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Democracy and Islam: An Odyssey in Braving the Twenty-First Century

Justice Tassaduq Hussain Jillani

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I. INTRODUCTION

During the last few decades, the Muslim world has witnessed various traumatic events. The Iranian Revolution and the hostage situation, the suicide bombings in Palestine and in Africa, and the tragedy of 9/11 are only a few examples of episodes that led many to regard Islam and democracy as incompatible. It is alleged that Islam is a monolithic faith opposed to pluralism, that it has a poor human rights record, and that Muslims seek "heaven by creating hell on earth."[1]

Nevertheless, there is abundant evidence that democracy and the Islamic faith are compatible. This Article contends that the traditions, scripture, and teachings of the founder of Islam are compatible with the principles and practices of democracy and that the chief encumbrance to the development of democracy in Muslim states has *not* been and is *not* Islam itself. Part II compares the historical obstacles to the development of democracy in Europe with counterpart obstacles to democracy's development in the Middle East. Part II further demonstrates the compatibility of Islam and democracy by discussing Muslim tradition, historical figures, and sacred texts, all of which endorse democratic values including justice, consultation, egalitarianism, education, and pluralism. Part III notes the historical decline of democratic ideals in Muslim states since the

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1. Jeremy Last attributed this comment to Dr. Radha Krishan, President of India. *See* Jeremy Last, *London Bombings: Burying the Dead*, EUR. JEWISH PRESS, July 21, 2005, http://www.ejpress.org/article/news/uk/1841 (quoting British chief rabbi Sir Jonathan Sacks, who, speaking at a vigil after terrorist bombings in London, stated that "[w]e cannot get to heaven by creating hell on earth").

sixteenth century and discusses their potential reemergence in Muslim states.

II. ISLAM'S DEMOCRATIC TRADITION

Religion and democracy, as belief systems that share certain complementary values, are not new concepts. Democracy, however, as a system of governance with a focus on the rights of the individual, is a relatively modern concept. While there is no one form or definition of democracy, there are, nevertheless, broadly accepted principles, institutions, and values that are considered democracy's essential elements. Examples may include periodic elections, participatory governance, equality, individual rights to ensure pluralism, the existence of the rule of law, and due process.[2]

As a system of governance, democracy has been accepted in varying degrees in the Islamic world.[3] In fact, a close look at the forty-four countries constituting the Islamic world today would indicate that democracy has been accepted to varying degrees and that no one form of political system is in vogue.[4] Some Islamic countries are ruled by monarchs, while others have absolute

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2. Defining democracy, as a system of governance that focuses on the rights of the individual, is not an easy task. For instance, a system of pure democracy may lead to protection for the majority but not the minority. Even in the earliest years of the development of American democracy, the Framers of the U.S. Constitution were attempting to facilitate democracy while protecting the people from democracy's excesses. Kim Lane Scheppele, *Aspirational and Aversive Constitutionalism: The Case for Studying Cross-Constitutional Influence Through Negative Models*, 1 INT'L J. CONST. L. 296, 309 (2003). Hence, defining democracy is difficult because a system following democratic principles may still not prevent the "majority from tyrannizing the minority." Stephen H. Legomsky, *Deportation and the War on Independence*, 91 CORNELL L. REV. 369, 393 (2006). Thus, a democracy without protection for the minority may not contain the vital and fundamental characteristics that are typically used to define democracies. In fact, many governments today profess democracy merely to seek legitimacy but do not provide the accouterments of the aforementioned fundamental characteristics of democracy.

3. The terms "'Islam' and 'the Islamic world' . . . are not the same, since the former involves certain ideals or aspirations, while the latter represents concrete realities, and as with all ideals the Islamic world practises Islam to differing degrees." Hugh Goddard, *Islam and Democracy*, 73 POL. Q. 3, 3 (2002).

4. *See* U.S. Comm'n on Int'l Religious Freedom, *Commission Releases Religion & Human Rights Survey on Constitutions of 44 Muslim Counties*, Mar. 8, 2005, http://www.uscirf.gov/mediaroom/press/2005/march/03082005_commission.html. The United States Commission on International Religious Freedom noted, "[t]he study demonstrates that predominantly Muslim countries—including those where Islam is the religion of the state—encompass a *variety of constitutional arrangements* addressing the role of Islam." *Id*. (emphasis added).

dictatorships; still others have mixed forms—authoritarian with some elements of democracy.[5] Only a few Islamic countries have democratic dispensation in the real sense.[6] Moreover, while democracy as a system of governance appears to have Western origins, the growth of democracy came late even in the West. Therefore, to have a true appreciation for Islam's democratic tradition, it is important to understand the historical background of democracy in the Western and Muslim worlds coupled with an appreciation for the democratic principles contained in Islam.

A. Historical Background

The emergence of democracy in Europe and in the Middle East was inhibited by different factors. While Enlightenment philosophers had to overcome the European concept of the divine right of kings in order to facilitate Europe's transition from monarchy to popular sovereignty, Islamic nations faced the obstacle of despotism. The difference between the challenges faced by these two regions was that authoritarian rule in Europe was tied to religious principles, while despotism in the Middle East was not.

1. The emergence of democracy in Europe

The fact that many European nations viewed their monarchs in a divine light was likely one of the reasons that the growth of democracy in the west was a relatively slow process. "For centuries, kings and princes were portrayed as the equivalent of God's vicegerents on earth, and any challenge to their authority was tantamount to denial of the faith."[7] The opinion that rulers were acting on behalf of God "found ready expression in the way political life was organized."[8] Political life was, therefore, controlled at every level by "[k]ings, princes, dukes, counts, and [other] sovereigns," while "[r]epublics such as that at Venice were the great exception."[9] Additionally, thirteenth and fourteenth century thinkers of no less

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5. *Id.*

6. *Id.*

7. Charles E. Butterworth, *Islam*, *in* 2 THE ENCYCLOPEDIA OF DEMOCRACY, 641 (Seymour Martin Lipset ed., 1998).

8. *Id.*

9. *Id.*

stature than Thomas Aquinas and Dante Alighieri argued that nature favored princely rule.[10]

In contrast with Aquinas and Alighieri, Niccolo Machiavelli rejected the idea that monarchs ruled by divine mandate. He proceeded by "[b]luntly dismissing nature and God as standards."[11] Rather, Machiavelli "called for reaching to the effective truth of matters and eschewing imaginary goods in order to ensure one's own preservation and ultimately win glory."[12] Machiavelli's rhetoric enlisted many to his cause, including Francis Bacon and Thomas Hobbes. Both men sought to undermine the idea that there was any kind of natural or divine providence or that any particular political order was natural or divinely inspired.[13]

In addition to Machiavelli, Bacon, and Hobbes, philosophers of the Enlightenment, such as Jean Jacques Rousseau, facilitated the change from divine monarchy to popular sovereignty.[14] Rousseau's scathing denouncements of the monarchy and explorations into the manner in which "ancient democracy could find a new footing in the Europe of his day . . . fell on sympathetic ears."[15]

2. Secular despotism in the Middle East

While Europe was passing through its period of political and intellectual tumult, the Islamic nations faced their own struggles with authoritarian regimes.[16] However, despotism in the Middle East was not tied to religious doctrine as were the European monarchies. Rather, the principles of Islam focused on the individual's contribution to a just society.[17]

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10. *Id.*

11. *Id.* at 642.

12. *Id.*

13. *Id.*

14. *Id.*

15. *Id.*

16. *Id.*

17. *See* Abdulaziz Sachedina, *Guidance or Governance? A Muslim Conception of "Two-Cities,"* 68 GEO. WASH. L. REV. 1079, 1080–81 (2000).

> Islamic law, as an expression of the human endeavor to carry out the divine will on earth, is actually identical to the belief that faith is an instrument of justice. . . . Ultimately, the vision of inter-communal relations in Islam is firmly founded upon the diverse communities' sharing in cross-religious moral concern with egalitarianism, peace, and justice.

Id.

Sultans of the Ottoman Empire kept a tight reign over their subjects and went so far as to forbid the use of the printing press for nearly 300 years in Turkey[18] due to a fear that it would destabilize their rule.[19] At a time when Rousseau's famous message of liberty, equality and fraternity[20] was being spread far and wide, the Sultans of the Ottoman Empire not only resisted any challenge to their arbitrary rule from within but blocked the intellectual and social interaction with the West.[21]

The difference between the monarchs of Europe and the Sultans of the Ottoman Empire was that the Sultans did not lay a claim of divine sanction for their rule as did the monarchs of Europe. In fact,

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18. The printing press was invented in Germany in the mid-1400s. Although the Turks may have originally been exposed to some form of printing from the Chinese, the "Ottoman Turks, like other Middle Eastern Muslim peoples, had no knowledge of book printing until it was introduced from Europe." BERNARD LEWIS, THE EMERGENCE OF MODERN TURKEY 50 (1961). The printing press as a means of mass production of printed materials, however, was a "mid-fifteenth-century European invention," with Gutenberg's printing press "last[ing] some four and [a] half centuries." JAMES MORAN, PRINTING PRESSES: HISTORY AND DEVELOPMENT FROM THE FIFTEENTH CENTURY TO MODERN TIMES 17–18 (1973).

19. The printing press was actually introduced into the Muslim world much earlier in "about 1493 or 1494" by Jewish refugees from Spain who constructed a Jewish press in Constantinople. LEWIS, *supra* note 18, at 50. However, there was a ban on "printing in Turkish or Arabic" until the early eighteenth century. *Id*. In 1727 permission was granted to establish a Turkish press in Constantinople, and the first Turkish book appeared in 1729. *Id*. at 51.

20. Liberty, equality, and fraternity was used as the call of the French Revolution and was a product of the philosophers of the Enlightenment; Rousseau, however, "displaced all the other Enlightenment figures as the Revolution proceeded" because his "notion of the social contract" argued for democracy based on the equality of man that gave "no room for nobility." JACK R. CENSER & LYNN HUNT, LIBERTY, EQUALITY, FRATERNITY: EXPLORING THE FRENCH REVOLUTION 17 (2001). "[T]he definition of democracy as an ideal may be phrased as 'government by the people, where liberty, equality, and fraternity are secured to the greatest possible degree and in which human capacities are developed to the utmost, by means including free and full discussion of common problems and interests.'" J. ROLAND PENNOCK, DEMOCRATIC POLITICAL THEORY 6 (1979). Thus, the phrase "liberty, equality, and fraternity" has come to be associated with democracy in general.

21. The decay and decline of Muslim society, in particular within the Ottoman Empire, is too complex to attribute to one exact cause. However, it should be noted that during the time of the "European Enlightenment" in Europe, the Ottoman Empire merely "selected a few Western innovations for application in Ottoman society," avoiding deeper involvement with the movement. FATMA MUGE GOCEK, EAST ENCOUNTERS WEST: FRANCE AND THE OTTOMAN EMPIRE IN THE EIGHTEENTH CENTURY 3 (Bernard Lewis et al. eds., 1987). So, while intellectual isolationism exhibited by the Muslim world may have led to some intellectual and educational decay, the Ottoman Empire also experienced a decline due to political, military, social, and economic factors at work both from within and from without its boundaries. STANFORD J. SHAW, 1 HISTORY OF THE OTTOMAN EMPIRE AND MODERN TURKEY 168–75 (1976).

Islam does not include a principle comparable to the divine right of kings. Rather, the Holy Quran[22]—the revealed scripture that the Prophet Muhammad, peace be unto him (PBUH),[23] brought to the Arabs in the early years of the seventh century—exhorted humans to individually and collectively work for the creation of a just society in accord with the principles set out in the divine message: principles of justice, equity, and egalitarianism.[24]

The Holy Quran insisted that a Muslim's first duty was to create a just, egalitarian society where poor and vulnerable people were treated with respect. However, the Holy Quran did not prescribe any particular political system of governance to reach that end. The details were left for the people to decide in accordance with the conditions of a given society in a given age.

This is evident from a reading of the Holy Book. "The basis of Islamic law and practice is the Holy Quran," however, the Holy Quran only contains about five-hundred verses that treat legal topics, and these cover a limited number of select legal issues.[25] The result is that "Muslims have a vast (though not unlimited) space in which they can construct those institutions and practices that can help them to be good Muslims."[26]

In addition, "Islam's teachings are directed more at the individual level (in terms of its required spiritual, ritual, or practical commitments) than at the collective or governmental level (in terms of specifying the components of an organized state)."[27] The assumption is not, however, "that government makes good Muslims, but that righteous Muslims create good government, a contention

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22. There are alternate spellings of the Holy Quran, including Koran and Qur'an. This article will use Quran, except when an alternate spelling is used in quoted material.

23. *See* AKBAR S. AHMED, ISLAM TODAY: A SHORT INTRODUCTION TO THE MUSLIM WORLD 12 (1999).

> Whenever Muslims speak or write the Prophet's name, they usually add, "May the peace and blessings of Allah be upon him," sometimes written as "pbuh," short for "peace be upon him," or its Arabic translation "*salla Allahu alayhi wasallam*," which is abbreviated to "saw." Many even make a gesture of kissing their fingers and touching them to their eyes and lips as a further sign of respect.

Id.

24. *See* Sachedina, *supra* note 17.

25. Ahrar Ahmad, *Islam & Democracy: Text, Tradition and History*, AM. J. ISLAMIC SOC. SCI., Winter 2003, at 20–23.

26. *Id.* at 23.

27. *Id.*

that is profoundly democratic in its implications."[28] While the references in the Holy Quran to "socio-political aspects" may be few and "admittedly abstract," they "are not unhelpful to the democratic temperament."[29]

> The Prophet Muhammad (PBUH) likewise encouraged the people to create a better society through self-improvement. The very first commandment that God gave to the Prophet Muhammad (PBUH) was *Iqra*'. The first revelation he received declared, "Read in the name of thy Lord and Creator, who created man out of a clot of blood . . . He who taught the use of the pen, taught man what he knew not."[30] The implication is that God encouraged, indeed commanded, the pursuit of learning—an exhortation that was often repeated in the Qur'an and the Prophet's personal sayings.[31]

That is why one of the chief concerns of the Prophet Muhammad's (PBUH) mission was to educate the people and highlight the importance of learning. He had so much respect for those engaged in this pursuit that once he remarked, "the ink of the scholar is more sacred than the blood of a martyr."[32] Accordingly, the Sultans of the Ottoman Empire were working against the principles of education and egalitarianism as prescribed by the Prophet Muhammad (PBUH) and the Holy Quran.

B. Democratic Parallels in Islam

In addition to the principles shared by the Islamic tradition and democracy—including those of justice, equity, egalitarianism, and a focus on the individual—Islam and its foundational text, the Holy Quran, enshrine democratic values. First, Tauheed, or divine sovereignty, a cornerstone of Islam political thought, allows for democratic participation of the masses.[33] Additionally, and more

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28. *Id*.

29. *Id*.

30. Quran 96:1–2 (Abdullah Yusef Ali trans.).

31. *See* Ahmad, *supra* note 25, at 23 (citation omitted) (quoting Quran 96:1–2 (Abdullah Yusef Ali trans.)).

32. J.K. HOYT, THE CYCLOPEDIA OF PRACTICAL QUOTATIONS 429 (1896) (quoting Mohammed, *Tribute to Reason*).

33. *See* M. Nadeem Ahmad Siddiq, Note, *Enforced Apostasy:* Zaheeruddin v. State *and the Official Persecution of the Ahmadiyya Community in Pakistan*, 14 LAW & INEQ. 275, 293 n.86 (1995) (defining tauheed as the "Oneness of God," which is only a part of the greater definition of what is a Muslim); *see also* University of Southern California, Compendium of

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specifically, the Holy Quran enunciates several principles of governance that parallel democratic values, including consultation, *Ijma*, and *Ijtehad*.

1. Tauheed

The foremost principle on which the political system in Islam is based is the concept of "Tauheed" (and the related concept of divine sovereignty). Tauheed stipulates that sovereignty over the entire universe belongs to Allah Almighty and requires that all authority exercised by people fall within limits prescribed by Him.[34] This concept appears in the constitutions of those Islamic States where Islam is the State religion.[35]

The divine law according to these concepts is Sharia law, or the law as enunciated in the Holy Quran and the traditions of the Holy Prophet (PBUH). The concept of divine sovereignty *appears* to be the antithesis of the concept of popular sovereignty, which is one of the hallmarks of democracy in a modern State.[36] Specifically, some critics have contended that because Tauheed limits the human exercise of authority to boundaries set by Allah, there is no concept of democracy in Islam.[37]

Muslim Texts, http://www.usc.edu/dept/MSA/reference/glossary/term.TAUHID.html (last visited June 24, 2006) (defining Tauheed as "confirming the Oneness of Allah. It is the basis of Islam.").

34. *See* Khaled Abou El Fadl, *Islam and the Challenge of Democratic Commitment*, 27 FORDHAM INT'L L.J. 4, 17 (2003) (describing divine sovereignty as God's sovereignty and noting that "if God's sovereignty is used to argue that the only legitimate source of law is the Divine text and that human experience and intellect are irrelevant and immaterial to the pursuit of the Divine will, then the idea of Divine sovereignty will always stand as an instrument of authoritarianism and an obstacle to democracy").

35. In Morocco, for example, the King of Morocco has declared that his nation is "a Muslim Sovereign State." Tshimanga Kongolo, *Morocco's Patent System and Its International Connection*, 42 IDEA 181, 182 n.3 (2002). The King of Morocco then used the idea of divine sovereignty—in this case vested in him—to justify his refusal to alter the constitution in order to affect a "greater transfer of power from the monarchy to the elected representatives of the people." Ann Elizabeth Mayer, *Moroccans—Citizens or Subjects? A People at the Crossroads*, 26 N.Y.U. J. INT'L L. & POL. 63, 64 (1993) ("Islam would forbid me to set up a constitutional monarchy in which the sovereign would delegate all his authority and would reign without ruling." (citation omitted)).

36. *See* Abou El Fadl, *supra* note 34, at 17.

37. *See* Daveed Gartenstein-Ross, *No Other Gods Before Me: Spheres of Influence in the Relationship Between Christianity and Islam*, 33 DENV. J. INT'L L. & POL'Y 223, 252 (2005) ("Thus, an explosive and crucially important debate is currently occurring among Muslims about the proper relationship between Islam and the West, and Islam's compatibility with democracy . . . ."). This opinion of critics is strengthened by Islamic fundamentalists such as

This, however, is a hasty conclusion, as close scrutiny reveals that the concepts of Tauheed and democracy can co-exist within the Islamic tradition.[38] First, although sovereignty theoretically lies with God Almighty, man has been made a deputy of divine authority—a delegatee of that power.[39] The delegatees—in this case the people—in turn elect their assembly who, for all practical purposes, exercise the divinely delegated political power as a polity.

Second, the delegation concept serves as a moral check on political power as those who exercise it acknowledge its divine source. Significantly, this check would operate in addition to the limitations on power that may be provided by a democratic form of governance, such as accountability through periodic elections, the concept of separation of powers, the existence of fundamental rights, and the power of judicial review.[40]

Third, the delegation of divine authority to human beings is qualified in that it is only to be used for the creation of a just society.[41] No individual can arrogate to himself divine authority to

the Islamic Salvation Front in Algeria who utilize slogans such as "No democracy in Islam," "Democracy is blasphemy," and "Islam is light, democracy is darkness." Daniel Pipes, *Islamic Fundamentalism in Africa and Implications for U.S. Policy*, 102d Cong. (2d Sess. 1992) *available at* http://www.danielpipes.org/article/218/index.html; *see also* Amir Taheri, *Islamist Regime in Total Control*, THE AUSTRALIAN, June 27, 2005, *available at* http://www.benadorassociates.com/pf.php?id=16225 (noting that Mahmoud Ahmadinejad, who was elected President of the Islamic Republic in 2005, "ha[d] no qualms about asserting that there can be no democracy in Islam"). *But see* Abou El Fadl, *supra* note 34, at 8 ("The broad tradition of Islamic political thought contains ideas and institutions that could potentially support or undermine a democratic order.").

    38.   *See* Ali Iyad Yakub, *The Islamic Roots of Democracy*, 12 U. MIAMI INT'L & COMP. L. REV. 269, 270 (2004) (asserting that the "claim[s] that Islam and democracy are incompatible" and "that there is no foundation in Islamic doctrine that approximates the principles upon which Western civil society is founded" are misconceptions that "ha[ve] arisen out of the historical 'Orientalist' approach to the study of Islam").

    39.   *See* John O. Voll & John L. Esposito, *Islam's Democratic Essence*, THE MIDDLE EAST Q., Sept. 1994, *available at* http://www.meforum.org/article/151/index.html ("'The people, being the vicegerents of Allah, have a general right to dispose of their affairs on the basis of the principle of consultation,' and this should involve 'the formation of an assembly whose members are the real representatives of the people.'" (quoting AYATULLAH BAQIR AL-SADR, INTRODUCTION TO ISLAMIC POLITICAL SYSTEM 78–79 (M. A. Ansari trans., 1982))).

    40.   The argument is simply that if the people, and hence the government they elect, are acting on behalf of God Almighty, it behooves them morally to act accordingly.

    41.   One school of thought regarding Islam and government reasons that people need government for their benefit and that a ruler of the people acts according to the people's will:

    [P]eople, by their nature, have a tendency to cooperate for physical and spiritual reasons. In fact, God created human beings weak and in need of cooperation with others in order to limit the ability of human beings to commit injustice. . . . The

rule as a despot or dictator. As a trustee, if he violates the terms of the trust, the people can have his orders annulled or remove him in accord with procedures that may be prescribed in law and the constitution.[42]

Furthermore, Tauheed, in its proper interpretation and application, requires a just society. Tauheed is strengthened by the Holy Quran, which repeatedly emphasizes the importance of being just to all.[43] According to the Prophet Muhammad (PBUH), "a moment of justice is better than seventy years of worship in which you keep fasts and pass the nights in offering prayers and worship to Allah."[44] Justice is also one of the cherished goals of democracy. As Reinhold Niebuhr once aptly remarked, "Man's capacity for justice makes democracy possible; but man's inclination to injustice makes democracy necessary."[45]

2. Principles of governance in the Holy Quran

In addition to Tauheed, the Holy Quran enunciates several other principles of governance that parallel democratic values. These principles include consultation, *Ijma*,[46] and *Ijtehad*.[47]

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ruler, this school of thought argued, ascends to power through a contract with the people pursuant to which he undertakes to further the cooperation of the people, with the ultimate goal of *achieving a just society* or, at least, maximizing the potential for justice.

Abou El Fadl, *supra* note 34, at 38–39 (emphasis added).

42. The idea that a ruler must act according to the will of the people is not foreign to Western philosophical thought. "Some of our most venerated political philosophers—Locke, Hobbes, and Rousseau—have grounded political authority in a 'social contract' whereby individuals agree to confer upon the state all or some powers and rights that they had previously held while in a 'state of nature.'" Steven D. Smith, *Radically Subversive Speech and the Authority of Law*, 94 MICH. L. REV. 348, 360–61 (1995). Historically speaking, however, the removal of a ruler that has violated the will of the people has not always been in accordance with the rule of law, as seen in events such as the French Revolution. Perhaps one of the great advantages of modern democracy is the existence, typically, of procedures to allow removal of leaders without revolution.

43. *See, e.g.*, Quran 4:58, 5:8, 49:9 (Abdullah Yusef Ali trans.).

44. Muhsin Qara'at, *Lessons from Qur'an* (S.M.S. Hyder trans.) (quoting 2 JAMI'US SA'ADAT 223), http://www.al-islam.org/lessons/3.htm (last visited June 24, 2006).

45. Reinhold Niebuhr, *Foreword* to REINHOLD NIEBUHR, THE CHILDREN OF LIGHT AND THE CHILDREN OF DARKNESS (1944). Niebuhr (1892–1971) was a noted American theologian.

46. *See infra* note 53.

47. *See infra* note 58.

a. Consultation. Consultation, or *shura* in Islam, is a mandated mode of decision-making whose call for open discussion could facilitate principles of democratic governance.

> Again and again the Qur'an commands Muslims to make their decisions after consultation, whether in a public matter or a private one. . . . [T]he Qur'an does not prescribe hard and fast rules. The number, form of election, duration of representation, etc., are left to the discretion of the leaders of every age and every country. What is important is that one should be surrounded by representative personalities, enjoying the confidence of those whom they represent and possess integrity of character.[48]

The Holy Quran addresses the principle of consultation in the *Surat-al-Shura*. The *Surat-al-Shura* is one of the verses of the Holy Quran that reflects opposition to arbitrary rule and favors democratic decision-making.[49] It suggests that God favors those who "conduct their affairs by mutual Consultation."[50]

Scholars have also noted the Islamic imperative of consultation. For example, Professor Bernard Lewis, commenting on the state of the governance in the Middle East, remarked that a ruler in an Islamic State has a "need for consultation. This is explicitly recommended in the Koran," and "[i]t is also mentioned frequently in the traditions of the Prophet."[51] Another student of Islamic political thought, Ayatolla Ullah Baqir Al Sadar, noted that the people are vicegerents of Allah who have a general right to dispose of their affairs on the basis of the principle of consultation.[52]

b. Ijma. The Holy Quran lays down yet another mode of resolving issues known as *Ijma*, which means consensus or collective judgment of the community.[53] The spirit underlying legislation

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48. MUHAMMAD HAMIDULLAH, INTRODUCTION TO ISLAM 116–17 (1981), *available at* http://muslim-canada.org/ch8hamid.htm#consultative.

49. Quran 42:38 (Abdullah Yusef Ali trans.).

50. *Id.*

51. Bernard Lewis, *Freedom and Justice in the Modern Middle East*, 84 FOREIGN AFF. 36, 41 (2005).

52. *See generally* AYATOLLA ULLAH BAQIR AL SADAR, ISLAMIC POLITICAL SYSTEM 81 (M.A. Ansari trans., 1982).

53. Some scholars have defined *Ijma* as an "agreement of jurists among the followers of the Prophet Muhammad in a particular age on a question of law," rather than just a consensus among the community. Shaheen Sardar Ali & Javaid Rehman, *The Concept of Jihad in Islamic International Law*, 10 J. CONFLICT & SECURITY L. 321, 324–25 (2005) (citing ABDUR RAHIM, MUHAMMADAN JURISPRUDENCE 97 (1995)). Thus, it is a consensus among a

through parliament or referendum is analogous to the one enshrined in the concept of *Ijma*. The concept of *Ijma* may be based on the saying of the Prophet (PBUH) that "my community will never agree on an error."[54]

Ijma directly relates to fundamental notions of democratic society because "God in his wisdom left the details of political organization to the Muslim community to decide according to its needs and aspirations."[55] According to Egyptian scholar 'Abbas Mahmud Al-'Aqqad, *Ijma* "is the perfect justification or precedent in Islam for elective democracy: the community decides who is to be its ruler—by consensus."[56] Thus, the "spiritual and political egalitarianism," which are essential in a democracy, "can be expressed or organized only through seeking *ijma* and following the *shura* process."[57]

c. Ijtehad. The Holy Quran also introduces the related principle of *ijtehad*, which is defined as the power to decide a public issue through reasoning and informed judgment.[58] *Ijtehad*, which literally means "exertion" or "striving," "incorporates the use of rational, logical, and independent opinion."[59] This exertion or striving is necessary due to the fact that all aspects of society are subject to

particular subset of the community rather than the community as a whole. *See also* Faiz Ahmed, Note, *Judicial Reform in Afghanistan: A Case Study in the New Criminal Procedure Code*, 29 HASTINGS INT'L & COMP. L. REV. 93, 127 n.146 (2005) (describing *Ijma* as "a unanimous agreement of Islamic jurists on a given matter that is subject to debate" and noting that "[a] legal opinion that is deemed to have *ijma* carries significant legal authority and is often considered binding, as opposed to any one jurist's opinion on a given issue"). However, some would still assert that *Ijma* is a consensus of the community. *See* John H. Donboli & Farnaz Kashefi, *Doing Business in the Middle East: A Primer for U.S. Companies*, 38 CORNELL INT'L L.J. 413, 422 n.66 (2005) (describing *Ijma* as the "consensus of believers" which is "one of the sources of law attributed to the prophet Muhammad who believed in consensus in the community").

    54.   Heather Johnson, Comment, *There Are Worse Things than Being Alone: Polygamy in Islam, Past, Present, and Future*, 11 WM. & MARY J. WOMEN & L. 563, 581 (2005) (quoting JOHN L. ESPOSITO & NATANA J. DELONG-BAS, WOMEN IN MUSLIM FAMILY LAW 6–7 (2d ed. 2001)).

    55.   Gudrun Krämer, *Islamist Notions of Democracy*, MIDDLE EAST REP., July–Aug. 1993, at 2, 5.

    56.   *See* Goddard, *supra* note 3, at 7.

    57.   Ahmad, *supra* note 25, at 27.

    58.   *See* J. Michael Taylor, *Islamic Commercial Banking—Moving into the Mainstream?*, 18 TRANSNAT'L L. 417, 418 (2005) (defining *ijtehad* as "the diligent judgment of the scholars through reasoning and logic").

    59.   Ahmad, *supra* note 25, at 27.

change. This change in turn necessitates changes in social structure and institutions through law.

According to some Islamic jurists, the authority of *ijtehad* in the modern Islamic State should lie with the legislative and judiciary bodies of government. One of the founding fathers of the Pakistan Movement, Sir Muhammad Iqbal, advocated this point:

> The growth of republican spirit, and the gradual formation of legislative assemblies in Muslim lands constitutes a great step in advance. The transfer of the power of Ijtehad from individual representatives of schools to a Muslim legislative assembly which, in view of the growth of opposing sects, is the only possible form *Ijma* can take in modern times, will secure contributions to legal discussion from laymen who happen to possess a keen insight into affairs. In this way alone can we stir into activity the dormant spirit of life in our legal system . . . .[60]

Modern scholars since Iqbal have utilized the concept of *ijtehad* to argue that "Muslims are not obligated to find one correct legal interpretation of the Shari'a."[61] Instead, through the process of reasoning and informed judgment, "[t]his collective ijtihad . . . constitute[s] the authoritative ijma of the community, the majority of whose members would have a better knowledge of contemporary affairs and modern disciplines, thus allowing the Shari'a to be interpreted in light of new complexities in the world."[62]

In summary, the Holy Quran's principles of consultation, *Ijma*, and *Ijtehad* parallel democratic values and add to the democratic tradition of the Islamic world.

C. Islam's Pluralistic Tradition

Though some scholars believe that Islam is incompatible with the concept of pluralism—and, by extension, democracy—the Holy Quran, the life of Muhammad (PBUH), and the history of Islamic world reflect a rich tradition of pluralism. There have been periods in

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60. ALLAM MOHAMMAD IQBAL, THE RECONSTRUCTION OF RELIGIOUS THOUGHT IN ISLAM 173 (1930).

61. Yakub, *supra* note 38, at 278. "'Shari'a' is the term used to refer to Islamic law. It is the body of rules that God revealed to humankind in the sacred texts of the Qur'an. Unlike man-made law, the Shari'a is eternal and is not supposed to be altered by man." *Id*. at 272.

62. *Id*.

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Muslim history during which the rulers acted in derogation to the principles of pluralism.

Pluralism may be defined as "a state of society in which members of diverse ethnic, racial, religious or social groups maintain an autonomous participation in and development of their traditional culture or special interest within the confines of a common civilisation."[63] Democracy and pluralism are mutually beneficial. Democracy does not merely mean free elections, fundamental rights, and rule of law. This aspect of democracy is rather procedural and relatable to the democratization of political institutions. The more crucial aspect is the societal dimension of democratization. It emphasizes the importance of "the creation, extension and practice of social citizenship throughout a particular national territory."[64] According to this view, the existence of democratic institutions, while necessary, is not enough for democracy to prosper. Democracy also requires "popular consent, popular participation, accountability and a practice of rights, tolerance and pluralism."[65]

The Holy Quran itself reflects a spirit of pluralism. "Constantly the Quran points out that Muhammad had not come to cancel the older religions, to contradict their prophets or to start a new faith." To the contrary, "[h]is message is the same as that of Abraham, Moses, David, Solomon, or Jesus."[66] In fact, the Holy Quran ordains that a Muslim is he or she who believes in all of the revealed books— the Taurat, the Zaboor, the Injeel, and the Holy Quran—and their Prophets.[67]

Professor Ahrar Ahmad stated the following idea:

> The Quran's expansive spirit also is reflected in such specific proclamations as "to each among you have We prescribed a law and an open way" (5:51); "if God so willed, He could make you all one people," but He did not (16:93 and 5:51); "there is no compulsion in religion" (2:256); that the Truth has been conveyed and "let him who will believe, and let him who will reject [it]" (18:29);

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63. PLURALISM & POLITICAL GEOGRAPHY: PEOPLE, TERRITORY AND STATE 1 (Nurit Kliot & Stanley Waterman eds., 1983) (quoting NEW WEBSTER COLLEGE DICTIONARY).

64. DEMOCRACY WITHOUT BORDERS: TRANSNATIONALIZATION AND CONDITIONALITY IN NEW DEMOCRACIES 11 (Jean Grugel ed., 1999).

65. *Id*. at 11–12.

66. KAREN ARMSTRONG, ISLAM: A SHORT HISTORY 8 (2000); *see also* Quran 2:129–32, 61:6 (Abdullah Yusef Ali trans.).

67. *See, e.g.*, Quran 3:48–50, 5:46 (Abdullah Yusef Ali trans.).

and, finally, that "I worship not that which you worship, nor will you worship what I worship. To you be your way to me mine." (109:1–4).

   Significantly, the Quran refers to the Prophet only as one who "warns," "teaches," and "invites" others to the "straight path" of Islam (3:138, 24:54, 87:6–9, 62:2 and 34:27) and does not establish Muslims as "guardians," "keepers," or entitled "to coerce anyone to believe" (42:48, 17:54, 50:45, 88:21–22, 10:99, and 6:107).[68]

The life of Prophet Muhammad (PBUH) is also a classic example of tolerance, of pluralism, of love of humanity, and of equality of humans, irrespective of caste, creed, or color.[69] When Prophet Muhammad (PBUH) proclaimed his Prophethood, the Jews and Christians were deeply divided.[70] Nevertheless, in this atmosphere of ill-will and polarization, the Prophet (PBUH) preached goodwill and mutual harmony to realize the divine plan.

So tolerant was he of other faiths that once, as prayer time came, and the Christians of Nijran Tribe—who were visiting Medina—had no place of their own to worship, he invited all of them to Masjid-i-Nabwi to offer their prayers.[71] Unfortunately, both Islamic thought

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   68. Ahmad, *supra* note 25, at 24.

   The Qur'an recognized the diversity of religion, religious traditions, institutions and values among the people to whom the Prophet was sent. It also recognized that certain religions functioning within Arabian society, namely Judaism and Christianity, were God-sent and therefore to be considered valid, at least in principle. Indeed, the Qur'an gave a relatively prominent place to Judaism and Christianity. They were recognized as bona fide religious traditions as well as communities.

ABDULLAH SAEED & HASSAN SAEED, FREEDOM OF RELIGION, APOSTASY AND ISLAM 21 (2004).

   69. At the close of his final address before his death, the Prophet (PBUH) revealed the importance of understanding the equality of the human race:

   All of you descend from Adam and Adam was made of earth. There is no superiority for an Arab over a non-Arab nor for a non-Arab over an Arab, neither for a white man over a black man nor a black man over a white man except the superiority gained through consciousness of God [*taqwa*]. Indeed the noblest among you is the one who is most deeply conscious of God.

AHMED, *supra* note 23, at 21; *see also, e.g.*, Appendix A.

   70. *See* Fred M. Donner, *Muhhamad and the Caliphate*, *in* THE OXFORD HISTORY OF ISLAM 1, 1–5 (John L. Esposito ed., 1999) (providing an overview of the religious climate in the Middle East just before the rise of Islam).

   71. *See* Ibrahim Canan, *Islam as the Religion of Peace and Tolerance*, http://islam-usa.net/en/Islam/terror_and_%FDslam/a.42007.html (last visited June 24, 2006).

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and tradition have been misinterpreted and distorted through the ages for a variety of political, economic, and psychological reasons, which has led to several misconceptions—among others, that Islam excludes pluralism.

The Prophet Muhammad (PBUH) provided one of the clearest examples of Islam not only tolerating but actively defending the religious rights of others when he issued a decree in 628 C.E. after granting a charter of privileges to Christian monks located at the St. Catherine Monastery on Mt. Sinai.[72] In his decree, the Prophet (PBUH) declared that Muslims were to exercise "no compulsion" over Christians, they were to actively defend the lives and property of Christians, and they were to respect their churches and covenants.[73] Clearly, the Prophet (PBUH) taught that other religious traditions were not only to be respected but were to be actively defended by Muslims.

Several historical manifestations of this spirit of tolerance and freedom of thought appear in later Islamic periods as well. For instance, when the Jews of Spain were facing persecution during the course of the Inquisition, they found protection and shelter in the Ottoman Empire.[74] Much later in 1893, a member of the Jewish community commented on the equitable treatment they experienced within the Empire:

> There are but few countries, even among those which are considered the most enlightened and the most civilized, where Jews enjoy a more complete equality than in Turkey [the Ottoman empire]. H.M. the sultan and the government of the Porte display towards Jews a spirit of largest toleration and liberalism.[75]

Gary Brown also noted the tolerance that Muslims manifested during their period of conquest during the seventh through the

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72. A. Zahoor & Z. Haq, Prophet Muhammad's Charter of Privileges to Christians, Letter to the Monks of St. Catherine Monastery (provided in full in Appendix A), *available at* http://www.cyberistan.org/islamic/charter1.html.

73. *Id.*

74. *See* Ahmad, *supra* note 25, at 31–32 (summarizing the toleration and acceptance of the Jewish population in the Ottoman Empire during this period).

75. Talip Kucukcan, *State, Islam, and Religious Liberty in Modern Turkey: Reconfiguration of Religion in the Public Sphere*, 2003 BYU L. REV. 475, 484 (quoting Paul Dumont, *Jewish Communities in Turkey During the Last Decades of the Nineteenth Century in the Light of the Archives of the Alliance Israelite Universelle*, *in* 1 CHRISTIANS AND JEWS IN THE OTTOMAN EMPIRE: THE FUNCTIONING OF A PLURAL SOCIETY 221, 221–22 (Benjamin Braude & Bernard Lewis eds., 1982)).

tenth centuries: "Islam's conquests were undoubtedly facilitated in some areas by the remarkable religious tolerance of its followers, a tolerance uncharacteristic of both the Byzantine Empire and the barbarian kingdoms of western Europe, which—when not pursuing the remnants of ancient paganism or persecuting Jews—were zealously persecuting Christian 'heretics.'"[76] In contrast, Islamic tradition views both Jews and Christians as "people of the book" who were, for the most part,[77] "left undisturbed in their religious lives."[78]

Other historical examples of religious tolerance by the followers of Islam abound. For example, "[i]n newly Muslim Damascus, Christians and Muslims shared the same building for their respective worships, until the Muslims purchased it from the Christian community."[79] Religious tolerance even extended to the Zoroastrians in Persia who had a belief and worship system that differed drastically from Jews, Christians, and Muslims.[80] Although Islamic systems of government sometimes did not tolerate pagan systems, conversion to Islam was not forced but was voluntary.[81]

Even in India, which in the sixteenth century was being ruled by the great Mughal Emperor Akbar, the spirit of accommodation and of tolerance was manifest by his style of governance. Visitors to the area can still see the remnants of Akbar's devotion to religious tolerance when they walk up the steps of the Friday Mosque at Fatehpur Sikri. Over the mosque's great arched gateway, a calligraphic panel in Arabic reads as follows: "Jesus, son of Mary (on whom be peace) said the world is a bridge; pass over it, but build no houses upon it. He who hopes for a day may hope for eternity; but the world endures but an hour. Spend it in prayer, for the rest is

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76. Gary Brown, *Mutual Misperceptions: The Historical Context of Muslim–Western Relations*, Foreign Affairs, Defence & Trade Group (Austl.), Oct. 16, 2001, Current Issues Brief No. 7 2001–02, at 6, *available at* http://www.aph.gov.au/library/pubs/CIB/ 2001-02/02cib07.pdf; *see also* Appendix A.

77. In the Ottoman Empire, non-Muslims were required to pay a small annual tax. *Id*. at 6. However, the purpose of this tax was to offset the non-Muslims' exemption from military duty and the lack of a religious duty to pay the Muslim *zakat* (charity), which faithful Muslims were required to pay. Ahmad, *supra* note 25, at 31.

78. Brown, *supra* note 76, at 6.

79. *Id*.

80. *Id*.

81. *Id*. Some "areas of pagan belief were sometimes required on pain of death to profess one of the tolerated faiths." *Id*.

unseen."[82] This surprising inscription acts as a welcoming message of peace and acceptance.[83]

Emperor Akbar, who oversaw the construction of the city and the mosque, governed with relative success not only because of his military prowess but also because he was "a philosopher and a tolerant connoisseur of religions, whose rule succeeded as much through tact and conciliation as by war."[84] As a Muslim ruling over a predominantly non-Muslim population, Akbar's actions reveal that he respected and defended the religious rights of others. During his reign, Akbar issued an edict on religious toleration, prohibited forced conversion to Islam, promoted non-Muslims to leadership positions within the government, and provided an open forum for religious and philosophical debate.[85] Akbar's reign thus provides a lesson of how we might respond in a time of heated religious and political conflict:

> Why should we care today about what a Mughal Emperor thought and did 450 years ago? On the surface, Asia appears to be hurtling toward a collective future of prosperity and social and political maturity. . . . Scattered across the region are small but deadly assortments of Islamist militants whose narrow and perverse interpretation of the Koran menaces anyone who doesn't abide by it.
>
> All of which suggests that Akbar's message of unity through diversity needs to be heeded more than ever. He demonstrated that tolerance and open public debate are universal traditions, as deeply rooted in the East as in the West.[86]

III. The Decline and Potential Reemergence of Democratic Ideals in the Muslim World

Although Islam possesses a strong democratic and pluralistic tradition, the Muslim political world has deteriorated in its

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82. William Dalrymple, *Celebrate Diversity*, TIME, Aug. 15, 2005, *available at* http://www.time.com/time/asia/2005/journey/essay.html.

83. *Id.*

84. *Id.*

85. *Id.* ("In this way, Akbar set up perhaps the earliest known multi-religious discussion group, in which representatives of Hindus, Muslims, Christians, Jains, Jews and Parsis came together to talk about in what way and why they differed and how they could live together.").

86. *Id.*

acceptance of democratic ideals since the days of Akbar.[87] In contrast, predominantly Christian nations in Europe have witnessed a gradual increase in democratic values in recent centuries. Although it may be tempting to conclude from this comparison that Christianity provides more fertile soil for democratic ideals than Islam, this development actually has little to do with religious dogma. After all, a predominantly Islamic country's government is arguably no less pluralistic than that of a predominantly Christian country. Rather, nations with strong Islamic belief systems have a bright potential to reemerge as richly democratic societies. This section explores the reasons for the decline of democratic ideals within Muslim nations and offers hope for a reemergence of Islam's democratic tradition.

A. The Decline of Democratic Ideals Within Muslim States

In the fifteenth and sixteenth centuries, Muslim states were at their zenith as a world power culturally, intellectually, and politically. Although comprising only one-third of the world's population, Muslims were present throughout the civilized world.[88] As one author noted, "Islamdom could be seen as a microcosm of world history, expressing the preoccupations of most areas of the civilized world in the early modern period."[89] During this "exciting and innovative time for Muslims," the Ottoman, Safavid, and Moghul empires were established, each "reflect[ing] a different facet of Islamic spirituality."[90] However, despite economic progress and political ascendancy, democracy generally was not a favored mode of governance in the Muslim world.

Perhaps Muslims, like other nations in history, became victims of the inexorable "historical destiny" of growth and cultural, political, and social decay.[91] The heirs of a proud legacy fell in grace and the so-called destiny grips them even today. There are many external and internal factors which have contributed to this decline. Some of

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87. For a historical perspective on the political decline of democratic values within the Islamic world from the sixteenth to the twentieth century, see generally MARTIN SICKER, THE ISLAMIC WORLD IN DECLINE (2001).

88. ARMSTRONG, *supra* note 66, at 32.

89. *Id.*

90. *Id.*

91. *See Spengler's Theory of "Historical Destiny,"* CHAMBERS BIOGRAPHICAL DICTIONARY 1735 (Melanie Parry ed., 6th ed. 1997).

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those factors are a sense of complacency, which cost them the desire to compete, the indulgent lifestyle of the rulers, the ruthless suppression of dissent, a general de-emphasis on education and scientific research,[92] and the invasion of the Mongols.[93]

At least three factors exacerbated the internal malaise of the Muslim world in the nineteenth and twentieth centuries, contributing to the decline of democratic ideals in the region: colonial rule, post-colonial authoritative rule, and the development of fascism in the Middle East.

First, for the peoples of the Middle East and North Africa, centuries of monarchic rule imposed from outside, as well as from within, were followed by other instances of single-person rule. France holds the dubious distinction of beginning colonial rule in North Africa. England and Italy later followed suit in establishing colonial rule in yet another part of the area. These three examples of colonial rule had one thing in common: the rule was exercised by a single governor who was acting on orders from a distant imperial power.[94]

Second, several leaders who had spearheaded the liberation movements during the post-independence period—motivated by delusions that they were indispensable—imposed authoritarian rule that blocked all avenues of democratic governance. The starkest example of this was the "revolution" led by Ayatollah Ruhollah Khomeini in Iran. Although Khomeini promised democratic reforms such as freedom of expression and religion, his regime has

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92. Ahmad describes this historical "chilling effect" on knowledge that occurred in the Islamic world, which "generally has remained a subtext in the evolution of the Islamic tradition." Ahmad, *supra* note 25, at 28. Other authors have pointed out that this diminution of knowledge-seeking continues in modern times: "The Muslim leadership's failure to pursue an appropriate educational strategy based upon the revealed as well as acquired knowledge could be identified as the most important factor behind the Muslim world's dependent development strategy." Ataul Huq Pramanik, *Development Strategy and Its Implications for Unity in the Muslim World*, 20 AM. J. ISLAMIC SOC. SCI. 70 (2003); *see also Spengler's Theory of "Historical Destiny,"* CHAMBERS BIOGRAPHICAL DICTIONARY 1735 (Melanie Parry ed., 6th ed. 1997) ("Empirical findings related to the state of education based upon the level of human development suggest that even access to general education for both adults and non-adults is dismally low in the Muslim world.").

93. *See* ARMSTRONG, *supra* note 66, at 96–111.

94. Butterworth, *supra* note 7, at 640. For an overview of imperialism and colonialism in the Middle East, see S.V.R. Nasr, *European Colonialism and the Emergence of Modern Muslim States*, *in* THE OXFORD HISTORY OF ISLAM 549, 549–99 (John L. Esposito ed., 1999).

continually engaged in the suppression of speech and the oppression of minority religions.[95]

Third, it appears that although Muslim political thought remained unaffected by the breadth of the democratic spirit radiated by the French Revolution, there were religious and political thinkers who seemingly supported issues of moral rearmament and a struggle against foreign yoke. Meanwhile, some zealots adopted another political creed of the nineteenth century—Fascism.

The adoption of Fascist strategy was partly a reaction to the brutal authoritarian tactics employed by some of the Middle Eastern regimes to torture and suppress opposition. The modern incidents of suicide-bombing have their roots in this movement. In the 1930s, the Nazis established two centers in the Middle East from which to base Fascist propaganda. The first was in Egypt, where a schoolteacher named Hassan-al-Banna became "the man who did more than any other to lend an Islamic cast to totalitarian ideology. . . ."[96] The Nazis spread Fascist practices by influencing a group founded by Banna known as the Muslim Brothers.[97] From the Fascists, Banna adopted the concept of "heroic death as a political art form" and was thus instrumental in establishing a militant Islamist culture that still exists today.[98]

The second center of Fascism in the Middle East was in the Syria-Lebanon region. After France's surrender to Germany in 1940, the Nazis "moved in [to the Syria-Lebanon region] and made it the base of their propaganda and activity in the Arab world."[99] This establishment led to the rise of the now infamous Baath Party, which would later engage in a totalitarian reign of terror over the region. When the Soviets later moved into the Middle East, Fascist principles were easily exchanged for Communist ideals, but the violence and corruption within Middle East politics continued to reveal the

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95. *See* ARMSTRONG, *supra* note 66, at 323. For an overview of the Iranian Revolution, see JOHN L. ESPOSITO, ISLAM AND POLITICS 199–212 (1991).

96. Ladan Boroumand & Roya Boroumand, *Terror, Islam, and Democracy*, 13 J. DEMOCRACY 5, 7–8 (2002), *available at* http://www.journalofdemocracy.org/articles/Boroumand.pdf.

97. *Id*. Banna's "express goal" in establishing the Muslim Brotherhood was to "counteract[] Western influences." *Id*.

98. *Id*. ("Following Banna, today's Islamist militants embrace a terrorist cult of martyrdom that has more to do with Georges Sorel's Reflexions sur la violence than with anything in either Sunni or Shi'ite Islam.").

99. Lewis, *supra* note 51, at 43.

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contemporary "ignorance of the Arab past, contempt for the Arab present, and unconcern for the Arab future."[100]

Each of these examples demonstrates that if (1) inhabitants of the State are denied the right to participate in governance and (2) dissenting groups—either secular minorities or Muslim majorities—are repressed, they will likely resort to violence.

> The thwarting of a participatory political process by governments encourages the radicalization of more moderate Islamists. Many of those who experience regime violence (harassment, imprisonment, or torture, or see their colleagues languish and die in prison) conclude that seeking "democracy" is a dead end. They will be driven to withdraw from participation in the political process and become convinced that force or violence is the only recourse against repressive regimes.[101]

B. Potential Reemergence of Democratic Ideals

In contrast to the rise of authoritarian and, later, fascist governments within Islamic nations, Europe by and large fastened upon the democratic ideals of the Enlightenment and adopted principles such as popular sovereignty. It may be tempting to conclude from the contrasting political evolutions of the Christian and Muslim worlds that Christianity somehow served as a more viable incubator of democratic ideals than Islam. However, these patterns of political culture have little to do with religious doctrine. After all, Islam does not necessarily embrace a more fundamentalist approach than other world religions. As David Beetham stated, "Islam is no more inherently fundamentalist than any other belief system. Its history embraces pluralism of interpretation and coexistence with other religions."[102]

The question that Islamic nations currently face is whether Islam, which stood for peace, which once gave first priority to learning, whose Prophet (PBUH) valued scholar's ink more than the blood of

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100. *Id.* Lewis argues that regimes such as that established by Saddam Hussein are modern and are also alien to the foundations of Islamic civilization. *Id.*

101. JOHN L. ESPOSITO & JOHN O. VOLL, ISLAM AND DEMOCRACY 201 (1966).

102. DAVID BEETHAM, THE LEGITIMATION OF POWER 203 (1991). Noah Feldman points out that most scholars "share a view of Islam that emphasizes justice, human dignity and equality, the rule of law, the role of the people in selecting leaders, the obligation of having a consultative government, and the value of pluralism." Noah Feldman, *The Best Hope*, *in* KHALED ABOU EL FADL, ISLAM AND THE CHALLENGE OF DEMOCRACY 59, 60 (2004).

a martyr, and which valued delivering justice more than sixty nights of worship, would approve of suicide bombings and killing of innocent men, women, and children?

The answer? *No.* The assumption and exercise of power in the name of the "divine right" to rule, the use of torture to suppress opposition, the choice to resort to violence to quell dissent, and the use of terror to achieve political ends were each motivated by political designs rather than religious doctrine. In fact, "[t]he modern period has witnessed many attempts to develop a creative synthesis from Western and Islamic elements in the social and political spheres."[103]

While some scholars seek out such a synthesis, it appears that a complete break with the past will be necessary to facilitate democratic principles within the democratic nations. However, that may not be the case since nearly every society has some form of local democracy. As one scholar noted, "most people in the world can call on some local tradition on which to build a modern democracy. . . . The evidence is clear that both the idea and the practice of democracy are foreign to no part of the world."[104] Thus, a complete break with the past is not necessary to incorporate democratic ideals into the Islamic political culture.[105]

It is true that it may take time for a synthesis to mature, for a people to change, and for a system to evolve. It will take time for a system relevant to the twenty-first century to develop because that

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103. BEETHAM, *supra* note 102, at 203.

104. Steven Muhlberger & Phil Paine, *Democracy's Place in World History*, J. WORLD HIST., Spring 1993, at 26, 28, *quoted in* ESPOSITO & VOLL, *supra* note 101, at 201.

105. Scholars have explored what may be required to realize the democratization of a Muslim society:

> The modern democratization process involves a complex process of reconceptualizing what may have been antidemocratic themes and combining these revisioned concepts with the protodemocratic and democratic elements in every societal tradition. These indigenous dimensions interact with the transformations of the modern era to create the potentialities (and obstacles) for modern democratization in the contemporary societies. This is the process, in general terms, that was experienced in Western societies and is experienced in other societies as well. Because of its very nature, each experience will be different, since indigenous foundations are different. It is in this context that the special conditions of democratization in the Muslim world need to be viewed. It is especially important to identify crucial elements in the Islamic tradition that have been redefined and reenvisioned in ways that can strengthen (or possibly weaken) the dynamics of democratization in Muslim societies.

ESPOSITO & VOLL, *supra* note 101, at 22–23.

requires an informed, enlightened, and a visionary public opinion. In sum, time may be required; nevertheless, that does not mean that potential obstacles are insurmountable.

There is still hope. Notwithstanding the clash of civilizations some scholars have predicted,[106] there is a silver lining—a global resolve by the silent majority to reject the forces of terror and to live in harmony as human beings. If democratic values are to be shared by all people across the globe, it is essential to reach out to this silent majority. The need for a serenity of perceptions and goals has never been greater in human history. This vision would be a leap forward for the establishment of an enlightened society and a world shared by all. The mission ahead may not require new prophets, new pundits, or new evangelists. All that it demands of us is a realization of human interdependence, and of their awful capacity to either destroy or to make the world more livable, and of their common destiny from womb to tomb.

IV. CONCLUSION

The traditions, scripture, and original teachings of Islam are compatible with the principles and practices of democracy. Islam itself has *not* been and is *not* currently the chief encumbrance to the development of democracy in Muslim states. In fact, Islam's foundational text, the Holy Quran, enshrines democratic values such as Tauheed, consultation, *Ijma*, and *Ijtehad* within its pages. Accordingly, while the Muslim political world has deteriorated in its acceptance of democratic ideals, that has little to do with religious dogma. In fact, nations with strong Islamic belief systems have a bright potential to reemerge as deeply democratic societies.

To realize this potential, the Islamic world may be required to focus on essence over form. Essence and form are two dimensions of a tradition, or rather, two approaches to comprehend the significance of tradition in human affairs. If people go by form alone, they may cling to the past, claiming monopoly of truth, monopoly of righteousness, and monopoly of god. The wages of this approach have been untold bloodshed and misery. But if essence is the guiding spirit, one might more easily find commonalties in the traditions of

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106. *See generally* Samuel Huntington, *The Clash of Civilizations*, FOREIGN AFF., Summer 1993, at 22.

divergent faiths. It is the pursuit of these commonalties which may make traditions a dynamic force relevant to our day.

Promoting pluralism will also be a fundamental step in establishing democratic principles. In fact, some call pluralism the *raison d'être* of a democratic mode of life. However, it may be necessary to reach one step beyond tolerant pluralism to the ambitious goal of compassion in order to effect real changes. After all, one may say that democracy, in essence, is only a socio-political manifestation of a human sense of compassion—the main spring of all true religions of the world. With democracy as the cherished goal at domestic and international levels, we must promote its essence—a vibrant sense of compassion.

> Compassion has been advocated by all the great faiths because it has been found to be the safest and surest means of attaining enlightenment. It dethrones the ego from the center of our lives and puts others there, breaking down the carapace of selfishness that holds us back from an experience of the sacred. And it gives us ecstasy, broadening our perspectives and giving us a larger, enhanced vision.[107]

Allow me to conclude with a poem of my own creation:

> *Let us discover the light within, that glows our hearts and minds,*
>
> *That yearns for a dawn untainted by the sickening shadows*
>
> *Which blind us: shadows which debase us.*
>
> *Let us rise and light the candles*
>
> *In the loving memory of those innocent souls*
>
> *Who got burnt in the flames of terror;*
>
> *Candles for those who got lost in search of their hearths and homes;*
>
> *Candles of human fraternity; to bring down the walls which divide us;*
>
> *And candles of hope for a morrow not marred by the moaning calls*
>
> *Of a people in shock; a people in anguish and a people in despair.*

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107. KAREN ARMSTRONG, THE SPIRAL STAIRCASE: MY CLIMB OUT OF DARKNESS 296 (2005).

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With these candles all around, we shall light up our village, the global
village, and only then shall we rekindle the age-old tradition common
to all faiths—the tradition of compassion, of empathy, and of a feeling
of oneness.

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Appendix A

PROPHET MUHAMMAD'S CHARTER OF PRIVILEGES TO CHRISTIANS:
LETTER TO THE MONKS OF ST. CATHERINE MONASTERY

Dr. A. Zahoor and Dr. Z. Haq

In 628 C.E. Prophet Muhammad (PBUH) granted a **Charter of Privileges** to the monks of St. Catherine Monastery in Mt. Sinai. It consisted of several clauses covering all aspects of human rights including such topics as the protection of Christians, freedom of worship and movement, freedom to appoint their own judges and to own and maintain their property, exemption from military service, and the right to protection in war. An English translation of that document is presented below:

> **This** is a message from Muhammad ibn Abdullah, as a covenant to those who adopt Christianity, near and far, we are with them.
>
> **Verily** I, the servants, the helpers, and my followers defend them, because Christians are my citizens; and by Allah! I hold out against anything that displeases them.
>
> **No** compulsion is to be on them.
>
> **Neither** are their judges to be removed from their jobs nor their monks from their monasteries.
>
> **No one** is to destroy a house of their religion, to damage it, or to carry anything from it to the Muslims' houses.
>
> **Should** anyone take any of these, he would spoil God's covenant and disobey His Prophet. Verily, they are my allies and have my secure charter against all that they hate.
>
> **No one** is to force them to travel or to oblige them to fight.
>
> **The** Muslims are to fight for them.
>
> **If** a female Christian is married to a Muslim, it is not to take place without her approval. She is not to be prevented from visiting her church to pray.
>
> **Their** churches are to be respected. They are neither to be prevented from repairing them nor the sacredness of their covenants.
>
> **No one** of the nation (Muslims) is to disobey the covenant till the Last Day (end of the world).

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