

A Comparative Study of Islam and Modern Democratic Ideals

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Abstract

The question of whether Islam can give rise to human rights and democracy is a deep concern for politicians and policy makers. The desire to find within Islam the source and motivation for democratic governance is very strong among Muslims. It is reflected in the writings of those who strive to relate their Islamic faith and their life in both conditions of being in majority Muslim democratic state like Turkey or Indonesia and in minority Muslim communities in western or oriental states. Based on Islam's authoritative sources, this paper speaks about this global ferment by demonstrating that the political agendas promoting democracy and human values can be grounded in the Quran, it demonstrates Islam's compatibility with liberal democracy and its values in the realm of government and law.

Keywords: Democracy, Islamic governance, constitution, shura, consent

The contemporary discussions and debates over "political issues" among scholars – Muslim and non-Muslims, liberal and conservative, modernist and revivalist in brief, belonging to the diversity of voices have been a continuation of Islamic political thought in many ways as known in the history. These discussions and debates have involved diverse issues immanent in Islamic history and culture. The basic questions reviewed by this diversity are relation of politics and Islam; nature and attributes of state in Islam.

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The Hijra marks the beginning of political activity that is to say; Islamic political order was established by Prophet Muhammad (SAW) in 622 CE in Medina, based on the guiding principles of holy Quran, i.e. established in accordance with Divine order. In the words of A.R. Moten:

“Here [in Medina] was established the first Islamic polity of which Prophet Muhammad (SAW) was the spiritual and temporal head. He led the public prayers. Commanded the army, acted as a Judge, and formulated public policies. The foundation of “Islamic political order” was laid by Prophet Muhammad (SAW) with a written constitutes based on the directive principles of Holy Quran 17:23-27 and was carried on, developed successfully by the Khulfai Rashidin”¹.

The Islamic polity or political order, established by Prophet Muhammad (SAW) and developed by Khulfai Rashidin was truly democratic as it was based on the basic / Fundamental principles and values. Shura, rule of law, justice, equality, freedom, brotherhood, protection of human rights etc.

The Key Features of Islamic Governance

Democracy and the notion of democratic participation in Islam means that word ‘democracy’ is not a Quranic term explained in the Quran or in the Sunnah, but it means that the positive features and values of democracy are compatible with the Islamic teachings that are based on the Quran and the sunnat.² In the discussion about the political ordinance of Quran and Sunnah are one find that they do not lay down any specific form of state, the Shariah does not prescribe any concrete pattern on which an Islamic state built it does not elaborate in detail a constitutional theory.

The Quran has given some basic principles in the field of politics and constitutional affairs important principles pertaining to Islamic political order, although do not mention details and particulars. These have been left for the Muslim Ummah to formulate according to the needs of time and place. These principles considered to be ‘supreme values’ and have a great affect upon the formulation of the Islamic concept of state, its functions and characteristics of its system of government.³

The Constitution

The Islamic political system is a constitutional system founded upon the conditions underlined by the Shariah, which is a complete system of life and all-embracing social order.⁴

The constitution of Medina provides very important occasion for the development of Islamic theory. In 622 CE Prophet Muhammad (SAW) migrated from Mecca to Medina there he established the first Islamic state. For ten years Prophet Muhammad (SAW) not only ruled as a leader of the emerging Muslim community in Arab but also the political hand of the state of Medina. In Medina he exercised jurisdiction over Muslim as well as non-Muslim, within the city. The legitimacy of his sovereignty over Medina was based on his status as the Prophet of Islam as well as on the basis of the compact of Medina. As Prophet of God he had sovereignty over all Muslims by divine decree but he did not rule over the non-Muslims of Medina because he was the Messenger of Allah but ruled over them by virtue of the tripartite compact that was signed by the Muhajirun (Muslim immigrants from Mecca), the Ansar (indigenous Muslims of Medina), and the Yahud (Jews) it is important to note that Jews were constitutional partners in the making of the first Islamic state.⁵

The compact of Medina provides an excellent of two theoretical contracts – a social contract and a constitution. An idea of social contract was developed by Hobbes, Locke and Rousseau it is an imaginary agreement between people in the state of nature that leads to the establishment of a community or a state. In the state of nature people were free and not obliged to follow any law. They were individually sovereign. But through the contract they surrendered their individual sovereignty to the state.

The second idea is that the compact of Medina manifest itself as a written constitution. The compact of Medina clearly served a constitutional function it was the constitutive document for the first Islamic state. The first Islamic state established in Medina was based on a social contract, was constitutional in character and the ruler ruled with the explicit consent of all the citizens of the state.⁶ Therefore government in Islam is not a kind of absolute government it is not an autocracy or an authoritarian form of government, it is a government limited to a constitution.

Consent

An important feature of the constitution of Medina was that Prophet Muhammad governed the city-state of Medina by virtue of the consent of its citizen.⁷ The constitution of Medina established the importance of consent and cooperation for governance. In this compact Muslims and non-Muslims shared equal rights and duties they enjoyed the equal citizenship of the Islamic state, different religious communities had religious autonomy. The constitution of Medina established a pluralistic state. It promised equal security, liberty and freedom to all and all were equal in the eyes of law. This principle of equality, consensual governance, and pluralism provides legal notions of Islam to build a democratic state. The process of *baya'h* or the pledging of allegiance was an important institution that sought to formalize the consent of the government. In those days the ruler's authority was not fully legitimized without direct process of pledging of allegiance. The early Caliphs practiced the process of *bayah*, in order to legitimize the authority of the Caliph. In modern period the process of *bayah* can turned in to nomination followed by elections, replacing *bayah* with elections makes the process of pledging allegiance simple and universal it is accordance with Shariah.⁸

Shura (Consultation and Legislation)

Is a Quranic term/concept [3:159; 42:38] meaning consultation. The term Shura, the Quranic alternative for democracy denotes consultation. The Qur'an used the word to emphasize on the democratic spirit of Islamic polity. The word signifies that the political body a set up for consultation on any problem. The word shura is an act, an idea, a social technique and a political institution.⁹ the verse 159 of Aal-e-'Imran "and consult with them as the matter and when you decide, put trust in Allah" leaves no rooms for any doubt that Shura was one of the basic principles of Islamic political system.

The Quran also recognize the authority of those who have been chosen as leaders "O you believe obey Allah and obey the Messenger and those in authority from among you (Quran: 59)". Those who (conduct) their affairs through mutual consultation (Quran 42: 38). Shura is basically a decision making process- consultative decision making Islamic scholars considered it is either obligatory or desirable.

Prophet Muhammad (SAW) even with his exceptional quality of being divinely guided always consulted his companions and representative of the tribes of his adherents before taking decisions. Khulfa'i Rashidin were also the defenders of the consultative institution. In this regard, the Shari'ah does not confine consultative to the religion sphere it does not provide a specific forms or detailed procedures for consultation. The Shariah left the door open to choose the method most suitable according to the needs and circumstances of time.¹⁰

The silence of the Shariah about the form of consultation suggests the continuous temporal legislation. This legislation would relate the administration and other affairs not touched by the Shariah and those affairs about which Shariah does not provide any principle in either case it is up to the people to derive legal opinions through independent reasoning (ijtihad) and this must be in agreement with the spirit of Shariah.¹¹ In this context the consultative system of government is similar to a democratic system there is substantial similarity between Islamic political theory and democracy. There is much in Islamic sources and Islamic traditions that is favourable to making democracy the vehicle for delivering the products of Islamic governance, such as social justice, economic welfare, and religious freedom.¹²

Shura Quran 3:159; 42:38 is viewed not merely as a religious concept but as reflection of the public will the Quran laid down the principle of Shura to guide the communities decision making process, Shura in fact is a legislative of Islam. No laws could be making without in conformity of Shura. Shura followed the democratic method of voting to formulate the laws.¹³

The early period of Islam preserved a number of examples for the legislative power of the state Prophet Muhammad (SAW) himself consulted his Arab and non-Arab companions before deciding on matters not touched by the Shariah this also followed by his successors in varying style and forms. This meant to be the temporal legislation can be vested in the authority of the legislative body or council. In this respect the people of the state can use the method of a general public vote for Senate or congress and senate or any other form of consultation that suits the circumstances of the particular time and place. The specific approaches to consultation are not prescribed in the text of Islam. The procedures and the spheres of consultation are reserved for the certain circumstances of each nation, its time and place and to the human experiences and achievements.

Thus it's established that the procedures to be used for form of government, consultations or kind of legislature could have some alternative and adjustment from time to time without any compromise to their Islamic nature.¹⁴

The argument that 'God is the only legislator' does not make democratic system against the Islamic nature of political system. In democracy people legislate for themselves because Shariah kept silence on some issues and did not provide detail of everything of this world. The method of consultation and legislation are the heart of the structure and functions of the state, and between state and its subjects, between the subjects themselves, and between state and other states in the world community. The silence of Shariah about these affairs is suggestive for the need of continuous temporal legislation.¹⁵ this means human legislation is temporal and interpretive not absolute secondly in Islam people legislate to people, as people legislate to people in a democracy. In either case human beings will use their talent and expertise to legislate in ways suited to their situation. Here the only difference that the people in Islam will legislate on the basis of the spirit of Shari'ah.¹⁶

The necessity of consultation is a political consequence of the principle of the caliphate of human beings. The importance of consultation as a part of Islamic system of rule is widely recognized. In a standard introduction to Islam, places consultation in a framework that is widely accepted:

"The importance and utility of consultation cannot be too greatly emphasized. The Quran commands the Muslim again and again to take their decision after consultation, whether in a public matter or a private one. The Quran does not prescribe hard and fast methods. The number, the form of election, the 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 possessing integrity of character".¹⁷

Muslim thinkers have taken this analysis further, arguing that Quran envisages the Muslim community as a perfectly egalitarian, open society based on goodwill and cooperation. Quran laid down this principle of consultation to guide the community's decision-making process.

In Quranic understanding of Shurah does not mean that one persons asks others for advice but, rather, mutual advice through mutual discussions on an equal footing.¹⁸

Ayatullah Baqir al-Sadr relates consultation to the rights of people “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 now involve the formation of an assembly whose members are the real representative of the people”.¹⁹ Shura thus becomes a key operational element in the relationship between Islam and democracy.

Thus Islam – its history, culture, law and ideology in fact contains concepts and values which are similar and in harmony with the positive features, values or watchwords of democracy – people’s participation, rule of law, justice freedom, equality and human rights etc. although both cannot be identified with each other having some basic differences as well two system are not identical but there is substantial similarity between Islamic political theory and democracy.²⁰

Reference

- Dr. Abdul Rashid Moten, *Political Science: An Islamic Perspective*, MacMillan Press Ltd., New York, 1996, p. 29.
- Sayed Khatab and Gary D. Bouma, *Democracy in Islam* (Routledge Taylor and Francis Group London and New York, 2007, p. 29.
- Dr. Obaidullah Fahd, *Redefining Islamic Political Thought: A Critique in Methodological Perspective*, Serial Publication, New Delhi, 2006, pp. 155-156
- M.A. Muqtedar Khan, “Islamic Governance and Democracy” in Shiping Hua (ed.) *Islam and Democratization in Asia*, Cambria Press, Amherst, New York, 2009, p. 20.
- Ali Bulac, “The Medina Document” in *Liberal Islam: A Source Book* (ed) Charles Kurzman, New York, Oxford University Press, 1998, for the entire text of the compact of Medina, see M.H. Haykal, *The Life of Muhammad*, trans. Ismail R. Al Faruqi, *Indianapolis: NAIT*, 1998, pp. 180-183.
- M.A. Muqtedar Khan, “Islamic Governance and Democracy” in Shiping Hua (ed.) *Islam and Democratization in Asia*, op.cit, p. 21. See also Muhammad Hamidullah, *The First Written Constitution in the World*, Lahore, Muhammad Ashraf, 1975.
- A.H. Siddiqui, *The Life of Muhammad*, Des Plaines, IL: Library of Islam, 1991, pp. 117-132 as cited in M.A. Maqtedar Khan, *Islamic Governance and Democracy*, op.cit, p. 22
- M.A. Muqtedar Khan, “Islamic Governance and Democracy”, op.cit. pp. 22-23. See, Muhammad Asad, *Principles of State and Government in Islam*, op.cit, pp. 69-70.
- Dr.Obaidullah Fahad, *Islamic Shura: State, Government and Democracy*, Serials Publications, New Delhi, 2006, p. 5.

- Hamid Enayat, *Modern Islamic Political Thought*, Austin, University of Texas Press, 1982, p. 72.
- Mawdudi, *First Principle of the Islamic State*, p. 29-31
- M.A. Muqtedar Khan, "Islamic Governance and Democracy", op.cit, p.25.
- A.H. Qasmi, *Islamic Governments*, Isha Books, Delhi, 2008, p.93
- Abul Ala Mawdudi, *First Principle of the Islamic State*, pp. 29-31
- Sayyid Qutb, *Fi Zilal al-Quran*, Cairo: Dar al-Shuruq, 17th ed. 1992, vol. 4, pp. 2010-2011 as quoted in *Islam and Democracy*, op.cit, pp. 20-21
- Ibid, p.21
- Muhammad Hamidullah, *Introduction to Islam* (Gary, in: International Islamic Federation of Student Organization, 1970, pp. 116-117.
- Fazlur Rahman, "The Principle of Shura and the Role of the Ummah in Islam" in Mumtaz Ahmad (ed.) *State, Politics and Islam*, Indianapolis, In: American Trust Publication, 1986, pp. 90-91.
- Ayatullah Baqir al-Sadr, *Introduction to Islamic Political Systems*, trans. M.A. Ansari (Accra: Islamic Seminary/ World Shia Muslim Organization, 1982), pp. 81-82 as quoted in John L. Esposito John O'voll, *Islam and Democracy*, New York Oxford, Oxford University Press, 1996, p. 28.
- Sayed Khatab and Gary D. Bouma, *Democracy in Islam*, op.cit, p.20.