to think and reason. Quran most explicitly locates faith in the realm of reasoning. The philosophical schools which, inspired by this emphasis on reason, evolved in the history of Islam, succeeded in accumulating an intellectual reserve, which could suffice Muslim societies for several centuries. There were philosophers who even considered reason to be as significant as revelation, and philosophy as significant as the Prophet. Recalling the extensiveness of the freedom of activity accorded to reason, custom and culture by Islam, we may appreciate that it did not seek to cleanse the world off the human reason so as to consolidate the hold of religion on earth, but held human knowledge, skill and experience in high esteem.

The significance that Islam attaches to reason, trade, work, the earning of a living and the sustenance of oneself without being a burden on others demonstrates how religion can in fact become a source of motivation for human beings in improving the quality of their life in this world. The saying of the Prophet, among many others which emphasize the significance of earning a living, that "the hand which gives is superior to that which takes" is a meaningful testimony to this assertion. The Muslim expansion in three continents from Turkistan in Asia, to Europe and Africa in a century or two after the birth of Islam, must be related to Islam's capacity of motivation for the cultivation of this world. When these qualities are considered, Islam's openness towards rational values essential to the improvement of the quality of life in this world can well be appreciated.

When one looks into the inner structure of Islamic law, one can see that this system of law displays a human rather than a divine character; that is why, it does not consist of inviolable divine rules. Islamic law, consisting of canonical jurisprudence (*fikh*) and of the bases of the canonical jurisprudence (*usul-i fikh*), was formulated nearly two centuries after the passing away of the Prophet. Since the Quranic verses were revealed in parts, rather than all at once, within a span of twenty three years, Islamic law could not be firmly established and fixed during the life of the Prophet. After the Prophet, his companions relied on the Quran, on the deeds and words of the Prophet, and on the consensus of the learned in making decisions or deciding a case, no fixed serious of rules under a particular Islamic format could evolve until the Abbasid rule. The Islamic law has got four sources, jointly called as *Edile-i Shar'iya*, meaning the fundamentals of canonical law, which are Quran, *Sunnah*, consensus of the Muslims (*icma*), and analogy (*kıyas*). Three of these sources are human constructs and have a cultural character. In other words, sources other than the Quran are not revelations from God, but are human-oriented. Consensus of the learned and analogy are surely human activities since they are products of an alliance among Muslims and their individual opinions.

The *Sunnah* of the Prophet, another source of Islamic law, continues to be a matter of dispute among Muslim scholars. The Prophet based his behavior, practices and conduct on his interpretation of the Quran. Where the Quran remained silent about a given subject, he relied on his own interpretation. He was of course inevitably influenced by the culture and conditions around him. In short, in the past, analogy, as an important source, was one of the most respected activities in the field of Islamic law. Moreover, in saying that "disagreements among the members of my *ummah* is mercy from God", the Prophet called on Muslims to courageously comment on the incontrovertible fundamentals of Islam.

Islam is a dynamic religion based, *inter alia*, on legal pluralism. The absence of a class of religious professionals in Islam which reserved exclusively for itself the right to comment on religion, resulted in the emergence of many different approaches, sects, ideas and movements in matters both of faith and practice which disputed and competed with one another. In spite of the genesis of different currents of thought, Islamic theology never underwent a division such as orthodoxy and heterodoxy. Distinctive currents of thought which colored Islamic history were mostly responses to historical dynamics, which were linked to power struggle. All of the currents of thought, which came to fruition within the parameters of Islam were initially taken to be legally acceptable; however some, such as Shiism and the *Khawarij* sect, later came to take on a heterodox character when those struggling for power chose to marginalize them. The question of interpretation based on Islamic sources was not however without a legal and institutional foundation. This foundation is one of the four sources of Islamic canonical law. Interpretation and opinion are the dynamic instruments of the adaptation of religion into different conditions and of the sustenance of its ability to tackle with new problems. Every competent religious scholar has a moral authority and even responsibility to interpret Quran in accordance with his/her own historical and sociological context and to formulate a practical understanding of Islam.

The fundamentals of Islam and the intermingling of cultures have continued to remain as hotly debated subjects. Part of the usage at the time of the Prophet as well as most of the interpretations coming from religious scholars in later periods, were influenced by their cultural environment. Such Islamic norms were in the nature of relative norms, which came into existence as a response to the requirements of time and the needs of societies. Inevitably, the Arab culture exerted a great deal of influence over the records of the sayings of the Prophet and over the interpretative conventions prevailing among religious scholars between seventh and twelfth centuries. Therefore, acceptance of religious norms, which formed out of these sources as the sole, definitive and eternal norms, would cast doubt on the universality of Islam, which no doubt is unlimited by time and place. In fact, none of the religions display such characteristics. All religions eventually gain some degree of elasticity as a necessary consequence of sociological reality in accordance with the conditions prevailing at a particular time.

One deficiency of orientalists concerning Islamic theology is their erroneous observation that Islam operates at the level of totalities because matters of religion and state are inseparable in Islam. In fact throughout the Islamic history, a distinction was always made between the sovereign's law (*Orf-i hukuk*) and religious law (*Shari-a*), and the rulers could enact laws which met the needs of their age. The Islamic law emanated from the canonical jurisprudence, which was developed during the Abbasid rule. However, Muslims had already penetrated into Andalusia in the west and Eastern Turkistan in the east during the reign of Omayyads. The success of this Muslim expansion owes a great deal to the extensive use of the sovereign's law. No doubt, the most comprehensive and far-reaching step in this direction, in the sense of laying the foundations of public law, was taken by the Ottoman Sultan Mehmet II. He established a system of sovereign's law (*Kanunname*), which was completely independent from the Islamic law. The course of action taken by Mehmet II became more

elaborate during the Sultan Suleyman's period when the sovereign's law began to take priority over the religious law. During the period of the Ottoman modernization in the nineteenth century, the Islamic law suffered another backlash as a result of its confinement to private sphere following the Western-oriented legal norms, which, *inter alia*, inspired the inauguration of "*Nizamiye*" courts.

Therefore, the claim raised by those who have internalized orientalistic perspectives that, Islamic theology and historical experience envisage organic unity between religion and state which merged with one another, in other words, that they were bound to lead to a theocratic system, not only ignores the construction of Islamic law, but is also refuted by historical reality. The Quran itself opens a space for sovereign's law by holding, "don't disregard common usage in your commands" (7/199). This Quranic verse in fact permits the installment of governmental models on the basis of a relativistic approach. From the time of Abbasids, expounders of Islamic law (*fakih*) have given their consent to the possibility of norm-development through the enactment of law on a new subject by the ruler. Contrary to the Christian pioneers, experts of Islamic law recognized the right of rulers to enact laws and regulations in accordance with "custom" and "the requirements of general welfare" unless the Islamic law explicitly commanded an opposite course of action on the subject in question. Some even went further in arguing that, in matters, which concerned the general welfare of society, the norms adopted by the state were likewise sound and valid according to Islamic law. However, it is clear that a distinction was made in many Islamic societies, first and foremost in the Ottomans, between the "Islamic law" and the "canon law" adopted by rulers[22]. While *Shari'a* was the name given to rules and injunctions based on Islam, the canon law (*kanun*) was perceived as the law passed by the state.

In short, in analyzing the question as to whether Islam is closer to democratic or non-democratic regimes, we ought to conclude, in the light of the criteria examined above, that

democratic regimes, rather than non-democratic ones, are more compatible with Islam. We must not hereby disregard the fact that democracy is a political means, which has been an outcome of historical conditions, whereas Islam is a religion, which contains moral principles, in other words, admonishes the exaltation of human spirit. The state and other institutions are entities, which come to existence on the foundations of appropriate sociological conditions. Although religion is, in essence, the totality of moral principles and it admonishes human beings to accept faith, it also contains moral principles concerning values that determine the direction of social life. Considering that, irrespective of whether they are founded upon religious or non-religious sources, moral principles share common characteristics, one can see that these principles are not capable of totalizing the practices of social life. The norms, which regulate the social and practical side of religion are bound to change by time and gain new forms in response to conditions. Otherwise, religious values will be excluded from real life on account of their failure to adapt into changing conditions, and will become an impediment to all kinds of social development and change.

The Failure of Democracy in the Islamic World

It has been stated above that the teachings of Islam are not opposed to democracy. In spite of that, most of the Islamic countries are governed by authoritarian rather than democratic systems today. Why then democracy cannot take root in this part of the world? The relative absence of liberal democracy in the Islamic world in general, and the Arab world in particular, has been taken up by many scholars dealing with the subject. Modernist thinkers used to link the development of democracy with the existence of the indicators of modernity such as the level of GNP per capita, rate of literacy, urban life indexed to industry, level of media consumption, the degree of the development of social classes, and population. This mode of analysis suggested that, in order to achieve transition to democracy, non-Western

societies had to complete their processes of economic modernization rather like Western societies.

This was the most common explanation for the lack of democracy in the Arab world in the 1970s. However, although the GNP per capita in countries like Saudi Arabia and Kuwait has reached the level of Western countries, this has not resulted in the arrival of democracy there. Authoritarian regimes still survive in petroleum exporting Arab countries in spite of the fact that the economic infrastructure of some conforms with Western standards. This suggests that the lack of democracy in the Islamic world needs to be explained by reference to other factors. There are historical and contemporary factors, which make the concentration of political authority in the hands of a clique or a small group of elite possible in Islamic world.

When looked at from the angle of history, it is to be seen that the social classes, which played a leading role in the course of sweeping social and political changes during Western feudalism and capitalism, and therefore, acted as an intermediary between society and state never took hold in Muslim societies[23]. While economics and the social classes emanating from the economic realm were the driving forces behind civil society in the West, this function has been performed by the central authority in Islamic societies. Although the incontrovertible truths of Islam consider property in a positive vein, in Islamic states of the past, societies were mostly estranged from economic life and therefore inevitably came to depend on the states as the property holders. We cannot speak of the existence of a market based economic exchange nor of social classes, which would guarantee the survival of the market in traditional Muslim societies based on agriculture. No doubt, in the past, there existed some intermediary institutions, which played the role of civil societal ingredients. However, since they were established on cultural rather than on economic foundations, they could not transform themselves into strong organizations. Instead they came to operate like a branch of the state. The segments of society, such as religious scholars, foundations and

guilds acted like functionaries of the state in the provinces. This traditional relationship between state and civil society hindered the emergence of politically and economically powerful social groups over time.

In addition to this historical background the colonization of Islamic world at the beginning of the twentieth century seems another fundamental factor lying behind the deficiency of democratic system in Islamic world. In most Muslim societies, people piled up around the central government and the ruling elite with full force, in order to throw off the colonial yoke and, so, to gain independence almost throughout the first half of the twentieth century. The countries carved out of vast empires in Europe easily furnished themselves with democratic systems by building up national states. By contrast, the Islamic countries, which broke off from vast empires failed to build up national states, and fell prey to the colonial empires such as Britain, France and Italy. While countries like Bulgaria and Greece, which had been split from the Ottoman Empire, managed to acquaint themselves with democracy already in the early twentieth century under national states, Muslim countries such as Egypt, Lebanon, Algeria, Iraq and Syria came under colonial domination during the same period. Saudi Arabia and Egypt, which gained independence in 1922, aside, the Arab world was under the colonial rule of Britain, France or Italy in the early twentieth century. Therefore, the priority in these countries did not lie in the dissolution of power between the centralized political authority and people, but lay in gathering around a political authority for the purpose of liberating their countries.

The experience of colonialism in the Islamic world reinforced the centralistic political culture, which had solid foundations in traditional Muslim societies. The charismatic power of the rulers who had presented themselves as the representative of God on earth during the Umayyad and Abbasid era, was sadly reinforced in the post-colonial era of the twentieth century. Some leaders, by virtue of their essential role in independence struggle, came to be

idolized in their country, and most of them used this charisma to disregard their people. Many groups or leaders who played a pivotal role in the struggles for independence, perhaps inevitably, began to perceive people as their own property, thus resisting demands for sharing power with them. Many Islamic countries, which gained independence after the Second World War, naturally developed an aversion towards democratic institutions, which had evolved in Western countries like France and Britain, since they were the same countries against which they had been fighting for independence. For this reason, most of the Islamic countries were lured into socialism in the aftermath of the Second World War.

The case of Ottoman/Republican Turkey, which was not colonized by Western countries, is a very clear indication of the impact of colonization over the mode of political system in the Islamic world under the colonization. The Ottoman Empire, which was never colonized, acquainted itself with democratic mechanisms such as the parliament, multi-party politics and elections, beginning from 1876 up to 1918. However, such democratic mechanisms were disbanded following the outbreak of the War of Independence beginning in 1918 against Greece and such other Western countries as France, Italy and Britain. The question of how to liberate the country then came to take the central care of political elite and even of the subjects rather than the discussions about democratic mechanisms. The society felt a strong need to unite around leaders promising independence against West. The need for independence and construction of a national state as the representative of national independence, indeed, created an authoritarian single-party regime in Turkey until 1950.

Reactionary Movements and Democracy

One of the main obstacles, which undermine the arrival of democracy in Muslim societies, is the existence of reactionary movements there. The radical and revolutionary Islam, which emerged as reactions to colonialism was inspired more by socialist values than by democratic values, and they formulated their principles in line with this outlook. It was

common in the Islamic world until the 1980s to consider Islam as a source of ideology as well as a revolutionary ideology. It was particularly the Iranian revolution, which became an inspirational reference for Islamic movements then. In this period, Islam was taken by Muslim thinkers of Iranian origin as well as by those of North African origin, almost as a kind of state religion, a revolutionary ideology, and a theocratic political structure.

Such interpretations of Islam can be traced back, in the case of some North African countries, to the period between the second half of the nineteenth century and up to the first half of the twentieth century. The fact that, at that point in time, Muslim countries began to suffer a long and painful setback in the face of the mind-boggling economic growth and development which Western countries were enjoying. Moreover, the colonial ambitions of Western countries directly over Islamic territories evoked strong reactions from Muslim thinkers of North African who began to perceive Islam rather like socialism. This explains a great deal about the distance, which Muslims began to feel towards liberalism, democracy, capitalism and other similar systems and ideas.

The two key concepts that these thinkers borrowed from socialism were "state" and "revolution". It was, in their view, the state, which symbolized social justice, social unity, and the struggle against the West etc. Such a state could only be established through revolution, this being under the leadership of a pioneering group. The works of Sayyid Qutb (in Egypt), for instance, emphasize the role of a revolutionary group[24]. The project towards the creation of such a group, indeed, can be seen as an attempt to replace Lenin's proletarian vanguards with their Muslim counterparts.

Hence, both authoritarian regimes and Muslim intellectuals with a first hand experience of colonial domination completely refused the West, and sought to set up alternative institutions, which are authoritarian in character. When realizing that traditional interpretation of Islam fell short of enabling the deployment of adequate means by which to

resolve existing problems, they began to borrow concepts and perspectives from socialism, which was anti-Western in character, to develop an Islamic myth as an alternative. The concepts "nation" and "centralized state", the latter of which emerged out of the former, raised the greatest difficulty for such intellectuals. Although initially these intellectuals emphasized the universality of the Islamic message, following the ascendancy of nationalism and of the idea of national state, they chose to transpose Islam into the national context, thus they organized nationalist movements as responses to the Western challenge.

As for the intellectuals who came from non-colonized countries, they sought to understand the West rather than reject it entirely, and made use of Western ideas and institutions, which they considered to be useful. While, by the end of the nineteenth century, the foundations of a reactive movement of an anti-Western character were being laid in countries under colonial domination, the Ottoman intellectuals who lived no such experience had a vision of society which was open to interaction with the West. The vanguards of the movement towards Ottoman enlightenment, such as Namık Kemal, Ziya Pasha and Ali Suavi, advocated institutions and values such as freedom, democracy, and, constitutional and parliamentary government in a Western sense[25]. The appearance of democracy in Turkey despite occasional setbacks as opposed to the lack of democracy in other Islamic countries, should be linked to the above. Whereas the intellectuals in the Ottoman society pursued a strategy of modernization, which, *inter alia*, embraced Western institutions, the colonization of other Islamic countries by the West was the prime cause of the rejectionist attitude developed by Muslim intellectuals against Western values.

The revolutionary radical Islamic movements emphasize the sovereignty of God, rather than that of human beings, in the world. These movements strive to consolidate their version of sovereignty, which rely on various Islamic interpretations, instead of embarking on projects designed to improve the living conditions of Muslims and those who live with

Muslims. They argue that sovereignty cannot belong to human beings and, accordingly, seem to have constrained their role with an instrumental role of establishing God's sovereignty on earth.

However, it is obvious that God never acts as the sovereign, this being true for all times and place; therefore, those who rule in the name of God in fact represent a particular interpretation of religion. It is correct to assert for all religions, including Islam, that there are always more than one equally valid interpretations of a given religion. Those who claim to be acting on behalf of God, in truth, rule on the basis of one of such interpretations. Granting that the human person is the most exalted among all of God's creations, the services designed to respond to the needs of human beings should of necessity constitute part of God's sovereignty. In God's reckoning, political rule should be based on assembly and consultation. In modern societies, this can only materialize by means of principles such as an oath of allegiance, elections, contract, consultation, consensus of the learned, constitutional government, and separation of powers. The entitlement to the right to govern through elections is the synonym of the principle of consultation admonished by Islam; surely this authority is not intended to act as the sacred shadow of God on earth, but as the representative of Muslims for a defined period.

The verse of the Quran, which is all too often cited by revolutionary radical Islamic circles, that "sovereignty belongs to no one save God", does not in any way imply legal, legislative or political authority. The verses, which speak of "God's sovereignty" are expressions of God's creative role in the entire universe. Those who first distorted the meaning of these verses to give them a political bent, were the *Haricis*. The *Haricis*, in their time, used such verses to shake the legitimacy of rulers whom they opposed. The Quran enjoins believers to conduct their affairs by consultation, which means that it is a moral principle related to governance. As in the verse, "their affairs are a matter of counsel" (42/38),

there are numerous verses which hold that believers, in conducting their affairs, consult one another. This suggests that people should resolve political-administrative problems on the basis of consultation among themselves, or else, they will entrust an able person with the task of resolving the problem. There is no model better than democracy to sort things out in this way. In conclusion, we can assert that sovereignty lies in the people (the source from which the authority emanates), and those who exercise sovereignty should act in accordance with the commands of God so as to enjoy legitimacy. Good and useful works done by human beings are mentioned in the Quran among the deeds, which earn the approval of God.

Since radical Islamic approaches are primarily reactive movements, they have a propensity for wholesale rejection of everything that comes from the West. This attitude in fact contradicts with sociological reality. We cannot perceive a particular way of life simply as black or white, as good or bad. There are always elements to learn and borrow from different cultures, ideas and life experiences; to be more accurate, societies, of necessity, exchange cultures. What is more, Muslims need to understand the Western civilization. Today, we observe that political institutions and values, which are most in tune with the essence of Islam, are in fact to be found in the democratic political structures of the West, and not in the authoritarian political structures prevailing in the Islamic countries. When regard is made to the political institutions current in Western societies, we come across with institutions and the system of fundamental rights and liberties whose level of perfection have been rarely seen in the course of Muslim history.

* Associate Professor of Political Science and Dean of faculty of Economics and Administrative Sciences, Fatih University.

Notes

* The first draft of the last part (the part on the failure of democracy in the Islamic world) of this article has been published in *Logos* [www.logosjournal.com], Vol.I, 2 (Spring, 2002).

[1] For such an argument see Giovanni Sartori, *The Theory of Democracy Revisited* (Chatham and New Jersey, Chatham House Publishers, 1987), pp. 182-213.

[2] The basic sources of Islamic theology are Quran, (the holy book of Muslims) and the Sunnah (the deeds and the words of the Prophet).

[3] The basic moral values concerning political governance are seen, in Qur'an, to be limited mainly with two concepts, those of justice and consultation. For justice, for instance, see verses 4/58, 5/8, 6/153, 16/90, 38/26 in the Qur'an and for consultation see 42/38, 3/159, 48/10, 48/18, 5/7.

[4] Some of the verses about David and Solomon are as follows: 2/251, 4/162, 5/78, 2/102, 4/163.

[5] For a brilliant argument on the impact of the Byzantine political institutions over that of Ottomans see Ömer L. Barkan, "Osmanlı İmparatorluğunun Teşkilât ve Müesseselerinin Şer'iliği Meselesi", *İstanbul Hukuk Fakültesi Mecmuası*, Vol. 3-4, (1945).

[6] See, Şerif Mardin, "Center-Periphery Relations: A Key to Turkish Politics?", *Deadalus*, 102 (Winter, 1973).

[7] For a brilliant argument on the principle of consent in Islam, see, Fazlur Rahman, "The Principle of Shura and the Role of the Ummah in Islam," *American Journal of Islamic Studies*, 1 (1984), pp. 1-9.

[8] Erwin I. J. Rosenthal, *Political Thought in Medieval Islam: An Introductory Outline*, (Cambridge: Cambridge University Press, 1962), pp. 21-61.

[9] But one should remember that although a divine providence was used by rulers to justify their position, a Catholic-like theocratic model could not develop in traditional Islamic Empires since the Will of state always dominated the will of religious class. For an argument on the part of the Ottoman Empire See Niyazi Berkes, *The Development of Secularism in Turkey* (Montreal: McGill University Press, 1964).

[10] Such an understanding was formulated by S. Augustine. See, for instance, Saint Augustine, *The City of God*, trans. Marcus Dods (New York: Modern Library, 1994).

[11] Tonnies's classification of *gemenshaft* and *geselshaft* is noteworthy to mention in that respect. See, Ferdinand Tonnies, *Community and society* (New Brunswick: Transaction Books, 1988).

[12] Max Weber's thesis on the Protestantism as the unique spirit of capitalism has been accepted, for a long time, by many sociologists as the basic motivation behind capitalism. However, some philosophers came to criticize this view, accepting that Catholism also has a potentiality to create values complying with modern economic and political values. See, for instance, Michael Novak, *The Spirit of Democratic Capitalism* (New York: Simon and Schuster, 1982).

[13] On should bear in mind that the chief emphasis of liberalism goes beyond man as only political individual. Ontological emphasis of liberalism is over "natural man" particularly in Locke's theory. Already the natural rights of political individual are derived, for Locke, from the nature of man. See, John Locke, *Two Treaties of Government* (London: Dent, 1970), pp. 118-124.

[14] Indeed, Hayek's *The Constitution of Liberty* is the most passionate defense of liberty among others in the literature on liberty in liberal political thought. See, *The Constitution of Liberty* (London and Henley: Routledge and Kegan Paul, 1976).

[15] J. Rawls is the most prominent contemporary political philosopher who defends the principle of fairness as the center of justice. See, John Rawls, *A Theory of Justice*, (London: Oxford University Press, 1972).

[16] Machiavelli was one of the first thinkers who defended the separation of world-wide organized church and state. For different aspects of Machiavelli's theory See Gisela Bock, Quentin Skinner and Maurizio Viroli, (eds.), *Machiavelli and Republicanism*, (Cambridge: Cambridge University Press, 1990).

[1717] This is, in general, the widespread sociological definition of secularism. See, for instance, Peter L. Berger, *The Sacred Canopy: Elements of a Sociological Theory of Religion*, (Garden City and New York: Anchor Books, 1969).

[18] See, Max Weber, *The Sociology of Religion* (Boston: Beacon Press, 1992).

[19] Arguing against Weber, Michael Novak claims that it was not only Protestantism which developed rational and secular values, Catholism too produced such values, particularly during the last centuries of the Middle Age. See, Michael Novak, *Three in One: Essays on Democratic Capitalism, 1976-2000* (New York, etc.: Rowman, 2001).

[20] See Hasan Hanafi, *Islam in the Modern World* (Cairo: Anglo-Egyptian Bookshop, 1995).

[21] Colin Campbell, *Towards a Sociology of Irreligion* (New York: Colin Herder and Herder, 1971), p. 49.

[22] Halil Inalcik, *The Ottoman Empire: The Classical Age-1300-1600*, Third edition, (London: Phoneix, 1997), pp. 70-75.

[23] For an illuminating argument on capitalism and social classes in Islamic history see, Bryan S. Turner, *Capitalism and Class in the Middle East: Theories of Social Change and Economic Development* (New Jersey: Humanities Press, 1984).

[24] Sayyid Qutb develops this project in his famous book *Milestones*. For the whole chapters of this book see http://www.ianaradionet.com/E_iqra/prog17_bookMile.html

[25] For an illuminating study on the Ottoman intellectuals who attempted to adopt western institutions to the Ottoman Empire see Şerif Mardin, *The Genesis of Young Ottoman Thought* (Syracuse: Syracuse University Press, 2000).