

Democracy without Secularism?

Reflections on the Idea of Islamic Democracy

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"Democracy" has become a battle cry in political debates within Arab-Islamic societies.' Variouslly interpreted and understood, it has nevertheless come to represent an ideal that most political movements, even some that identify themselves as Islamic, claim as their own.

What do contemporary Islamic thinkers understand by the term *democracy*? How do they deal with arguments purporting to prove that democracy requires secularism? Do they end up subverting the meaning of democracy, or do they succeed in offering an innovative and coherent understanding of what the term means, a vision of politics in which political and religious elements coexist peacefully?

To examine Islamic approaches to democracy is in part to see how Islam views the "other." In the present case, this other is a victorious, democratic West that claims that, despite its faults, democracy is the only morally defensible political order, the only political option for societies and states that do not want to be left behind in the rapidly evolving world in which we live.

There are at least two reasons why it is useful to explore how Islamic thinkers view democracy. To begin with, there is a purely theoretical interest in seeing how intellectual traditions (or cultures) perceive each other. In particular, what happens to concepts and practices emanating from a given intellectual tradition when attempts are made to graft them onto other intellectual traditions? Here we can find a measure of perceived distance between traditions and their ability (or inability) to recognize in each other an interlocutor from whom to learn.

Second, and perhaps more important, there is a practical interest in seeing the possible form(s) that political practice may assume in countries where Islam is dominant or increasingly influential. For example, are there significant differences between Islamic movements that pledge allegiance to democracy and those that are consciously opposed to it? Better understanding

the conceptions and ideas espoused by prodemocracy Islamic thinkers can help us to anticipate the future and perhaps play a part in shaping its evolving contours.

The first section of this chapter centers on an explanation of certain aspects of the "received view of democracy." According to this view, both in Western and Arab-Islamic countries, democracy presupposes (or implies) secularism. Western thinkers, long accustomed to the notion of the separation between religion and the state, tend to presuppose this as part of the intellectual background of discussion. But prodemocracy Arab thinkers opposed to political Islam are acutely aware of the need to convince their readers that no genuine democracy is possible unless religion is relegated to the private sphere. All of this is part of the charged intellectual setting in which Islamic thinkers must contest democracy for Islam or engage in its advocacy.

The chapter's second section seeks to explain the Islamic perspective on democracy. "Islamic democrats" conceptualize democracy as a set of procedures for arriving at political decisions. Moreover, Islamic thinkers view these procedures as basically value free, which is to say they are neutral between different value systems—including Islamic and secularist values or ways of life.

Finally, the last two sections of the chapter explore a number of objections raised in conjunction with the proposed Islamic view of democracy. Such doubts and misgivings about "Islamic democracy" seek to underscore, by means of specific examples and scenarios, the extreme tension if not explicit contradiction seemingly unavoidable between the requirements of democracy and the requirements of the faith. Islamic replies, on the other hand, try to downplay the degree of such tensions, or to show that they are neither inevitable nor peculiar to the Islamic polity.

Secularism and the **Received View** of Democracy

In the history of ideas, the rich complex concept of democracy has a long course of development during which associations were formed and links to other concepts forged. Consequently, it is not surprising to find that some of the more astute Islamic thinkers who have discovered the concept in recent years do not believe that "democracy" expresses a simple monolithic meaning that must either be accepted or rejected.

Islamic thinkers are fully justified in this attitude, as suggested by the multitude of differing schools of democratic thought, ranging from liberal democracy, social democracy, and participatory democracy to deliberative democracy, in addition to concepts such as elite pacts, pluralism, polyarchy,

and others. The existence of different schools of thought, each of which claims to offer a more adequate and perhaps more insightful view of democracy than its rivals, makes it evident that democracy is an "essentially contested concept."² Islamic writers who discuss democracy have in effect decided to join the debates on democratic discourse and its central disputed concept, striving to contest or win democracy for Islam.

On the face of it, their task is not an easy one. For despite all the disagreements between proponents of democracy, Western and non-Western alike, and the differences between the various explications of the term, contemporary discussions of democracy commonly assume that religion is firmly within the private sphere and that the public sphere, where political activity takes place, is open to all citizens, without reference to religious convictions.

Indeed, sometimes the need for citizens to meet on neutral, nonparochial ground is advanced as a requirement or presupposition that all but betrays the democratic-cum-secular form of the desired political order. The theorist John Rawls is a case in point, suggesting "political liberalism" as a possible answer to the question: "How is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable, though incompatible, religious, philosophical, and moral doctrines?" (Rawls 1993: xx).

More often, however, it is simply assumed that political debates and arguments that are to be conducted in the public arena, in the presence of all interested citizens, will use what Audi calls "secular rationale." Secular rationale is defined as one whose "normative force, i.e., its status as a prima facie justificatory element, does not evidentially depend on the existence of God (or denying it) or on theological considerations, or on the pronouncements of a person or institution qua religious authority" (Audi 1997: 26).

On the whole, it seems fair to say that what to do with religion is not considered to be a major problem in discussions of democracy in the West. Most of the time debates revolve around issues such as representation, fairness, equality, and participation that put religion somewhat aside. But when democracy is discussed in the context of Arab and Islamic culture, that is not the case: numerous writers remind us of the need to resolve the issue of the relation between religion and politics. The resolution most commonly suggested requires a separation between religion and politics. Democracy, we are told, requires secularism.

For Aziz al-Azmeh, one of the most prolific and insightful writers on political Islam, it is virtually axiomatic that democracy implies secularism. This is evident in the way he bemoans how rare in recent Arab democratist discourse are "positions that underline the necessity of secularism for any

democratic order" (al-Azmeh 1994: 127). Elie Kedourie, a firm believer in the hostility of Arab-Islamic culture to democracy, claims that the idea of the secularity of the state (a concept "indispensable to good government and a free society") is "implicit in popular sovereignty" (Kedourie 1994: 5). Given that popular sovereignty is implied by democracy (its etymon underscores rule by the demos), it would seem, according to this argument, that secularism is implied by democracy.

Still a third, Azmi Bishara, appears to infer secularism from the very definition of democracy. According to Bishara, "It is conceptually impossible to entertain a notion of the freedom of thought and expression unless beliefs are placed in the realm of free decision. Freedom to decide, on the other hand, is (by definition) an individual liberty. Thus, if freedom of thought and expression is an essential constituent of democracy, it follows that secularism. . . is an essential constituent of democracy" (Bishara 1993: 78).³

This perceived nexus between democracy and secularism, eludable or not, has not been lost on Islamic writers seeking to come to terms with the notion of democracy. The constellation of concepts they grapple with includes not only democracy-related concepts such as the people, popular will, and the common good, but also divine sovereignty, obedience to God's law, and an entire system of moral and aesthetic values that derive from history and religion.

Having seen for themselves the effects, both short and long term, of despotism, and having witnessed, often at close quarters, the well-ordered workings of the polity in stable Western democracies, many Islamic thinkers have begun to yearn for a political order that would in some ways emulate what they observe in the West, without forsaking the living faith of the people. The challenge for them is to decipher the basic components and aspects of this "democratic" method of government, trying to determine how the system functions, what its presuppositions are, and whether and to what extent it can be emulated without doing harm to Islamic religion and culture.

This does not promise to be an easy task, inasmuch as it involves resolving some apparently serious conflicts between religion and democracy. One major problem, hinted at by Kedourie above, is recognizing the principle of popular sovereignty. How can a religion-based political system avoid setting up an office of "religious guardians" with veto power over the will of the people? Another problem area is freedom of thought and expression, referred to by Bishara above. This raises a further question: can the need to preserve a measure of orthodoxy (a hallmark of all religious traditions) be reconciled with freedom of thought and expression? Is that indeed compat-

ible with the spirit of toleration, presumed an essential part of democratic practice and ethos?

An Islamic View of Democracy

Islamic views on democracy are usefully introduced by reference to the writings of three well-known Islamic thinkers: al-Ghannouchi, Turabi, and Khatami. Their views are not universally well received: secularists contend "Islamic democracy" is not sufficiently democratic, while conservative Islamic writers argue that "Islamic democracy" is not sufficiently Islamic. Nevertheless, many find the moderate and reformist views of these three theorists both reasonable and appealing. Considered as a whole, their work represents a quite elaborate attempt to come to grips with the fundamental questions that Islamic thought must face if it is to succeed in arriving at a satisfactory and amicable settlement with democracy.

Their logical move is to distinguish between two ways of thinking about democracy. One is to view democracy as basically a "doctrine of procedure," a method for dispensing, sharing, and managing political power. This view of democratic practice has been classically expressed by Schumpeter: "Democracy is a political method, that is to say, a certain type of institutional arrangement for arriving at political . . . decisions, and hence incapable of being an end in itself, irrespective of what decisions it will produce under given historical conditions" (Schumpeter 1976: 242).

This procedural conception of democracy is broad enough to include Dahl's "institutions of polyarchy," that is, free, periodic elections, inclusive suffrage, associational autonomy, and the like (Dahl 1989: 221). Basically, democracy is a method of government that allows the people to choose their rulers and hold them accountable for what they do in office. The other way is to view democracy as a procedure tied to values and philosophical beliefs that hinge on a certain conception of the "good life," a life that involves, among other things, autonomy, individuality, and free choice—a life lived in dignity within a political community.

Both Schumpeter and, more recently, Rawls reject this view of democracy, though for different reasons. According to what Schumpeter terms the "classical theory of democracy," democracy is an institutional arrangement that aims at achieving "the common good" (Schumpeter 1976: 250). Moreover, this view of democracy has certain religious moorings, in that the belief in the intrinsic and equal worth of all individuals (expressed in some statements of the classical theory of democracy) is basically a political translation of the Christian belief in the equality of all souls before God (Schumpeter 1976: 266).

Rawls, on the other hand, distinguishes between liberalism viewed as a "comprehensive philosophical doctrine" and liberalism viewed as a solution to the problem of how citizens who are divided by "incompatible religious, philosophical, and moral doctrines" can nonetheless manage to live together. This latter Rawls terms "political liberalism," illustrating the difference between these two views of liberalism by reference to the value of individual autonomy: "This value may take at least two forms. One is political autonomy, the legal independence and assured political integrity of citizens and their sharing with other citizens in the exercise of political power. The other form is moral autonomy expressed in a certain mode of life and reflection that critically examines our deepest ends and ideals, as in Mill's ideal of individuality, or by following as best one can Kant's doctrine of autonomy. . . . Many citizens of faith reject moral autonomy as part of their way of life" (Rawls 1993: xlv-xlv).⁴

The distinctions Islamic thinkers draw between different perspectives on democracy are markedly similar to those made by Schumpeter and Rawls, despite the fact that they differ in details and manner of illustration. Al-Ghannouchi has put forward the clearest formulation of the distinction between two ways of viewing democracy:

It is possible for the mechanisms of democracy. . . to operate in different cultural milieus . . . Secularism, nationalism, profit-making, pleasure, power, and the deification of man (these are the values and practices under whose shadow democracy developed) are not inevitable consequences of democracy. Democracy resolves itself into popular sovereignty, equality between citizens, governing bodies which emerge from popular will through free elections, . . . recognition of the majority's right to rule . . . There is nothing in these procedures which is necessarily in conflict with Islamic values. On the contrary, the democratic apparatus is the best available method for realizing these values. (al-Ghannouchi 1993: 88)

Khatami provides a different formulation: "Democracy is a method of achieving [political] stability. This means that democracy is a mechanism, and that the form of government is to be decided by the popular will. Now, in the West, popular will has led to secularism and liberalism. In Islamic societies, popular will is bound to produce a form of government which is in line with people's Islamic thought" (Khatami 1998: 103).

Statements by al-Ghannouchi, Khatami, and others make clear that to the Muslim way of thinking, democracy has become entangled with certain values and practices that Islam cannot permit. Primary among those questioned values and practices is secularism. Materialism, utilitarianism, skept-

ticism, and liberalism (in the sense of "unfettered freedom") are also somehow intertwined with democracy.

The conceptually innovative move that al-Ghannouchi and Khatami make lies in their claim that democracy as such is only contingently related to the abhorred secular values and practices. For Khatami, democracy is simply the practice of abiding by decisions of the popular will. If people's beliefs and values are Islamic, then by following the democratic method, we are bound to establish an Islamic regime. If, on the other hand, those popular beliefs and values are secular or liberal, then pursuing that same method will naturally lead to the establishment of a secular or liberal regime.

Al-Ghannouchi is even clearer: democracy means popular sovereignty, political equality, representative government, and majority rule. None of these necessarily entails secularism, skepticism, materialism, or utilitarianism. Hence there is no necessity, from an Islamic point of view, to reject democracy. Or, as Schumpeter phrases it, democracy is simply a method of making political decisions. It does not dictate the content of the decisions.'

Believing that in a Muslim society the overwhelming majority will want to live in an Islamic way, Khatami and al-Ghannouchi welcome free elections. Their attitude toward political pluralism, party competition, parliamentary debates, and other aspects of the democratic process is equally open and positive. For they imagine that all the competition, opposition, and debate will take place within specified limits established by a national consensus on the essentials of the (Islamic) regime, so that no threat to the integrity of the Islamic society will be posed by these political processes and procedures.

That pluralism and opposition take place within the framework of a lasting fundamental political consensus on essential matters is not an original insight on the part of Islamic writers who have been engaged in examining the presuppositions of democracy. Many Western political writers recognize this. According to Esposito and Voll: "In standard modern Western political thought, acceptable opposition in a democratic system is closely tied to the concept of a constitutional government, in which there is an underlying, fundamental consensus on the 'rules of the game' of politics. Opposition is the legitimate disagreement with particular policies of specific leaders within the mutually accepted framework of the principles of an underlying constitution that is either written or based on long-established practice" (Esposito and Voll 1996: 36).

Islamic thinkers agree with Esposito and Voll in thinking that democratic practice takes place "within the mutually accepted framework of the principles of an underlying constitution." In the case of the Islamic thinkers, though, the constitution derives from the basic principles of the faith. Islamic thinkers consider shari'a (Islamic law) to be that foundation stone.

Turabi, for example, views shari'a as "the higher law, just like the constitution, except that it is a detailed constitution" (1993: 25). Mawdudi, on the other hand, speaks of an "unwritten Islamic constitution," one that already exists, awaiting efforts to codify it, on the basis of its original sources. The sources for this unwritten constitution turn out to be identical with the sources of shari'a (Mawdudi 1975: 11).

Once the binding Islamic constitutional framework is established, political activity can proceed in the familiar democratic manner, allowing for pluralism, opposition, and power contestation. To Turabi, this is a clear feature in Western democracies, exemplified in the logic of "government and loyal opposition":

Such a consensus on the foundations, which is directly agreed upon, and in whose light details are discussed, is a condition for the stability of all democratic systems. This is how Western democracies have achieved their stability: the people, through a process of cultural and political development, have eventually reached a consensus on the foundations, and have succeeded in delimiting the matters which are subject to consultation and parliamentary debate. . . . If we were to look at partisan debates in Western democratic countries, we would find that the debate takes place within an established framework. For example, the difference between the Labor Party and the Conservative Party in Britain is very limited, and so is the difference between the Republican Party and the Democratic Party in America. (Turabi 1987: 68)

In a nutshell, this is the Islamic perspective on democracy. Democracy must be distinguished from secularism and other "ideological" value-elements with which it has become extraneously entangled in Western practice. Islamic thinkers propose a mode of democracy without or beyond secularism. Freed from secularism, democracy becomes available as a means for Muslim societies to order their political life.

Still, many key questions remain regarding the logical coherence of the resulting proposal, most centering on "rights." What types of rights does the Islamic constitution recognize and protect? Does it legitimize any form of discrimination between citizens? Does it protect the right of opposition and dissent, and to what degree? How does the minority fare within an Islamic polity? But perhaps we should begin by considering the fundamental question whose answer sets theocratic forms of government apart from modern democratic forms. This is the question of popular sovereignty: the collective right that people have to govern themselves by laws of their own making. Is this something that a religion-based system of government can accept?

People versus God: The Question of Sovereignty

Islamic thinkers who want to come to terms with democracy often face a major conceptual difficulty at the outset, summarized as follows: On the one hand, democracy requires the upholding of a principle of popular sovereignty. Islam, on the other hand, seems to require repudiation of popular sovereignty in favor of an institution sometimes referred to as "divine sovereignty" or "divine rulership" (*al-hakimiyya al-ilahiyyah*). According to Sayyid Qutb, a well-known exponent of this idea: "The right of rulership gives rise to the right to legislate to people, the right to prescribe the way of life which people lead, the right to institute the values which this life is to be based on. . . . Whoever claims for himself the right to legislate a way of life for a people thereby claims divine authority over them, for he seeks to appropriate the most important attribute of divinity. Moreover, whoever amongst the people accepts this claim has thereby agreed to make this person a God in place of the true God, for he attributes to him the most important attributes of divinity" (quoted in Abu Zaid 1994: 105). This is often understood as illustrating the profound difference between Islam and its Western-secularist "other." With the two sides speaking such different languages, what hope can there be for a real dialogue, much less mutual understanding. to take place?

How can advocates of Islamic democracy reply to this charge? Initially, it should be made clear that Islamic thinkers who speak of divine sovereignty do not usually mean to imply that the Islamic state, unlike other mundane states, has an "invisible president" who rules as mundane potentates do. Sayyid Qutb's statement notwithstanding, God does not rule over the affairs of the Muslim community as human rulers do. As al-Ghannouchi puts it, "Those who uphold the slogan 'Sovereignty belongs to God' do not mean that an Incarnate God comes to dwell amongst us in order to rule over us. God—may His Name be exalted—cannot be seen, nor does He dwell in a person or an institution that can speak for Him. The slogan 'Sovereignty belongs to God' means only 'lawful rule'" (al-Ghannouchi 1999: 155).

Building on al-Ghannouchi's suggestion, one can argue that statements such as "Sovereignty belongs to God" or "In an Islamic state only God rules" should be construed as referring to what political decisions ought to be like if they are to have validity or moral rectitude.⁷ The ideal situation is when democratic procedures function within parameters set by divine law. People debate, discuss, and vote. And there is always a way to determine whether the decision was valid: not by the fact that it was accepted by the majority, after discussion and debate, but by checking it against divine law.

To view Islamic calls for divine sovereignty and the application of shari'a

as hinting at the idea of "rule of (divine) law," constitutionalism, or an Islamic version of these is not some sort of wishful thinking to interpret Islam in a sympathetic light. This is grasped by more astute Arab secularists, such as Azmi Bishara, who claims that "in times when social consciousness takes a religious form, it is possible that calls for the application of shari'a express a democratic tendency, or (at least) an opposition to despotism, simply because shari'a rule implies restrictions on the exercise of political power over and above mere will of rulers" (Bishara 1993: 83).

This remark, as well as similar statements by Tariq al-Bishri and Nazih Ayyubi,⁸ suggest that we should view advocacy of divine sovereignty as a way of referring to the constitutional framework within which the democratic process is to take place, and which is the final arbiter in matters of political validity. This is fully compatible with the Islamic conception of democracy. After all, all democratic procedures, including those in a liberal-secular framework, require an established constitution whose validity is not put to question every time the people go to the polls. In the case of Islamic democracy, the constitutional framework is none other than divine law, which people accept and which is the basis of their consensus.

Still, many difficult questions about the Islamic rule of law, the Islamic constitution, can be raised, pertaining in part to the content of the Islamic law and how it may (adversely) affect the freedoms and the rights of minorities and other specific groups, such as women and non-Muslims. The next section will examine how Islamic writers may deal with questions of this kind. But first we turn to the relation between popular sovereignty and the Islamic rule of law (our basis for explicating the notion of divine sovereignty).

It may be thought that the notion of divine sovereignty, even when taken to mean rule of law, still poses a threat to popular sovereignty. After all, who is to be entrusted with codifying the unwritten Islamic constitution of which Mawdudi speaks? And who is to have a role in interpreting it? Surely not everyone, regardless of religious qualification. The concern here is well expressed by the Egyptian thinker Nasr Hamid Abu-Zaid, who fears that divine sovereignty will easily dissolve into "the sovereignty of the fuqaha' [Islamic jurists]" (Abu-Zaid 1994: 111, 117).

Abu-Zaid's fears seem to have come true in the constitution of the Islamic Republic of Iran (Blaustein and Flanz 1986). This constitution probably represents the first attempt to write a detailed, workable constitution from an Islamic point of view. It is instructive to look at some of the relevant articles of the constitution:

All civil, penal, financial, administrative, cultural, military, political laws and regulations, as well as other laws or regulations, should be

based on Islamic principles. This principle will in general prevail over all of the principles of the constitution, and other laws and regulations as well. Any judgment in regard to this will be made by the clerical members of the Council of Guardians. (Article 4)

The Islamic Consultative Assembly cannot enact laws contrary to the *usul* [fundamentals] and *ahkam* [judgments] of the official religion of the country or to the Constitution. It is the duty of the Guardian Council to determine whether a violation has occurred in accordance with Article 96. (Article 72)

The determination of compatibility of the legislation passed by the Islamic Consultative Assembly with the laws of Islam rests with the majority vote of the *fuqaha'* of the Guardian Council; and the determination of its compatibility with the Constitution rests with the majority of all the members of the Guardian Council. (Article 96)

The Guardian Council is not a popularly elected body. The clerical members, six in number, are appointed by the religious Leader, while another six are nominated by the head of the judiciary, who is also appointed by the Leader. This prompts Mayer to observe: "In consequence, not even constitutional rights guarantees can have force should the clerics . . . decide that those guarantees are not based on Islamic principles" (Mayer 1991: 37). Surely this cannot be squared with the basic principle of democracy, which gives people (or their duly elected representatives) power to pass legislation. If any agency has veto power over the decisions of the legislative council, which represents the people, how can one possibly speak of "popular sovereignty," much less of democracy?

There are several considerations that Islamic thinkers can underscore here to lessen if not altogether remove the alleged danger posed to democracy by the intrusion of religion. First, with reference to the origination, authorship, or codification of the constitution that regulates political life in society, it is rarely if ever the case that the multitude of the people, in their millions or hundreds of thousands, participate in laying down the foundations of the constitution. More often than not, constitutions have "fathers" who are usually distinguished members of the community, prominent figures who assume a position of leadership. Typically a "people's assembly" or a plebiscite gives a stamp of approval to principles and procedures that have already developed and matured in the guiding hands of the few, the ruling elites. In Islamic history, this class is referred to as *ahl al-hal wa al-'aqd* (those who "loosen and bind"). They include persons knowledgeable in religion, and others as well. If they were to play a dominant role in putting together the constitution according to which the nation lives, this would in

no way be inconsistent with the historical practice of elites elsewhere in drafting constitutions.

Second, even if we assume that people (as a multitude) participate in the creation of their constitution (that is, even if we assume that political elites do not play a major role in politics), that still does not mean that constitutions are always based on the free will and free choice of those who live under them. A people creates a constitution that reflects the political will of the generation that created it. But succeeding generations do not re-create the constitution anew. On the contrary, they are in a sense themselves created by the existing constitution, inasmuch as the constitution and the institutions it legitimizes function as a great school of civic instruction for the masses. Constitutional amendments may be approved, but a revolution in a constitution is much less frequent. By their very nature and function, constitutions are on the whole conservative. Thus, seen in broader perspective, we should not attach undue weight to the idea that citizens are basically excluded from the work of creating a constitution in an Islamic republic. There is no reason to think that constitutional politics in Islamic society has to take a radically different form or course of development from that common in other societies.

Third, and most important, neither the office of Guardian Council, found in the Iranian Islamic constitution, nor the "sovereignty of the *fuqaha*" alluded to by Abu-Zaid, are inevitable consequences of Islamic principles of government. Islamic teachings do not state that some body must have veto power over decisions of the legislative assembly. Islamic thinkers, in common with ordinary Muslims, believe that Islam does not accept any mediation in the relationship between God and man. Enlightened Muslims can and should be wary of ruling elites that aspire to have a monopoly of political power in the name of religion. It is possible, within the bounds of Islam, to conceive of a situation where all believe themselves to be legitimate interpreters of the faith and where all believe that disagreements over questions of interpretation ought to be resolved by putting them to a vote.

Of course, this idea is not likely to be well received by classes of the *fuqaha*, '*ulema*', or other religious "experts," who often have a vested interest in being viewed as guardians and interpreters of the faith. This is not surprising and can be dealt with in conceptual terms. At most, it calls for a Protestant-like reformation within Islamic society—a transformation that some believe is sorely needed. In other words, the concept of divine sovereignty, suitably interpreted, need not pose a threat to the notion of popular sovereignty. It simply means "rule in accordance with Islamic principles." As long as these principles are freely chosen by the people and applied in a way that does not infringe upon familiar democratic procedures, no one has

reason to call into question the logical coherence of the idea of Islamic democracy.⁹

Diversity and Toleration

Another set of difficulties, less philosophical and more pressing, springs from diversity (cultural, religious, and other), an established fact in most societies. Democracy in ideal terms is supposed to be tolerant, even protective, of pluralism and diversity. Democracy guarantees individual rights and liberties for all, regardless of religion, gender, political persuasion, and so on. Minority status is an acceptable situation in a democracy because the system is geared toward protection of individual rights and liberties, regardless of the size of the minority. Can an Islamic polity be trusted to grant and to protect the rights of "others," even when they constitute a small minority in society? If not, what does this portend for "Islamic democracy"?

The approaches Islamic thinkers may take in addressing the issues of pluralism and tolerance are manifold. Take the question of toleration: it is clearly an unresolved problem for all political systems and theories. Bernard Williams underlines that problem:

The difficulty with toleration is that it seems to be at once necessary and impossible. It is necessary where different groups have conflicting beliefs—moral, political, or religious—and realize that there is no alternative to their living together. . . . Yet in those same circumstances it may well seem impossible . . . In matters of religion, for instance. . . the need for toleration arises because one of the groups, at least, thinks that the other is blasphemously, disastrously, obscenely wrong. . . . We need to tolerate other people and their ways of life only in situations that make it very difficult to do so. Toleration, we may say, is required only for the intolerable. That is its basic problem. (Williams 1996: 18)

It is thus not surprising to find that toleration continues to be a potential source of embarrassment for various (otherwise plausible) conceptions of democracy. Consider the Rawlsian version of democratic theory, that is, "political liberalism." According to Rawls: "Political liberalism also supposes that a reasonable comprehensive doctrine does not reject the essentials of a democratic regime. Of course, a society may also contain unreasonable and irrational, and even mad, comprehensive doctrines. In their case, the problem is to contain them so that they do not undermine the unity and justice of society" (Rawls 1993: xix).

Liberal democracy is supposed to be tolerant, but, argues Rawls, even liberal democracy has its limits. Unreasonable views, those that are "mad"

or "irrational," must be "contained." Presumably containment is not the same as toleration; it is more aggressive. Yet what if we are unable to agree on what to categorize as "irrational," on how to define "madness"? Does this not mean that the question of what to tolerate and what to "contain" will always be an open, unresolved problem for us?

Islamic thinkers face difficult, even perplexing, questions with respect to the toleration of diversity. Yet they differ little from other views, Rawls's included. In fact, it is noteworthy that al-Ghannouchi espouses a view similar to Rawls's notion of "containment" when it comes to ideas al-Ghannouchi considers "beyond the pale." Satisfied that there is a society-wide consensus on a basic Islamic constitution, al-Ghannouchi is able to accept the continued existence and operation of non-Islamic (perhaps even un-Islamic) parties and groups within an Islamic polity. In his analysis, such groups and movements will be largely marginal and ineffective because they are not part of mainstream Islamic tendencies. "Civil society," says al-Ghannouchi, "will see to it that such groups will be marginal. There will be no need to resort to state power [in order to "contain" them]" (al-Ghannouchi 1993: 295).

The above-mentioned considerations constitute one approach available in Islamic democratic thinking for dealing with the difficulty posed by the question of diversity and toleration of difference. Toleration has limits. In every society, in every political system, toleration has a "ceiling." Its height varies depending on the type of measurement we use, as well as our expectations as to how high the ceiling must be if the "house" is to be fit for human habitation. Subjective, culturally relative judgments will abound here, and, short of universally accepted criteria of validity (which experience has shown to be nonexistent), there is no way to resolve disagreements.

Another quite different tack that Islamic writers could follow would be to point out that Islam is not monolithic: it does not mean the same things to all advocates of the Islamic state. Some are hostile to the very idea of speaking of Islam and democracy in the same breath. And those who lean toward Islamic democracy may also differ in their degree of conservatism or liberalism.

A remarkable case in point is the Sudanese thinker Abdullahi an-Na'im, whose approach to ethics and whose daring views on interpreting shari'a are reminiscent of Mu'tazilism at its best. (Mu'tazilism is an Islamic rationalist school of theology; they emphasized the use of reason in the interpretation of religious texts.) An-Na'im accepts all the noncontroversial rights that shari'a offers, such as the right to life, dignity, privacy, and property," but he pushes the frontiers of reform much further, to the extent of seeking to bring Islamic legislation into full conformity with international human rights standards. His understanding of Islam requires the official abrogation of slavery,

complete freedom of belief (including freedom to change one's religion), and abolition of all forms of discrimination on the basis of gender (An-Na'im 1990: 179).

In sum, when we say that Islam and democracy are compatible, we mean Islam in some interpretation thereof. Until it is shown that Islam, in each and every possible interpretation, is incapable of displaying tolerance toward those who are different, we have no reason to believe that Islam is intolerant of diversity and pluralism in some monolithic essentialist sense. In short, the issue of tolerance need not be the fatal flaw it is often taken to be as far as Islamic government is concerned.

In connection with the problem of toleration of diversity, there is a kind of last-ditch strategy that Islamic thinkers may resort to when they feel they are at the end of their tether as far as the possibilities of compromise and accommodation are concerned. Imagine a society where Muslims constitute a politically active majority (whether an overwhelming or a small majority) that wants to institute an Islamic state. Suppose, furthermore, that despite all attempts, members of the society are unable to reach agreement on an Islamic constitution that is acceptable to all, Muslims and non-Muslims alike. What is to be done then? The available solutions are limited.

First, there is the secularist solution, which is to remove religion from politics. But contrary to all initial appearances, this has little or no justification from a democratic point of view. For it is hard to think that democracy requires that the majority lead a double life, almost bordering on the schizophrenic: at home you can be religious and you can believe that religion is the most important thing in the world, but out on the street you must hide your religion and pretend that religion does not really matter in the public sphere or civil society.

Furthermore, some religions think it is the epitome of irreverence to live your life in this manner. It is a mistake to think that all religions are like Christianity in being able to separate Caesar's kingdom from that of God. Islam, in particular, may be unable to condone this type of divide between belief and life in society.

Another choice would be to force the minority to lead a life whose pattern is dictated by the Muslim majority. This could engender a situation where Islamic penalties are to be universally applied in a country that has a Christian or other non-Islamic minority. Again, this does not accord with democracy, for the latter cannot accept the idea of people being ruled by a constitution to which they are fundamentally opposed.

Is there a way out of the situation where disagreements cannot be ended except by loss of constitutive identity for one or more party? This is a situation where it seems impossible to agree on a common definition of citizen-

ship. Walzer examines such a situation in the context of his discussion of the collective right that a group exercises with respect to membership: "If a community is so radically divided that a single citizenship is impossible, then its territory must be divided, too, before the rights of admission and exclusion can be exercised. For these rights are to be exercised only by the community as a whole . . . and only with regard to foreigners, not by some members with regard to others. No community can be half-metic, half-citizen and claim that its admissions policies are acts of self-determination, or that its politics is democratic" (Walzer 1995: 62).

Put "half-dhimmi, half-Muslim" in place of Walzer's "half-metic, half-citizen," and you have, in a nutshell, the problem of Islamic political communities that insist on treating individuals of different faiths as "protected citizens" (dhimmi) with diminished political rights. Such politics cannot be democratic. The only way to restore democracy, in line with Walzer's suggestion, is to allow for political separation and the attendant division of territory. Of course, it may be difficult or even impossible to redraw borders and boundaries, especially when communities are intermingled and have been so over generations in the same area. Nonetheless, partition and redivision of territory are sometimes practicable. These options are still feasible, depending on circumstances, albeit at times at a high social price, and not always in the name of a fuller democratic way of life. Yet such solutions are a measure of last resort. Specific circumstances may require looking for other, more innovative options.

So I have put forward three types of considerations to explore for a more adequate perspective on the possibilities of diversity and toleration within an Islamic polity. These considerations are obviously diverse, yet by presenting them in this manner, our primary aim has been to cast doubt on the naive supposition that the Islamic regime is bound to be undemocratic due to the intolerance it entails for those who are "different."

Conclusion

Some continue to think that the Islamic conception of democracy is unviable because it seeks to divorce the democratic procedure from some of the basic values and philosophical beliefs historically associated with it in the West. The fact that Islamic democracy has not been established in most Islamic countries lends further support to the idea that "Islamic democracy" is implausible.

But this harsh judgment is not justified by the hard empirical facts of democracy. The distinctions within contemporary democratic theory between substance and form, method and aim, procedures and result have all

been made by Western thinkers. Islamic thinkers recognize the value of the procedure, but they refuse to embrace Western values and definitions of the meaning of life that have sprung and evolved from specifically Western social revolutions. Until it is demonstrated that secularism, liberalism, and relativism derive from the very notion of "government of the people, by the people, and for the people," we cannot dismiss the conceptual possibility of Islamic democracy.

Notes

1. Some of the ideas expressed in this chapter have appeared elsewhere (Bahlul 2000a, 2000b). I would like to thank the publishers for permission to quote passages from these works. My thanks also to John Bunzl (Vienna) and Bill Templar (Shumen, Bulgaria) for comments on an earlier draft of this chapter.

2. "Essentially contested" means there are disputes about the use of the term in question. Different (suggested or actual) uses are sustained by "perfectly respectable arguments and evidence" that nevertheless fall short of settling the dispute about the use of the term. See W. B. Gallie 1964: 14.

3. The missing premise here, of course, is the idea that freedom of thought cannot be ensured in a nonsecular society.

4. Rawls's solution is to give "citizens of faith" (believers in religion) a double identity. As political persons, individuals recognize a highest interest in autonomy and individuality. As private persons, there is no call for them to separate themselves from their enduring religious attachments, loyalties, or self-definition. For a discussion of some problems that Rawls's view may have, see Kymlicka 1996: 91–95.

5. There is a trivial exception to this, of course. Democracy cannot self-consistently allow the violation of democratic procedures.

6. I have discussed this difficulty in greater detail in Bahlul 2000a and 2000b.

7. By "what political decisions ought to be like" we mean to refer to the quality (content) of the political decisions that are taken, as opposed to the *method* by which they are taken. This is a "correctness theory" of legitimacy. It is a member of a family of theories that Estlund refers to as "epistemic theories of democratic legitimacy," which are united in their rejection of the assimilation of validity (rightness) of decisions to the method (procedures) used to reach them, see Estlund 1997: 174.

8. Ayyubi remarks that "[The Islamists] are thus after a kind of 'nomocracy,' not the reign of any particular group in particular (democracy, aristocracy or, for that matter, rheocracy)." See Ayyubi 1991: 218.

9. Of course, outside observers may disagree with the principles and values of the Islamic "constitution." We have not said anything to rule out the possibility of their being right in their rejection of such a constitution. But this is a discussion of an entirely different type from the one we are engaged in. We are not attempting to prove either the truth or falsity of Islam, liberalism, or any other doctrine. Our only concern is the possibility of applying democratic procedures within the constitutional frameworks supplied by these doctrines.

10. See Mawdudi (1987: 27–31) for a catalogue of the individual rights that, in his view, are guaranteed by shari'a. Regardless of the strength of his arguments, Mawdudi is not at a loss to cite Qur'anic verses to support his view.

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