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Abstract

Are Islam and Democracy compatible with one another? This question has been fiercely discussed for the better part of a century. As western and eastern cultures of government and structures collided, each has advocated for their own system, claiming it to be superior to that of the other. Today, democracy is de facto regarded as the “best” system of government, and many institutions and government bodies hinge their cooperation with other countries on whether they are democracies or not. For the last 1350 years this has not been the concern of Muslim scholars. But, as the political influence of foreign countries grew, so did the feeling that democracy may in some forms infringe upon the Muslim culture. Out of this worry stemmed many different schools of thought; those who have pushed for the marriage of democracy and Islam and advocated for its compatibility, and those who have denied the possibility of them being compatible. In this paper I join the camp of the former people and argue that Islam possesses at its core the fundamental building blocks needed for building a democracy without infringing upon the religious sanctities and sensitivities. I revisit the theories of why this coupling works, or does not, and build my own hypothesis upon them. I argue that regarding the rules and regulations highlighted in the Quran and Hadith as the judicial red lines, not the legislative constraints many argue in favour of, enables us to build a democracy within the folds of Islam.

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Introduction

“Indeed, it is We who sent it [The Quran] down on the Night of Decree. And what would make you know about the Night of Decree. The Night of Decree is better than a thousand months. Therein descend the angels and the spirit by permission of their Lord in every matter. Peace it is until the emergence of dawn” (The Holy Quran, 97). These verses of the Quran speak of the fateful night when the life of a Bedouin man living in Mecca would change beyond recognition. The metamorphosis which this man went through would end up reshaping the entire region, and eventually influence the shape of the world we know today.

Thirteen years before his *Hijra* to Yathrib, better known today as Medina, Muhammad bin Abdullah had gone to meditate in seclusion in the mountains surrounding Mecca, where he would be anointed as the last and final messenger of God by the archangel *Jibreel*. This defining moment would come to be known as the *Biitha*, roughly meaning the sending, where the now newly established Prophet would receive his first revelation from God. Up until that occurrence, Muhammad, peace be upon him (pbuh), had been a tradesman and had not possessed any political aspirations. He was known as an honest and trustworthy man of the Bani Hashem tribe. With the announcement of his prophethood to the people of Mecca, he had commenced the process of reshaping the entire region, politically, morally, and culturally. For thirteen years, the newly anointed Prophet had called for people to join Islam and follow his teachings. And during the first eleven years, he had very little luck.

Like Judaism and Christianity before him, Islam appealed to the poor people of Mecca first. In its message they found meaning and purpose for their hardships and hope through the afterlife and the promise of paradise. Mecca during that period had been a city of pagans who worshipped Gods made of stone, wood, and even dates. Its violently patriarchal and racist system meant that women were seen and handled as the property of men, and a prevalent slave trade at the time reinforced the superiority complex of the Arabs of Mecca over their slaves.

The revelations Muhammad would receive during his time in Mecca addressed these matters head on. Before he had emigrated or had found a tribe or city to take him in, he had been subject to abuse from the elites of Mecca who did not take his challenge of their authority and his rebelling against

their established power structures lightly. Yet, despite attempting to change the ways of the Meccans before the emigration, he was unsuccessful in achieving his goal through preaching.

The Prophet's fate, and indeed that of Islam as a whole, would change when in the eleventh year after *biitha*, pilgrims from Yathrib arrive in Mecca, hear his message, and accept Islam themselves. A year later, those pilgrims, now seventy individuals, would return not as worshippers, but as emissaries and representatives on behalf of Medina, to pledge their fealty to the Prophet of Islam and invite him to emigrate to Medina. One year later, and after thirteen years of preaching in Mecca, Muhammad (pbuh) emigrated to Medina, where he would be the *de facto* head of state. Upon arrival and after building his house and mosque in Medina, he immediately began with organising what would later become the first Islamic nation. In a series of decrees, he had set rules within Medina and signed contracts with the non-Muslims that guarantee their civil liberties within what was permissible at the time. He began organising an army and handing out state duties to his close companions. Several of them were immediately sent to rulers across the world, such as those of Rome, Persia, and Egypt, inviting them to Islam. With these actions, Muhammad (pbuh) had officially entered both the local and global political arena.

Ruling as a Prophet was simply easy; for the Prophet was, as all prophets before him, infallible. Hence, whatever he decreed was followed. During his lifetime he set up rules and laws and, through the *Hadith*, left statements meant to guide the Muslims after his death and speak of that which was not written in the Quran. And so, when the time came and the final Prophet died, so began the true test for the framework and teachings he left behind.

Similar to followers of earlier religions, those who lived alongside the Prophet faced no difficulty in implementing his teachings and faced almost no issues with the application of Islamic laws in the country. As a political system, Islam had preached equality for all and protection of the vulnerable. It had preached that non-Muslims were not to be forced to convert nor would they be prevented from worship. It preached that those of the Abrahamic religions belonged to the same family and that as family members Christians and Jews were to be protected. It preached justice in all matters of life and left a host of other guiding principles aimed at helping the people maintain the standard set by the Prophet.

Although challenges arose promptly after the Prophet's death, with some abandoning Islam and others declaring prophethood and launching a war on the newly established caliphate, it would take a few years for a specific type of disagreement within Islamic jurisprudence to emerge; one that would subsequently birth many of the fringe ideologies and interpretations seen and read about today.

For it was not until the reign of Ali bin Abu Talib that there was a large falling out between the companions of the Prophet, who had lived with him and learned from him, and the new generation of Muslims, who had only read about him and his teachings. As Surur (1979) notes, Ali had faced significant pushback from the scholars of Iraq over the wars between him and Muawiya. It all came to a boiling point when a group of fringe scholars, and regular people, had developed the idea that by engaging in these wars amongst Muslims, they must have surely abandoned Islam. They considered anyone who did not recognise this fault and repent from it as a non-believer who must be killed. This development led to the assassination of Ali and the failed attempts of assassinating Muawiya bin Abu Sufyan, who had challenged Ali's authority and named himself the caliph, and Muawiya's ally, Amr bin Al-Aas, the governor of Egypt.

After the death of his father, Al-Hassan bin Ali bin Abu Talib would step down from his position of caliph to Muawiya to resolve the conflicts between the Muslims, and with that came a large shift within the structures of authority in Islam, and that is the abandoning of the collective selection of a caliph and the advent of the hereditary rule that would start with Muawiya's son Yazid bin Muawiya. Many Islamic history books describe Yazid as a brute, and his reputation is mainly stained due to him killing Al-Hussein bin Ali, the last grandson of the Prophet, along with almost all male members of the prophetic household. After Yazid a long history of Muslims tyrants, only periodically interrupted with just and fair leaders, is introduced.

The authority of the caliph was rarely ever questioned. This is owed to the fact that for over two centuries after the *Hijra*, the caliph was simultaneously the main figure of authority on religious matters as well. While they did not claim infallibility¹, many of them would and did jail those who had differing views and, in some cases, would torture them until they acquiesced to the demands of the caliph. The best example of this, and simultaneously a defining factor in Islamic history that

¹ I purposely exclude the Shia perspective here as the Shia themselves as an ideological group had not formally existed yet

would reshape the power dynamics of the Muslim world, and even introduce the first structural checks and balances, would be the *Mihna*.

Some 200 years after *Hijra*, a group of Muslims known as the *Muutazila*, who were known for their rejection of *Hadith* and their disapproval of passing on, and following, the established *Sunnah* (tradition) of the Prophet, preferring to judge over matters themselves, had presented an opinion that the Quran was not the word of Allah, but a creation of His. This seemingly mundane idea with no real effect on the ritualistic practices of Muslims would have in most cases flown under the radar. However, the Abbasid caliph Al-Ma'mun would end up being a proponent of this idea and, as the chief authority on all religious matters, decreed that this must now be taught to the public. His belief though was not welcomed by the scholars of his time. Ahmad bin Hanbal who was an already established scholar at the time, rejected this new teaching and opposed the caliph openly, leading to his detention and torture. Yet the scholar did not bend to the demands of the caliph, and he would eventually be released by the next caliph who would go on to announce that the position of his predecessor was an erroneous one. As Morrissey (2021) describes it, this seemingly unassuming event, stretching out over a few years, would in fact signal one of the most significant occurrences in the Muslim world, and that is the transfer of religious power and authority from the caliph to the scholars. For the first time in the history of the Muslim nation, religious authority was no longer in the hands of the caliph or ruler, but in the hands of a third party.

As a result, newer caliphs now had to worry about the opinions and decrees of their scholars, as the scholars could move the people on religious grounds against a caliph. Up until that point in time, the rule of a caliph had been routinely solidified through military might (Abd Al-Raziq 1925). The transfer of the caliphate from one clan lineage to the next was usually due to one clan being beaten militarily by its challenger. And once they would ascend the throne, they would not only rule over the people politically, but even influence the religious scene massively².

This shift affected the Muslims in two ways. The first was that the caliph now gained his authority in part from the scholars, and the second, is that any caliph had to deal with a new intellectual front that had not existed before.

² This is clearest when Egypt went from being Sunni to Shia under the Fatimids and the Sunni again after they were ousted from power.

It is generally around the time of the *Mihna* that scholars began expanding their fields of interest beyond Islamic jurisprudence. Many scholars and thinkers began to study philosophy and natural sciences. The latter created the basis for many great works and inventions later on, but the former had one of the longest lasting effects on Islam as a faith and its application in the modern world.

The translations and explanations of Aristotle's books and theories enabled scholars across the Muslim world to read his theories, explain them, and expand on them taking note of their established knowledge in *fiqh*³. Muslim scholars were now applying many philosophical ideas and theories to their own faith and arguing either in favour of certain positions or against them. This would in turn create centuries worth of academic literature and would begin to split the scholars within the same sects. For there were those like Al-Kindi who greatly admired philosophy and recognised its potential to assist Muslims in understanding their faith and their place in the world. He would argue in its favour but would remain within the theological confines of the Quran (Morrissey 2021). Others however, did not share these views. Philosophy would soon find a home among the fringes of the Muslims and would be for decades shunned as a science by prominent scholars like Al-Shafii and Ahmad Bin Hanbal (Morrissey 2021).

As the years progressed and as the shape of the Muslim empire changed, so did the focus of its scholars. As the European powers began their colonial conquest, there began a shift in the academic tone. The empire, once known for its scientific advancements, had begun to reject all that was foreign to it. One could liken this to the protectionist policies seen in the modern world, that leave some countries a few years behind others; only that back then this was religiously motivated.

The conquest of Muslim lands brought with it the Western laws and it is because of these events in the 18th and 19th century that a growing interest in political theories and political systems is developed by the Muslims. Throughout its entire history, the Islamic political system, on a local level, was run by a single person of authority and his subordinates. The way the ruler reached that position varied, but once they sat on the throne, their commands saw little pushback, unless they strongly contradicted the teachings of the Prophet and the Quran.

³ Islamic jurisprudence

When Napoleon landed on the shores of Egypt however, he had inadvertently planted a seed in the minds of its scholars, as he introduced them to the Republic. As the Muslims had to recognise their weakness compared to the powers of Europe, Muslim leaders began sending scholars to France and other countries to study and report back on their findings. Beyond their superiority in the natural sciences, the Europeans had now greatly advanced themselves in the social sciences as well, whereas the Muslims, owing to the dominance of certain ideological sects, particularly proponents of *taqlid*⁴, had remained in an ideological stalemate for centuries.

This led many scholars, from North Africa to the Far East, to write on Islam and modernity and advance the idea that Islam, a rationalist religion at heart, is the religion of modernity and should not be holding the advancement of the people back (Morrissey 2021). As a result of this, more modern theories and books were taught at universities; the same universities out of which the political movements to oust the colonial powers from the Muslim lands began. This transformation however, was not welcomed by everyone. As the political resistance against colonialism began to rise, so did the question of what the state should look like once the people gained their independence. Some began advocating for the democracies they had read about, and believed in establishing republics in their lands, whereas others, like Qutb, saw these aspirations as moving away from the true Islam.

Before Qutb would present his extreme ideologies and gain a considerable following, scholars had tried to argue for a move past the traditional understanding of governance in Islam. The most popular attempt was by Ali Abd al-Raziq, whose work I will be using often in this paper, who had stated that there is not a single verse in the Quran nor evidence in the *Sunnah*⁵ that mandates a caliph or a caliphate in the form that had existed for over a millennium (Abd al-Raziq 1925). His writings were widely rejected, and he was made to retract some of his statements and publicly apologise and was shunned by Al-Azhar (Morrissey 2021). Thus, it seems as though the advancement of modernist theories had not seeped into the academic society as well as they had thought. Yet what Abd al-Raziq's attempt highlighted was that discussing political science was long overdue, and the Muslims, scholars and citizens alike, had ignored it for far too long. As he explains it, "[...] political science is one of the most dangerous sciences to the throne, as it uncovers the different forms of governance, its characteristics, and systems etc. That is why it was necessary for

⁴ Meaning imitation, and referring to imitating the predecessors as much as possible and abandoning that which they had abandoned, and even not known, and often declaring novel things as an innovation *bidaah*

⁵ *Sunnah* refers to the prophetic tradition, meaning the acts and behaviours of the Prophet as determined through *Hadith*

kings to oppose it and block all paths towards it from the people” (Abd al-Raziq 1925, p.30). This explains well why even modernist theorists with nationalistic rhetoric, a good thing to have when fighting a colonial power, like al-Afghani and some of his disciples, were expelled from Egypt (Keddie 1983).

This trend of politics not being openly discussed outside the context of a revolution, or at times even outside of elite circles, and the spread of pan-Islam ideology⁶ as a means of fighting the colonial powers, created the perfect environment for the ideologies of Qutb and Al-Banna to prevail. Al-Banna brought forth the age of Islamism; the idea that Islam is a political ideology, and the Quran is its manifesto (Morrissey 2021). At the centre of the Islamist ideology, was the belief that the believers have erred and gone astray, and that salvation will come when they return to the true Islam. Al-Banna saw Islam as a complete system applicable all around the world, regardless of whether the world was Muslim or not (Morrissey 2021). This idea would not remain confined to the borders of the Arab world, as in India, Mawdudi would preach similar ideas, but would move the goalpost towards the extreme. His goals were to implement his interpretation of *Sharia*, as Morrissey writes, “when Allah’s sovereignty was acknowledged, all lending at interest will be banned; gender segregation would be enforced, and women barred from public life; the religious and political freedoms of non-Muslims would be limited; and apostasy from Islam—including joining the ‘unbelieving’ Ahmadi movement—would be punished by death.” (Morrissey 2021, p.199).

Inspired by the workings of Mawdudi, which he had read during his imprisonment, Qutb would push the brief even further; sovereignty belonged alone to Allah, and systems that challenge this sovereignty or recognise the sovereignty of anyone other than Allah, are systems of unbelief. In his books, he reiterated the idea that the Muslims must look to the past and take inspiration from the Prophet and his companions alone. To complete his ideological standpoint, he argued against all secular and nationalist slogans and saw that the fight was not just with foreigners and their influence, but began with the secularist society at home⁷. This homegrown secularist society had to be overthrown through violent jihad to establish a government of Allah (Morrissey 2021, p.202).

Since then, the development of Islamic political theory seems to have hit a stalemate. Theorists, both Muslims and non-Muslims, have argued heavily over the claims made by Qutb for the last 70

⁶ The idea of the entire Muslim world as one nation, as one *ummah*

⁷ Referring to the Nasser government in Egypt

years. Disagreements over the compatibility of Islam with contemporary systems of government and political ideas do not happen outside of the scope of the sovereignty debate.

Articles about the compatibility of Islam and democracy specifically took off because of globalism and the proliferation of international relations and global trade. As the western world had reached the consensus that democracy is the ideal system, its scholars began looking outward onto other systems and theorising whether other cultures and nations had the fundamental building blocks needed to establish a democracy. The Arab world, shrouded with their Islamic identity, was no exception. Yet as stated above, the research had often very little to do with the body of text that is the Quran or the *Hadiths*, but it rather constantly addressed the cultural implementation of the Quran in some states, or discussed the theories presented by Islamists who had written on political science. Therefore, the question of whether Islam and democracy are compatible, has remained an unresolved one. As March (2021) wrote “the 20th-century preoccupation with sovereignty and legitimacy as the central problems of Islamic political thought no longer seem to provide much orientation or creativity at all”. And this had in fact continued to seep into the 21st century as well.

And as such I would like to affirm March’s quote, as I too believe that the discussion on sovereignty and legitimacy has been taking up too much of our time and effort in an attempt to resolve this question.

And so, I attempt to look at this research question for this paper — **Are Islam and Democracy Compatible?** — from a different angle.

I hypothesise that Islam contains all the fundamental building blocks necessary to build a functional democracy, without having to twist the meaning of democracy or water down the teachings of Islam. I further hypothesise, that Islam and democracy enjoy full compatibility when regarding the Quran as the constitutional red lines that are not to be crossed. I refute the claims that the question of sovereignty is the main obstacle in the path towards this goal and present my arguments on what truly stands in the way of Islam and democracy. I also use the works of Aristotle to highlight how the entirety of Islamic law *Sharia* can be incorporated into society without infringing upon the core democratic values. Using his theories on the structuring of society, specifically the authority over society vs the authority within the household, I will highlight how *Sharia* is constrained in its applications and how it cannot in fact be applied *en masse* as is often fearfully argued.

This paper begins with my motivation for undertaking this project, where I will also be addressing the gap in academia that I intend to fill. I will follow this with the literature review, where I counter the most common arguments against the compatibility of Islam and democracy by using the Quran and *Hadith* as my primary sources as well as the available Arabic literature. I show through historical evidence that the question of sovereignty in Islam and the claim that it exclusively belongs to Allah has in fact no basis in the Quran, and that it has been taken out of context to fit the narrative of fringe ideologies. I use the works of historians and theologians to expand on the nature of the election of the sovereign. I follow this with the methodology chapter and then a lengthy chapter on the case selection, where I explain, in detail, the differences between some Islamic sects and ideological streams and why I chose Sunni Islam, specifically generic Salafi and Ashaari streams, as the cases that I will be working with. Then, I summarise Aristotle's main arguments with regards to politics and the relevant philosophical arguments succinctly, as they have been used as a main part of my research and are integral to my argumentation in the main body of this paper. I follow with the main body of the text where I present my arguments and dissect the evidence to analyse and establish whether Islam and democracy are in fact compatible. In the penultimate chapter, I write about the limitations of this paper and address its weak points, before ending with a brief summary and my findings as well the prospect for future research in the conclusions chapter.

Motivation

I have a rather childish personal reason for this paper that again highlights western scholarship's vast misunderstanding of Islam and unwillingness to take it seriously. In my bachelor's program I had attended a mandatory course titled "comparative politics" in which we explored the vast differences between some political systems and others. The first two sessions were primarily promoting liberal democracy and lambasting any other system, modern or ancient. The issue was that the professor at the time had presented us with a tier list of different societies and cultures and ranked them based on their ability to become a democracy. Apart from the deeply racist undertones of the slide itself, as well as the fact that it historically possesses no basis in academia in any form, the professor had placed Islamic societies dead last without expanding on his reasoning, presenting it as rather self-explanatory. As a practicing and educated Muslim, this was in my opinion troubling. My view at the time was affirmed by a fellow student who had studied middle eastern affairs and ensured to me that none of the professors at the Middle East institute shared these views.

Since then, I have taken it upon myself to routinely look into or read papers published in western countries by western scholars on Islam on both political and economic affairs. In most cases I had found that authors would either present clear unscientific biases against Islamic thought, or would often cite individuals, like Sayid Qutb, who were not regarded as scholarly sources in the Islamic world, but mere independent thinkers writing the equivalent of an Op-Ed.

Not only were these actions shocking, but they were simultaneously very confusing. It appeared as though the academic standard and required due diligence concerning a topic was thrown out of the window when this particular subject was being discussed— and nobody seemed to care.

This does not mean that there are no good papers or western scholarly sources on Islam, but rather that there aren't enough. Further, most literature on Islam still seems to be preoccupied with questions on sovereignty and legitimacy, and I, echoing other academics like Andrew F. March (2021), believe that a move beyond these two specific topics is long overdue. My hope is that this paper would contribute to covering that gap and to moving beyond the academic stalemate that has plagued this field for far too long.

I believe I would be achieving this in more ways than most western scholars for a few reasons.

First, I am a native speaker of Arabic which in turn enables me to access much more literature than my counterparts who either cannot speak it or are not sufficiently proficient. Second, I grew up practicing the faith and understand the subtle nuances and "givens" of the faith, that may be required as background information when reading some books or interpreting some Quranic verses.

In my reading of Morrissey's book "A Short History of Islamic Thought", I had found some rudimentary mistakes in his introductory chapter; mistakes that most non-Muslims regularly fall into when reading and interpreting the Quran and Hadiths. Third, while I have not memorised the entire Quran yet, I have over a fifth of it memorised in addition to some of its most important stand-alone verses. Beyond this, I have read it in an interpretative manner in its entirety before and routinely go through it as part of mandatory religious practices. This enables me to recall from memory, and from the book directly, the necessary verses when debunking or reaffirming a certain claim. This point, coupled with the first one, is beyond crucial when handling any Islamic text. An example of an interpretative mistake that Professor Morrissey commits in his book, on page 10, is where he writes that the Quran was revealed in a clear Arabic tongue, and subsequently he writes that "his [Muhammad's] mission was to the Arabs" (Morrissey 2021, p.10). The word *arabi*, however, does not, in this context, mean Arabic as is colloquially translated. The evidence for this can be extrapolated from the Quran itself. Observing 56:37, Allah describes the *Hur*⁸ as "*uruban atraba*". The word *uruban* and the word *arabi* both possess the same source word⁹, that being *arab*. The word itself means "clear of faults, perfect in all aspects". As both versions of the word relate back to the same source word, the original meaning of the word applies in both cases and does not change because an ethnic group had decided to take that name as their title. This does not mean that it could not mean the language itself, but taking the context of revelation and description of said revelation into account, the original meaning is deemed more appropriate and fitting (it is also true that most interpretations of the Quran contain both interpretations as equally valid). This is further aided by the general linguistic perfection of the Quran as a book, as is revealed in 2:2¹⁰. We may also further rule out the translation of it being "for the Arabs" as it is stated that the Prophet was sent as a mercy to all worlds¹¹. Taking the interpretation of it being only for the Arabs would present a clear contradiction, thus forcing us to adopt the interpretation presented earlier. It is these small differences that I believe give me an advantage over others when working with Arabic text.

⁸ *Hur* refers to women in paradise that were created specifically for those who enter paradise to be their wives.

⁹ The Arabic dictionary is different from Latin dictionaries as the structure and build of the language and words themselves are different. There are no specific collections of words, rather it is divided by source words. All words in Arabic can be traced back to one three-lettered source word. The meaning of the original source word is always by default included in the meaning of the compound word that is built from it.

¹⁰ 2:2 "This book, of which there is no doubt [about its contents] is a guide for the pious."

¹¹ 21:107 "We have sent you but as a mercy for all worlds."

Literature Review

Are Islam and democracy compatible? I am not the first nor will I be the last individual to ask this question. In my research, and lengthy reading sessions, I have come across a few main streams of thought with regard to this question. The first stream of thought belongs to western scholars who reject the possibility of combining Islam and democracy. The second belongs to some scholars that attempt to twist either the teaching of Islam or the definition of democracy to fit their theories. The third belongs to the Islamic scholars who believe combining Islam and democracy to be objectively possible. And the last belongs to Islamic fundamentalists who reject it based on a false religious conviction, not on religious facts¹². A further interesting find was that early Islamic scholars were completely infatuated with Aristotle's works and often referred to him as the first teacher (Morrissey 2021). This infatuation will be explained and its breakdown will prove to be relevant for the later analysis. Lastly, and most crucially, there is the question of early Islamic literature on political systems. When scholars like Ibn Sina translated and explained the works of Aristotle, it is beyond doubt that they must have read and understood his political theory. Scholars who also came later, due to the Islamic empire being a scientific hub for many centuries, must have stumbled upon the political works of others. How is it then that the focus of the earlier scholars had almost never been on the political systems but always on abstract philosophical matters and Islamic jurisprudence?

With regard to the first group of individuals, there seems to be a general unacademic theme to these papers. One paper stands out in particular, and I believe it encompasses the naysaying narrative in a comprehensive and exhaustive form that highlights some recurring themes I have stumbled upon in many papers. Taking the time and space to break down, present, and refute some of the arguments made in it is paramount to this paper. David Bukay's (2007) paper "Can there be an Islamic Democracy? Review Essay" is the perfect example of bad case selection, insufficient research, and a glaring anti-Islam bias.

Bukay's efforts in the paper are more focused on attempting to refute the works of Esposito rather than presenting individual evidence and arguments himself. Bukay's first glaring mistake is his refusal to separate Islam as a faith and rule-based religion from islamist movements and fanatic ideologies of groups such as the Muslim Brotherhood or Hezbollah. In fact, he claims that one of

¹² This point will be broken down extensively in further chapters.

the main reasons behind the academic push for arguing for a compatibility between Islam and democracy, is so these groups can hide their “true” motivations and aspirations (Bukay 2007, p.1). I digress, that given the year in which his paper was published, the Muslim Brotherhood had not yet entered into power in Egypt. Hezbollah, however, had already been in government for two years, and had made no secret prior to that time of their desire to rule, nor of their opposition to the March 14th alliance¹³. While this event in particular is not relevant to our topic specifically, it demonstrates that Bukay was wrong in his claim that the push was simply to mask their motivations, as their aspirations were already clear to the region.

Bukay argues that there is no compatibility between Islam and democracy. He insists that any attempt to write about democracy and Islam often leads to one of two things: either democracy is relativised, and its definition is put up for debate, or Islam is twisted to fit the western liberal ideal of a democracy. To strengthen his arguments, he cites the works of John L. Esposito¹⁴, and presents Esposito’s main claims and responds to them throughout paper. The first of Esposito’s claims that he presents are ““democracy has many and varied meanings;”[1] “every culture will mould an independent model of democratic government;”[2] and “there can develop a religious democracy.” [3] He argues that “Islamic movements have internalised the democratic discourse through the concepts of *shura* [consultation], *ijmaa* [consensus], and *ijtihad* [independent interpretive judgment]”[4] and concludes that democracy already exists in the Muslim world, “whether the word democracy is used or not.”[5]” (Bukay 2007, p.2). In an attempt to refute these arguments, Bukay asks that if Islam is capable of being intertwined with democratic principles, then why have the governments of the Arab world not adopted a democratic system?

He then goes on to address the claims made by Esposito and Voll, and before them by Edward Said, that western scholarship is inherently biased against Islam, and that there is a monopoly by western scholarship with regards to interpreting and passing judgement on what is and is not a democracy. Specifically, he lambasts the authors Esposito and Voll for their argument, that the definition of democracy can change over time and place, and “that every culture can mould an independent model of democratic government, which may or may not correlate to the Western liberal idea” (Bukay 2007, p.2). His preliminary response to these arguments was, that “only after eviscerating the meaning of democracy as the concept developed and derived from Plato and Aristotle in ancient Greece through Thomas Jefferson and James Madison in eighteenth century America, can Esposito

¹³ https://web.archive.org/web/20110716112837/http://www.mideastmonitor.org/issues/0604/0604_1.htm

¹⁴ John L. Esposito is the founding director of the Al-Waleed bin Talal Center for Muslim-Christian Understanding at Georgetown University

and his fellow travellers advance theories of the compatibility of Islamism and democracy” (Bukay 2007, p.2). Essentially, Bukay outright rejects the possibility of Islam and democracy being compatible.

He rests his rejection on the works of democracy theorists Larry Diamond and Leonardo Morlino, who “ascribe seven features to any democracy: individual freedoms and civil liberties; rule of the law; sovereignty resting upon the people; equality of all citizens before the law; vertical and horizontal accountability for government officials; transparency of the ruling systems to the demands of the citizens; and equality of opportunity for citizens” (Bukay 2007, p.3). Addressing these seven democratic tenets, Bukay writes, that because Islamic law possesses supremacy “over all aspects of political and religious life” (Bukay 2007, p.3) that this makes it by default undemocratic, because Islamic law “does not provide for equality of all citizens under the law regardless of religion and gender” (Bukay 2007, p.3). Further, he writes that Islamic law denies citizens the right to choose their own laws, a concept that even some Islamic scholars (see Wasfy 1994), that have nothing to do with his paper, echo¹⁵.

He also mentions that the argument that democracy finds its roots in Islam through the concepts of consultation (*shura*), consensus (*ijmaa*), and independent judgement on ambiguous matters (*ijtihad*), is an attempt to twist the true meaning and reality of these Islamic concepts. In Bukay’s eyes, Esposito both twists the meaning of democracy and the definition of many Islamic words to force this marriage between democracy and Islam. He declares that “*shura* is an advisory council, not a participatory one. It is a legacy of tribalism, not sovereignty. [23] Nor does *ijmaa* express the consensus of the community at large but rather only the elders and established leaders.[24] As for independent judgment, many Sunni scholars deem *ijtihad* closed in the eleventh century.” (Bukay 2007, pp.4).

He further goes on to criticise those who support Esposito’s or Voll’s claims, adding them to the same lane as those who twist either the faith or democracy to suit their theories. Arguments based on the Quran are rejected, and he supplies his own verse from the Quran that highlights Islam’s

¹⁵ “But it is not like the modern democratic system in which the citizenry holds the legislative power and power to change the system as it pleases, for that is only for Allah alone, He established his laws and presented it to mankind through revelations during the time of the Prophet Muhammad (pbuh). And as such we adhered to obedience to Him and applied Gods laws either literally or through efforts (*ijtihad*) to decode how his laws could apply to situations of novelty” (Wasfy 1994, p.17)

inherent flaws when approaching democracy, namely 17:36^{16,17}. He further asserts that even verses in the Quran that call on equality among all do in fact call only on equality among Muslims¹⁸ (Bukay 2007, p.8), which would then violate the fourth and the seventh features of a democracy as highlighted above.

Bukay continues with his arguments chief of which are that Esposito's theories and ideas were rejected by Islamists a long time ago. He cites Hasan Al-Banna, Sayed Qutb, and Abu Bakar Bashir as examples of thinkers and clerics who had outright rejected western democracy and generally labelled it as a system of unbelief. All three individuals see Islam, and by extension Islamic rule, as the only true form to rule, with anything else amounting to infidelity. This follows the theories and decrees by Mawdudi, as established in Morrissey (2021), that "sovereignty belonged to Allah alone" and that "when the Quran spoke of Allah as Lord, this meant that only God had the right to issue rules and regulations, and that humans were charged with exclusive and total submission to Allah and His laws" (Morrissey 2021, pp.198). Bukay also states that the adoption of democratic structures, as seen in Iran, does not imply a democracy, since the Khomeini government simply continued to wield ultimate power under the guide of a democratic system that is *de facto* undemocratic.

Bukay concludes, in his penultimate chapter, that "the Islamic world is not ready to absorb the basic values of modernism and democracy" (Bukay 2007, p.10). He cites the Arab governments at the time as being examples of this, and states that "individual rights and freedoms inherent in democracy do not exist in a system where Islam is the ultimate source of law" (Bukay 2007, p.10) and reaffirms the research of Huntington and Kepel "that Islamic cultural traditions may prevent democratic development" (Bukay 2007, p.10).

Lastly, he believes that the reason this push for finding an "Islamic democracy" within the academic sphere exists, is because it is rooted in attempts at being politically correct, and is a response to the increasing popularity of post-colonialism and post-modernism in academia. He also states that the conflict-adverse nature of many policy makers, leads to an attempt to accommodate Islamist understanding of a democracy.

¹⁶ 17:36 "Do not pursue what you have no [sure] knowledge of. Indeed, the hearing, and the sight, and the heart, all those he will be questioned on [held accountable]"

¹⁷Bukay writes "Rather than support the idea of "rational empiricism," for example, Sura 17:36 mandates complete submission to the authority of God". But as we can see in the footnote above, 17:36 does not say that. Neither does 36:17 in case he had switched the numbers by mistake.

¹⁸ He does not cite or reference any verses here.

Bukay's first question — why the governments of the Arab world have not adopted a democratic system if both Islam and democracy are compatible — is built on the false premise that Arab governments are representative of Islam as a faith. For while their leaders do presumably, even privately, believe in the core tenets of Islam, some of the state practices often go against a lot of the rules and regulations of Islam. A more accurate understanding is, that these governments take some elements and directives of Islam but neglect others. Most notably would be the state economic system and how, despite it being strongly forbidden in Islam, the states actively use interest in their banks, or produce and give out licenses for the production of alcohol, and licenses for brothels. In general, to criticise the system based on the false application of a few individuals in power is academic malpractice. I would also question why Bukay specifically chose Arab countries for this question? Indonesia, the largest Muslim country in the world, has been a democracy ever since it got rid of the authoritarian regime in the late 90s¹⁹. Had Bukay's efforts in assessing Islam as a faith and its compatibility with democracy been genuine, he would not have asked this reductionist question; neither would have Potrafke (2012) and Rowley and Smith (2009), who attempt to establish a link between the percentage of a population being Muslim and its likelihood to be democratic or undemocratic based on that percentage.

His criticism of the argument that democracy can be moulded and shaped to fit a certain society is also not founded on any academic principles. The most basic of rebuttals would be to compare the different western democratic systems with each other. There are discrepancies between how Americans, Germans, and Swiss vote, both in the general and local elections. While they are guided by similar principles, their systems still vary. Differences between direct and indirect democracies, and their subtypes, exist, so that each country could apply the system that fits it best. This could be dependent on the citizens and their cultural approach to democracy or to something as straightforward as population size and the feasibility of a certain form of democracy. They also at times disagree on what they believe to be fundamental civil liberties. Yet most interestingly, Bukay states that it was only through the evisceration of the concept of democracy, from Plato to Madison, that Esposito would be able to apply his theories. But to claim that the concept of democracy had somehow remained unchanged among the four theorists named earlier in the chapter is historically inaccurate. Plato and Aristotle famously had very opposing political views and neither was particularly fond of democracy. Aristotle did not even regard most people as full citizens possessing

¹⁹ <https://www.state.gov/countries-areas/indonesia/#:~:text=on increasing importance.,Indonesia is the world's third largest democracy, has the largest,its second greatest terrestrial biodiversity.>

the right to political participation. Both Jefferson and Madisons views were also different from each other — the former being an elitist who believed in an aristocracy and the latter supporting a pluralist political landscape — and certainly different to the concepts established by the Greeks. Failure to recognise this great deal of variance in democracy, and the various interpretations of it, demonstrates a lack of historical perspective on the matter. This includes both the development of the fundamental democratic core concepts over time, as well as the different forms and structures it can take.

As for the seven tenets of democracy, as established by Diamond and Morlino, six of the seven can be solidly reaffirmed by the Quran and *Hadith*, while the seventh is up for debate.

The first feature (individual freedoms and civil liberties) is reaffirmed in Islam, as each individual has the right to personally do as they please²⁰, as long as they do not infringe on the rights of others or infringe upon civil order. The individual freedoms even extend to all sins that are not a crime against someone, or something else, and that can be done in private. In a famous story in Islamic history, the caliph Umar bin Al-Khattab and one of the companions of the Prophet, Abdulrahman Bin Auf, had been patrolling Medina at night, when they had approached a house from which they heard loud noise, and saw through a door left ajar that its inhabitants had been drinking alcohol. Umar consulted the companion on the best action, to which he received the response “I believe we have committed what Allah forbade us to do, he forbade us to spy on others²¹”, and they both left promptly²². This shows that despite the inhabitants committing a sin, that if they had committed in public they would have faced repercussions, they were not eligible to be punished for it because it was committed in a private setting, without affecting others. This immediately removed Umar’s jurisdiction to enforce a punishment, despite being the caliph at the time.

Second, the rule of law is considered one of the most important aspects of Islamic jurisprudence. In the Quran 4:59²³ God commands the people to follow the directives given to them by individuals in

²⁰ 41:40 “Indeed, those who distort Our revelations are not hidden from Us. So is he who is cast into the fire better or he who cometh safe on the day of judgement? Do whatever you want. He is certainly All-Seeing of what you do.”

²¹ 49:12 “[...] and do not spy on others [...]”

²² *Al-Hakim* 8348

²³ 4:59 “O believers! Obey Allah and obey the Messenger and those in authority among you [...]”

authority. While this presupposes the existence of laws in the first place, it clarifies that following those charged with enforcing them, and thus following the law, is mandatory.

The third point affirms that sovereignty must rest upon the people. While Bukay has attempted multiple times to cite fanatics and their claims that sovereignty belongs to God alone, this is completely detached from reality and does not reflect the proper understanding that Islam has of sovereignty. As 4:59 shows, there is a clear directive to follow another executive that is not Allah nor the Prophet. When one speaks of sovereignty belonging to Allah, it means that absolute sovereignty, the sovereignty over creation as a whole, rests upon Him. As for the understanding of sovereignty resting upon the people, meaning the power to give legitimacy to a ruler and accept his rule, one can categorically remove any doubts that it is not compatible with Islam. In *Al Islam Al Siyasi*²⁴ Muhammad Salem Abu Aasy states that “the choice of the people, and their agreement or consensus is that which creates or produces the legitimacy of authority” and that “the Islamic state is the state upon which a majority of Muslims agree on its establishment, and it derives its legitimacy, as in all other systems in the world, from that majority” and (Abu Aasy 2022, pp.46). He goes on to expound on the latter sentence by saying that one must thus understand sovereignty and legitimacy to stem from the people, as the office that exercises sovereign authority can only be established through the agreement of the citizens. The same statement is even found almost three decades earlier in *Al Nidham Al Dustury fi Al Islam*²⁵ by Mustafa Kamal Wasfy who states that “the community — Ashaaris and Sunnis — has stated that selection [voting] is the primary path for installing an Imam [...]” (Wasfy 1994, p.104). This directly implies that sovereignty stems from the people who grant a ruler legitimacy and authority over them. The application of this can be seen throughout the first thirty years after the death of the Prophet, when the first caliphs all gain authority through a representative pledge of allegiance. This means that each tribal head, who in turn receives his legitimacy from his own tribe, went to Abu Bakr, and later Umar, and later on Uthman, to pledge their allegiance and affirm their loyalty to the new caliph and agree to serve under his authority²⁶ (Surur 1979).

²⁴ Translated: The Political Islam

²⁵ Translated: The Constitutional System in Islam

²⁶ I left out Ali here despite him being part of the *Rashidun*. This is because during his rule, he had not fully consolidated power over all Muslim lands, but he had nonetheless received the pledge of allegiance from the lands he did rule over.

The fourth point, that is equality of all citizens in front of the law, can be best highlighted through an occurrence of theft during the life of the Prophet, where a noble woman had been the one who committed the crime of theft. The people attempted to interject due to the woman's status. The Prophet then declared that this practice, meaning the differentiation in punishment due to one's status, was an erroneous practice reminiscent of the "misguided people" of the past, and that had it been his own daughter who had committed the crime, he would have carried out the punishment himself²⁷ (Bukhari 6788). This equality in front of the law applied to all citizens of Muslim lands regardless of their faith.

I concede that the fifth clause, vertical and horizontal accountability for government officials, is more difficult to expand on. This is mainly due to the lack of political structure during the *Rashidun* period of the caliphate, from which I am pulling most of my information and examples²⁸. There is one example however which highlights accountability, not based on political corruption but on moral and societal corruption. During the reign of Uthman bin Affan, Uthman had placed many of his relatives in positions of authority, mainly as *Walys* (governors) over certain areas of the newly established Muslim nation. One of these governors was Al-Waleed bin Uqbah, who had been governing in modern day Iraq, and had been seen consuming and regurgitating wine in public, a sin that if committed in public is punishable in Islam. When the news had reached Uthman of his brother's actions, he demanded that he be flogged²⁹, and removed him from his post.

Islam has no issue with the sixth clause — transparency of the ruling systems to the demands of the citizens. It is entirely up to the citizenry whether they use this law or not in their building of a state. While I do state above that Arab governments are not fully representative of Islam, some elements can still be seen as worth citing as examples. It is enshrined within the Egyptian constitution, at the behest of Islamic scholarship at the time, that Egypt is a Muslim country and derives most of its laws from Islamic law (Wasfy 1994). Within the Egyptian parliament, there is a mechanism

²⁷ Bukhari 6788: "The Quraish people became very worried about the Makhzumiya lady who had committed theft. They said, "Nobody can speak (in favour of the lady) to Allah's Messenger, and nobody dares do that except Usama who is the favourite of Allah's Messenger. " When Usama spoke to Allah's Messenger about that matter, Allah's Messenger said, "Do you intercede (with me) to violate one of the legal punishments of Allah?" Then he got up and addressed the people, saying, "O people! The nations before you went astray because if a noble person committed theft, they used to leave him, but if a weak person among them committed theft, they used to inflict the legal punishment on him. By Allah, if Fatima, the daughter of Muhammad committed theft, Muhammad will cut off her hand!"

²⁸ I expand on this choice in the next chapters.

²⁹ Bukhari 3872: "[...] As for what you have mentioned about Al-Walid bin 'Uqba; We are going to take rightful action justly against him God willing. Then `Uthman ordered that Al-Walid be flogged forty lashes. He ordered Ali to flog him and he himself used to flog him as well."

identical to the *große Anfrage* and *kleine Anfrage* of the German parliament, that enables members of parliament to question ministers and hold them accountable for their actions and decisions. Had this structure been overtly against Islamic law in any way, one would have seen any degree of discourse around its existence³⁰, which has not happened. One point that is worth addressing however would be the will of the people going against the tenets of Islamic jurisprudence. Wasfy (1994) brings forth the arguments that Islam must be understood as an organised system that does not force anyone to adhere to its laws but emphasises that those who willingly join an Islamic country must understand that they simultaneously forgo certain rights, chief of which is the right to alter these fixed laws in *Sharia*. In this scenario it would be more likely that government transparency would be in the form of openly rejecting the people's choices on the basis of faith.

I had stated above, that the seventh and final clause would be up for debate, and that is because there is a strong temporal element at play. Bukay states in his criticism of the idea of Islamic democracy, that equality of citizens in Islam refers to the equality among Muslim citizens only. Historically speaking, and in some countries to this day, that is true. In the first few centuries of Islamic expansion, there had existed a system known as *Dhimmitude*. The *Dhimmitude* system was for all non-Muslims, specifically those following other Abrahamic religions, that lived within Muslim territory. The word *Dhimmi* itself means to be in the responsibility of someone, and it was a title given to non-Muslims because Muslims were responsible for their protection. In the presence of this system, one can definitively state that Islam would not meet the seventh requirement. This is because this system at its best would treat its citizens, Muslims, and non-Muslims, equally, with the exception that non-Muslims were barred from certain governmental positions. At its worst, it was used to discriminate against non-Muslims and excluded non-Muslims from many positions in general³¹. A non-Muslim citizen in a Muslim state could not for example become the executive. At best, as one saw during the flourishing years of Baghdad, and even some examples in modern day Egypt, non-Muslims could make it as far as being ministers and personal advisors to the executive, but they themselves could never rule on account of their differences in faith. The interjection here would be that for the majority of the last 1400 years, the Islamic system had only been fully applied in the Islamic empire throughout its various forms, and Islam was seen more as the nationality and the primary identity than one's ethnicity or the borders of the country one was born in. In this sense,

³⁰ I say this specifically because there are many laws and regulations enacted by the Egyptian government that go against Islamic law, and they have faced resistance from religious MPs and Dar Al-Ifta, the institution responsible for Islamic decrees in Egypt.

³¹ https://www.emir-stein.org/ai_videos/under-Muslim-rule-coexistence-or-coercion/

non-Muslims being barred from certain positions a hundred years ago is the equivalent to a foreign national attempting to hold office in a foreign country today. It is not permitted, but that does not automatically mean that there was no equal treatment. This rather stretched explanation is centred around the fact that the concept of a citizenry revolving around ethnicity and nationality rather than your faith was not adopted in historically Muslim countries until the 19th century. As such there was a difference between Muslims and non-Muslims in their vertical opportunities. That is not to say however that they would not be equal in all other matters of life. As March (2021) notes, Islamic states were and have for the overwhelming majority of their existence been model pluralistic states. This goes as far as the creation of the first constitution-type document in Medina that regulated the rules for Muslims and the large Jewish presence (March 2021). This would not be the only instance as there were similar writings during the lives of the *Rashidun*³². While they did remain effectively barred from holding several positions, they enjoyed full civil liberties identical to that of their Muslim counterparts. I bring this point up as Bukay states that the reason he chose these seven points to define a democracy is because it “emphasises civil liberties, human rights and freedoms, instead of over-reliance on elections and the formal institutions of the state” (Bukay 2007, p.3). It is then disingenuous to purposely not include clear instances of the preservations of civil liberties during the first and second century of the Islamic nation, including the restoration of the expelled Jewish population to Jerusalem during the reign of Umar (Wafy 2015).

As for the concepts of *shura*, *ijmaa*, and *ijtihad*, they are pivotal in understanding the democratic tendencies of Islam. Bukay’s criticism of *shura* is centred around the idea of sovereignty but does not recognise that *shura* plays no necessary part in establishing a ruler. It is rather a council that seeks to advise an already established head of state or minister or governor, no different from when a president consults his ministers, who even today are never voted in but hand-picked. If one were to assume the existence of a *shura* council that has a say in the selection of the ruler, it would be comparable to the electoral college of the United States of America. For even in *shura* most individuals were representatives of their tribes if they were not handpicked consults, as is evident in the case of the selection of Abu Bakr as the first caliph (Surur 1979). *Ijmaa* on the other hand literally translates to consensus. Again, under the lens of sovereignty, the argument here is that it does not take into account the consensus of all but rather the consensus of the elders and established leaders. This again is an attempt to tell half the story, as it is true that consensus over sovereignty

³² See “*Al-Huriya fil Islam*” Wafy 2015 p.65

involved the consensus of tribal leaders, but it omits the context that these very tribal leaders were all selected to represent their tribes, and we have historical precedent such as the *Hadith* retelling of the first pledge of allegiance on behalf of the people in Medina³³, when the Prophet told the 70 emissaries “send me twelve of your captains [representatives]” to take the pledge of allegiance on behalf of their people (Musnad Ahmad, 15798). And beyond the figurehead of the Prophet, this was the norm during the *Rashidun* period with all caliphs, as they took pledges from representatives of the people in their city and the governorates, as already mentioned above (Surur 1979). Further, there can be no *ijmaa* without *shura*. For if there is no council of representatives, who should the leader ask for their opinion? From a logistical standpoint, it would be nearly impossible in most modern Muslim-majority countries to ask the entire population, and it would be equally nonsensical to assume that they would all agree on one matter. Therefore, the prerequisite for *ijmaa* is *shura*. As Esposito rightly described it “consultation is the functional equivalent of Western democracy and a valid continuation of tribal customs of consultation” (Esposito 1991). Bukay’s understanding of *ijtihad* also seems to be erroneous, considering *ijtihad* is divorced from sovereignty and pertains almost exclusively to the religious decrees within Islamic jurisprudence. This includes matters more similar to whether novel creations like cigarettes are permissible or not, than matters that deeply affect the state. Thus, it is worth mentioning that, contrary to what Bukay writes, scholars do not deem *ijtihad* closed, as it can never close, seeing as it is a framework for modernising and ruling with the current climate taken into consideration. This very paper in fact and the books I’ve cited are all different forms of *ijtihad* in *fiqh* (Islamic jurisprudence). Had *ijtihad* at any point in time been ended or closed, the majority of Islamic political writings in the later 19th and early 20th century would not have existed.

A further issue I have with the Bukay paper, and it is something I have found to be quite common in many papers on Islam and politics, is his use of Qutb, Al-Banna, and Bashir as examples of individuals who have rejected the possibility of Islam and democracy being compatible. This is a very reductionist view of their arguments, for one, and second, it completely disregards the fact that they were non-academic fanatics. Qutb did not reject Islam and democracy alone, he rejected everything that did not fit his ideal of an Islamic nation and subsequently called for the violent overthrow of all regimes and structures that do not adhere to his ideal. While Al-Banna himself moved towards a more political approach, he still did advocate for the same ideal as Qutb, just

³³ Also known as “*Bay’atul Aqaba*”

without the violent approach. Bukay also completely overlooks the fact that both of them had worked together and that despite Al-Banna not being as extreme as Qutb, he still hired him to lead the propaganda wing of the Muslim Brotherhood (Morrissey 2021). As for Bashir, he is a convicted terrorist sanctioned by the United Nations for his authorisation of multiple terrorist attacks around the world³⁴. The views and actions of at least two of these three individuals are the farthest possible from the clear and established rules in the Quran and *Hadith*. 6:151³⁵ clearly prohibits the killing of innocent people and Al-Albani 3247³⁶ states that there is no righting that wrong. Even further, 5:32³⁷ equates the unjust killing of one person to that of killing all of mankind, and 5:33³⁸ lays out some of the harshest punishments as a response to this level of corruption. How is it then that one can consider individuals who so blatantly violate, or call to violate, the Quran and *Hadith* as scholars or even voices of authority on the matter of Islam and democracy?

Lastly, his statement that the “individual rights and freedoms inherent in democracy do not exist in a system where Islam is the ultimate source of law” (Bukay 2007, p.10), is categorically false. That statement is refuted through 41:40³⁹ where God tells the people to do as they please but that he sees their actions. This gives the individual in Islam complete freedom to act but also reminds them that the consequences are faced in the hereafter. Also, the following *Hadith* reaffirms the complete equality between all people “there is no superiority for an Arab over a non-Arab, nor for a non-Arab over an Arab, nor for a white over a black, nor for a black over a white - except through piety. People are from Adam, and Adam is from dust” (Al-Albani 361). This concludes the review of the most common arguments against the idea of Islam and democracy, as well as some of the arguments pushed forward by Islamic fundamentalists.

³⁴ https://www.un.org/securitycouncil/sanctions/1267/aq_sanctions_list/summaries/individual/abu-bakar-ba'asyir

³⁵ 6:151 “[...]And do not kill the soul which Allah has forbidden [to be killed] except by [legal] right. This has He instructed you that you may use reason.”

³⁶ Al-Albani 3247: “There are five things for which there is no atonement: associating others with God, killing an individual unjustly, slandering a believer, fleeing from the battlefield, and a patient oath by which money is taken unlawfully.”

³⁷ 5:32 “Because of that, We decreed upon the Children of Israel that whoever kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely [...]”

³⁸ 5:33 “Indeed, the penalty for those who wage war against Allah and His Messenger and strive upon earth [to cause] corruption is none but that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land. That is for them a disgrace in this world; and for them in the Hereafter is a great punishment

³⁹ 41:40 “Do whatever you will; indeed, He is Seeing of what you do.”

One aspect of Esposito's texts that I also find peculiar, and attribute to the shaky nature of Esposito's arguments, is his merging of both Shia and Sunni scholarship in his arguments in favour of an Islamic democracy. For reasons expounded on in the case selection chapter below, I believe this to be a general error many academics fall into. This is not to say that one cannot take information from both sects simultaneously at all, but to overlook the major differences between them would weaken any argument whatsoever. This is due to the different frame of reference that each Islamic sect has, and their different views on political engagement. Many of the narrators of *Hadith* in Sunni books are not accepted by the Shia and the entirety of Shia *Hadith* books and narrators are rejected by the Sunnis. Therefore, when Esposito, and others, attempt to merge both and or draw on arguments from both sects, it is inevitable that they will either reach a deadlock at some point, or as is the case with some of his works, present arguments from theorists who have other extremely worrying opinions and statements. Emphasis should however be placed on the differences in their frame of reference. With regard to my hypothesis and suggestion on having the Quran and *Sunnah* act as the proverbial red lines for a democratic system, I must be constrained to the Sunni narrative only. If I were to begin to draw on references from Shia scholarship, my bases of argument would change entirely. The most basic example, and I expand on this in the main body of the text, would be sovereignty and the rule of law. Drawing from Sunni scholarship allows a great deal of flexibility in both selecting and removing a ruler with historic precedent, while drawing on Shia scholarship would lead us to the infallibility of the Imam and the inability to question their authority since "they do not make mistakes". This would then be opening the door and inviting in avoidable criticism and weak points in my arguments.

Another point he mentions that befits the accusations of twisting certain definitions is his statement that "Islamic political thought is rescued from the charge of autocracy by the need of rulers to consult widely and to govern on the basis of consensus" (Esposito 1991). As expanded on later, and according to Abd al-Raziq (1925), Islam does not have a fixed political structure, but is built on certain guidelines and red lines. The claim that all rulers would also have to rule based on *shura* and *ijmaa* is also not substantiated in the canon. The rulers must rule to the best of their abilities without going strongly against Islamic law. Thus, if a ruler were to consult with his cabinet and they were to advise him to do something wrong, it is his religious responsibility to oppose them and not bend to the demand of the majority. There is thus no rule in *fiqh* that mandates governance based on consensus.

The lack of focus on politics and the subsequent rise of Islamic fundamentalism

The various texts preserved, translated, and then passed on from the Muslims of Spain to the Christians of Europe must mean that the Muslims of Spain were aware of the various political quandaries of the world they were reading about, just as they were aware of the philosophical questions which they had debated fiercely over decades, often posthumously. Why do we not then see the same infatuation with political science and the questions around governance similar to their obsession with philosophy, medicine and other natural sciences, and theology?

Morrissey (2021) delves deep into centuries of Islamic thought, and throughout his book one can see that same lack of importance awarded to politics. In fact, the only political matter, if it can be called that, would be the quarrel over religious authority and the wielding of the power that comes with it. We only see the advent of discourse in the modern colloquial sense with the rise of anti-western sentiment stemming from anti-colonial uprisings in the late 19th and early 20th century. It is during this time that one begins to read about the idea that the Muslim *ummah* had gone astray and must return to the path of God if it wishes to regain its former glory. These sentiments and ideas are echoed throughout the last two chapters that discuss the theological principles under which Qutb⁴⁰, an extremist, and others like him operated. They regard any western influence as an evil innovation (*bidaah*) that must be categorically rejected. This “influence” extended both to the capitalist economic model and democracy as a political system as well. While the reason for the capitalist system being evil often had to do with the use of interest — a matter strictly prohibited (*haram*) in Islam — the reasoning behind the rejection of democracy on certain Islamic principles, or more accurately certain interpretations, were often excessive in nature. Qutb’s interpretation, according to Morrissey, was that “Any system that recognises the sovereignty of someone or something other than Allah was the system of unbelief [...]” (Morrissey 2021, p.201). This interpretation, despite its perverseness, was not unique to Qutb. In fact, he had learned and adopted his view from the teachings of Mawdudi, whose works he had read during his incarceration (Morrissey 2021, p.201). According to Mawdudi “[...] sovereignty belonged to Allah alone. When the Quran spoke of Allah as Lord, this meant that only God had the right to issue rules and

⁴⁰ I must at this stage emphasise that this paper will not delve deeply into the ideas of Qutb as a supposed ideological branch from which one could explain the issue between Islam and certain political systems for a few reasons. First, Qutb was not a scholar of Islam, neither is he recognised today as one. Extrapolating from that fact, how could one discuss the core doctrine of Islam based on the ideology of an individual that had not accurately studied or represented it? Second, he was a fanatic who’s works have been used to justify modern acts of terrorism that have been globally denounced by all major religious institutions and scholars within the Islamic world, from the Al-Azhar to the scholars of Saudi Arabia, to those in Indonesia and Malaysia.

regulations, and that humans were charged with exclusive and total submission to Allah and His laws” (Morrissey 2021, pp.198-9). This idea of God being the one and only sovereign was not new per se; in fact one could argue that the reluctance amongst the first leaders of the Muslim world to give themselves the title “king”, and instead be named “*Ameer al Mu’mineen*”, which can be translated as the prince⁴¹ of the believers, is precisely for the reason that in Islam God describes himself as king and gives himself the name “The King” as one of his ninety-nine names. Had both authors stopped at that idea, namely the technicality around naming the leader, there would be no quarrel. The direct refutation that is presented to Mawdudi’s and Qutb’s claims that: no one has the right to issue rules and regulations except Allah, and that any system recognising a sovereignty other than that of Allah is a system of unbelief, is that it goes against clear cut verses from the Quran, which Muslims believe to be the unaltered and direct word of God. Verse 4:59⁴² of the Quran clearly orders all Muslims to obey Allah, the Prophet, and those of authority amongst them. This order holds within it not just a clear delegation of tasks, but a delegation of authority and by implication, sovereignty. If one were to therefore take the Mawdudi and Qutb ideology at face value, the rule of the four guided caliphs would fall under the category of false rule and systems of unbelief. Yet their argument can be refuted beyond this. If one interprets the meaning of Qutb and Mawdudis statements to be one’s critical of democracy specifically, or any rule of people per se, then it would again designate some of the systems of rule of some of the four guided caliphs as systems of unbelief.

One thing that is often noticeable when discussing fringe ideologies such as these, is that they rarely present a tangible framework to work with to apply their theories about the state of the world. Neither Qutb nor Mawdudi present us with a clear blueprint for their plans or a playbook for how to enact them. Their writings are criticisms with no solution rooted in reality. One can, and quite successfully so, argue that this great gap in their works is what has led to the rise of religious extremism. In Abu Zahra’s “The History of Islamic Sects” (1996) he discusses how the rise of Bin Abd Al-Wahab was rooted in his interpretation of the teachings of Bin Taymiya, and crucially how Bin Taymiya had himself never implemented many of his own writings. This left Bin Abd Al-Wahab with an ideology, a desire to implement said ideology, but no actual framework to

⁴¹ There is no one word that accurately translates the dual meaning of the word Ameer/Emir. While it can mean prince, the origin of the word is translated as “to order [someone]”, and as such it can also be translated as he who decrees matters or he who gives orders i.e. has the authority to give orders

⁴² 4:59 “O believers! Obey Allah and obey the Messenger and those in authority among you. Should you disagree on anything, then refer it to Allah and His Messenger, if you [truly] believe in Allah and the Last Day. This is the best and fairest resolution.”

implement it. As he attempted to spread his newly formed ideology on how to implement the principles of Bin Taymiya in the modern age, he undertook a large military campaign in coordination with the Al-Saud family at the time. Bin Abd Al-Wahab's religious struggle had two fronts. The first being the ideological struggle, where he had faced the most pushback. While his teachings are popular today, many are not aware that he was shunned by many scholars during his time, including both his father and brother (Al-Hanbali 1989). In *Al-Suhub Al-Wabila fi Dara'ih Al-Hanabila*⁴³, a book on all known Hanbali scholars up to that time, the author Muhammad Bin Abdullah Bin Hamid Al-Najdi Al-Hanbali notably omits Muhammad Bin Abd Al-Wahab from his list of Hanbali scholars. In his section on Muhammad's father, Abd Al-Wahab Bin Soliman Bin Ali, he highlight how his father had been displeased with Muhammad's obsession with Bin Taymiya and Bin Al-Qayim and how Muhammad's brother Soliman Bin Abd Al-Wahab, had publicly refuted his ideological standpoint and stated that they were based on false interpretations of the works of Bin Taymiya and Bin Al-Qayim (Al-Hanbali 1989, p.275). The author also states that as a response to his brother's refutation, Muhammad Bin Abd Al-Wahab had orchestrated his assassination, though the attempt failed (Al-Hanbali 1989, p.276). It is further stated that the assassination attempt was not something out of the ordinary, as Bin Abd Al-Wahab had essentially underwent a campaign of declaring those who stood against him as *kufar* (infidels), and would as such justify their killing. This story would not be considered farfetched either taking Abu Zahra's (1996) account of the spread of Wahabism into perspective. As previously mentioned, the works of Bin Taymiya were never implemented during his own lifetime and many of them had also been time specific. As such when Muhammed Bin Abd Al-Wahab interpreted them and adjusted them to suit the modern times, it eventually led to him being radicalised by his own interpretations and move from preaching it ideologically to spreading his ideas through conquest in cooperation with Muhammad Bin Saud (Abu Zahra 1996; Morrissey 2021). This collaboration would see the House of Saud consolidate political power in the newly established monarchy and Muhammad Bin Abd Al-Wahab and his disciples would be established as the religious authority. Yet as their ideology was formed on fringe beliefs and interpretations, it would lead to more and more extreme decrees and statements, leading some scholars to nickname them "temple destroyers" (Abu Zahra 1996, p.200). In light of their extremism and the outcomes it had, their influence was then greatly reduced to the ideological debates they once had due to the efforts of King Abdelaziz Al-Saud (Abu Zahra 1996).

⁴³ The Rain Clouds on The Tombs Of The Hanbalis

Methodology

I must briefly address the nature of many of my sources in writing this paper. It must be clarified that the way Islam was, and still is, often taught was through verbal teachings. As most books are still not always available online, and often written in old Arabic, they sometimes become difficult to interpret if one comes by them. Which is why we often take our information from video and audio recordings of these lectures that are carried out by learned scholars. These lessons (*durus*) are often uploaded online for everyone to watch and learn from. One can therefore say with confidence that most information taken from them, assuming the individual holding the lecture is an actual scholar not a thinker, can be regarded as an academic source. I must also clarify that it is possible that some information, which may be later seen as requiring citations, could slip away from me not due to lack of citations, or even worse, lack of care, but rather that some information considered as the basis of knowledge in Islam could fall under the radar with regards to information needing citations. Further, as a native speaker of Arabic, English, and German, I will be personally translating most citations from non-English sources whenever one isn't available. This may include some verses from the Quran⁴⁴, prophetic sayings *Hadiths*, and non-English literature.

This thesis is a qualitative comprehensive analysis of the Quran and the papers written on it pertaining to its compatibility, and by extension the compatibility of Islam, with democracy.

Throughout this paper I will be analysing verses from the Quran as well as the *Sunnah* (Prophetic tradition) and *Hadith* to establish whether Islam and democracy are compatible. I will also reference historical examples primarily from the first two centuries post the death of the Prophet Muhammad (pbuh), analysing their political climate, ways that power was transferred, and the methods used to bring forth new legislation. Using both the religious texts and historical examples from the first two centuries, I will highlight how the pious predecessors understood and applied the religious teachings in governance and matters concerning the state. I will be further working with different theories on the nature of authority and politics, as set forth by Aristotle, and other theories on democracy and governance that were brought forth by many academics throughout the years. This historical

⁴⁴ While the Quran is available in English there are often too many versions to choose from, depending on the country of origin, translation issuer, and time during which it was translated. This is due to the fact that there are significantly more words in Arabic than there are in English. It is thus not uncommon for there to be translations of verses that are just passable but not 100% accurate. This may stem from the personal background knowledge of the translators who believe the original message has been accurately conveyed because **they** understood what they meant when they translated it. Unfortunately, this sometimes does not take into consideration that an individual may be reading this for the first time and require a different translation. I have therefore taken the liberty of cross-referencing different translations and writing down what I believe to be the most accurate for a person reading the verse for the first time.

evidence, coupled with the hypothesis written in the introduction of this paper, should enable us to have an adequate understanding of whether both Islam as a faith and system, and democracy as a system of governance, can be joined together.

Case selection

The case of Islamic sects

One prominent question that had to be determined prior to writing this paper was “which Islam”. Despite the Quran’s clear mandate to Muslims in 3:103⁴⁵ it is a fact that the rifts between the different sects and groups of Islam have gone beyond minor disagreements, such as those between the four *mathhabs*⁴⁶ within Sunnis Islam, and developed into full-fledged political and even geopolitical and military, such as the Sunni Shia schism. Any theory rests, almost in its entirety, on the Quran being the key to the compatibility between Islam and democracy, violating it consistently to a certain degree may disqualify a sect from being considered in this paper.

As I am attempting to address the issue of compatibility based on the scriptures and core tenets of Islam, choosing the criteria by which I choose a sect is fairly straightforward. First, and most importantly, it cannot contain elements at the core of its ideology that go against the fundamental rules of Islam. I have chosen to determine the fundamental rules as the most basic beliefs a Muslim must demonstrate to still be considered a Muslim. These tend to be all found within the Quran itself. The second to last verse of the second chapter of the Quran summarises some of these succinctly⁴⁷ and so does this *Hadith*⁴⁸. At its core every Muslim must believe that there is only one God, commonly referred to as *tawheed*, they must believe in all the messengers revealed in the Quran and their miracles and, crucially, that Muhammad (pbuh) is the seal of the prophets i.e. the last and final Prophet of God, and that the Quran is the preserved, perfected, unaltered, and the literal word of God. They must believe in the *ghaybiyat*, the unknowns, such as the day of judgement, heaven and hell, the angels and demons and other otherworldly beings mentioned in the Quran. They must also

⁴⁵ 3:103 [...] and do not separate from each other [into sects][...]

⁴⁶ The four *mathhabs* refers to the four leading schools of thought within Sunni scholarship, namely the *Hanafi*, *Shafi’i*, *Maliki*, and *Hanbali*, named after the four scholars Abu Hanifa, Al-Shafi’i, Malik, Ahmad bin Hanbal

⁴⁷ 2:285 “The Messenger has believed in what has been revealed to him from his Lord, and so have the believers. All believed in Allah, His angels, His Books, and His messengers. We make no distinction between any of His messengers. And they have said, “We heard and obeyed, we seek your forgiveness, our Lord! And to You ‘alone’ is the final return.”

⁴⁸ Al-Bukhari No.50 “It was narrated that Abu Hurayrah said: The Prophet (blessings and peace of Allah be upon him) came out to the people one day, then Jibril came to him and said: What is faith (iman)? He said: “Faith is to believe in Allah, His angels, His Books, the meeting with Him, and His Messengers, and to believe in the resurrection.” Jibril said: What is Islam? He said: “Islam is to worship Allah, not associating anything with Him; to establish prayer; to give the obligatory zakah; and to fast Ramadan.” He said: What is ihsan? He said: “It is to worship Allah as if you see Him, for although you do not see Him, He sees you.” He said: When will the Hour be? He said: “The one who is asked about it does not know more than the one who is asking, but I shall tell you about its portents: when the slave woman gives birth to her mistress, and when the insignificant camel herders compete in building lofty structures. It is one of the five things that no one knows except Allah.” Then the Prophet (blessings and peace of Allah be upon him) recited the words: {Indeed, Allah [alone] has knowledge of the Hour...} Luqman 31:34]. Then the man turned and left. [The Prophet (blessings and peace of Allah be upon him)] said: “Bring him back,” but they did not see anything. Then he said: “That was Jibril, who came to teach the people their religion.”

believe in the five pillars of Islam⁴⁹: the declaration of faith *shahada*; five daily prayers; obligatory tax *zakat*; fasting the month of Ramadan; pilgrimage to Mecca *Hajj*. Any sect that would fail to establish these conditions as its core values or possesses core values that go against this basic tradition, would be deemed unfit for this topic.

This does place some sects into a certain type of grey area that is difficult to resolve. Sufism⁵⁰ is one of those sects that one cannot fully rule out. While there are some denominations of Sufism that have preached transcendentalism not too different from the concept of Buddhistic nirvana, most modern practitioners of Sufism simply see it as a more spiritual approach to worship. As Sufism however often preaches a detachment from the world and worldly matters in pursuit of the oneness with Allah, it makes it unsuitable for such a “worldly” matter as politics often is. A further reason to subside it as an ideology/sect from this paper is that some prominent Sufi scholars, with great influence on Sufi ideology until this day, would eventually go on to either claim divinity or supernatural abilities, that they claim were their own or due to their close relationship with God. The former action (claiming divinity) casts them immediately outside of the folds of Islam and the latter goes against the Quran.

The latter point must be further clarified as it can be misconstrued and misunderstood. While the Quran recognises the existence of miracles, it does not recognise humans, not even the prophets, as supernatural, neither in nature nor in innate ability. This is highlighted in 5:75⁵¹, 3:144⁵², and in 14:11⁵³ and in the various verses where Muhammad (pbuh) is told to emphasise that he is merely human, as everyone else is⁵⁴.

⁴⁹ It was narrated that Ibn ‘Umar said: “The Messenger of Allah said: “Islam is built on five [pillars]: the testimony that none has the right to be worshipped but Allah and that Muhammad is the Messenger of Allah; establishing prayer; giving zakat; Hajj (pilgrimage); and fasting Ramadan”.” *Bukhari* 8

⁵⁰ Colloquially, Sufism is seen as a branch of Sunni Islam, in fact most muslims globally will recognise it as being a more spiritually inclined form of Sunni Islam, whereas many strict Salafis and Wahabis reject that notion completely

⁵¹ 5:75 “The Messiah Son of Mary was nothing but a messenger before whom other messengers had passed, and his mother a woman of truth, they used to eat food, see how we clarify the signs to them and yet see how they are deluded”

⁵² 3:144 “Muhammad is nothing but a messenger before whom other messengers had passed, if he were to die or to be killed, would you turn back on your heels [into disbelief], and he who turns back onto his heels [disbelieves] will not harm Allah whatsoever, and Allah will reward those who are grateful”

⁵³ 14:11 “Their messengers said to them ‘we are but humans like you, but Allah bestows His grace upon whom He wills of His servants, It was not for us to approach you with authority except with the permission of Allah’, And in Allah let the believers place their trust”

⁵⁴ See 41:6 and 18:110

Following the criteria set above, it should come as no surprise that some of the denominations of Shi'ism are automatically disqualified from consideration. It is worth looking into the two largest sects of Shi'ism, Twelver and Ismaili, and explaining their differences both in terms of how this split came about and the ideological differences between both. First, core belief of Shia ideology must be briefly discussed.

Broadly speaking, Shia scholars and adherents' issues with Sunnis begin immediately after the death of Prophet Muhammad (pbuh). Shias believe that Muhammad (pbuh) was not just a Prophet but a forewarner and that for each people afterwards there would be a guide, an *Imam* (Morrissey 2021, p.74). This belief was rooted in 13:7⁵⁵ in the Quran. In Shia interpretation of the Quran, they interpret this verse to mean that even for each people who've come after the death of Muhammad (pbuh), there would be a guide. Similar interpretations can also be found in Sunni *tafsir*⁵⁶ books. In *tafsir bin Kathir* he narrates that some of the companions of Muhammad (pbuh), and those who came after, had interpreted the Arabic word *hadin* (guide) to mean anything from a missionary to a leader i.e. an *Imam*, or that because the Prophet is the final messenger, that he must be meant as the guide as well for the final people, meaning all people to come after him, to lastly, one of the more popular interpretations, that Allah ascribes this task of guiding people to himself; as if He were saying "You O Prophet are a forewarner, and I am He who guides" (Bin Kathir 2000, pp. 1003) attributing this interpretation to verses 24:46, 2:142, 28:56, 6:88, 2:213, 39:23 etc⁵⁷. The Shia interpretation of the verse was therefore not something uncommon, even if it was not the most popular interpretation. The issue truly began when the Shia's would insist that Ali bin Abu Talib was the rightful caliph and should have been the successor of the Prophet in leading the caliphate⁵⁸. Further, the Imamate was purportedly only for the *Ahl al Bayt* meaning the family members and descendants of the Prophet Muhammad (pbuh) (Morrissey 2021, p.74). Shia scholars believed the Imams to be receiving revelation, similar to the prophets before them, and, also similar to prophets, that they were infallible⁵⁹ (Morrissey 2021, p.75). Another belief is that the prophetic household,

⁵⁵ 13:7 "The disbelievers say, 'If only a sign would be sent down to him from his Lord.' You [O Prophet] are but only a Warner, And every people had a guide"

⁵⁶ *Tafsir* Books are books that interpret and explain the verses of the Quran

⁵⁷ All these verses contain one of these phrases "He guides whom He pleases" or "Allah guides whom He pleases" or "That is the guidance of Allah, He guides with it whom He pleases"

⁵⁸ The latter part of this phrase was actually an idea developed long after the death of Ali

⁵⁹ This is considered to be one of the major disagreements between Sunnis and Shias, as the former believe that only prophets were exempt from sin

and subsequently the Shia Imams, possessed a more complete version of the Quran that allegedly contained more verses, and specifically verses that spoke about Ali (Morrissey 2021, p.75). In general, the Imams were accorded a high saint-like status without ever being ascribed full prophethood. The largest split within the Shia movement would however be a direct result of their belief that the Imams were infallible and incapable of making mistakes. When the sixth Imam, Jaafar al-Sadiq, died, he had declared that his son Ismail would be the heir of the Imamate and subsequently be the seventh Imam. Ismail, however, predeceased his father, which caused a major quandary among the Shia ranks. If the Imams are infallible, then Jaafar could not have made a mistake in naming Ismail his successor, and crucially, not naming someone else as his successor when Ismail died during his lifetime. But on the other hand, Jaafar still had another son, Musa al-Kazim, whom many saw as the next rightful Imam. Those who believed that the Imamate should fall to Jaafar's other son are called the Twelvers, while the other camp, who believed that it should fall to Ismail's son Muhammad, were called Ismailis (Morrissey 2021, pp.76). Then, and today, Twelver Shia remain the most popular sect of Shiism. Ideologically, the early Twelver scholars did not differ too much from their Sunni counterparts. Apart from the beliefs highlighted above, Shia scholars also took an additional source for Islamic jurisprudence other than the Quran, *Sunnah*, and *Hadith* (which the Sunnis relied the most on), namely the previous reports (*akhbar*) of the Imams (Morrissey 2021, p.79).

Most of the fundamentals of the Twelver Shia doctrine differ from that of the Sunnis, but that does not necessarily mean that it would disqualify them from this paper. The grounds for disqualification rest on a few basic points.

First, as stated above, any belief and or practice that would violate a core tenet of Islam would not be suitable for this paper. Twelver Shia ideology violates two core beliefs. The first owing to the belief that the Imams are infallible. Since Twelver Shias do not outright reject the *Hadiths* of the Prophet, one can question them on this point in light of the *Hadiths* “Every son of Adam commits sins, and the best of sinners are those who continuously repent”⁶⁰ and “I swear by He whom between his hands am I, if you were not to commit sins Allah would have went away with you, and He would have brought another tribe that sins and asks His forgiveness so that He can forgive them”⁶¹. Both *Hadiths* point to the obvious matter, namely that every person is a sinner, and that infallibility is not accorded to mankind and can thus not be attributed to the Imams.

⁶⁰ *Al-Tirmidhi* 2499; *Ahmad* 13049

⁶¹ *Muslim* 2749

Second would be their belief that the *Ahl al-Bayt* possessed another Quran, and that the original Quran had been manipulated by the Sunnis to erase any mention of Ali. This is in clear violation of multiple core principles of Islam, namely that the Quran is preserved (see 15:9⁶²), and that it contains no mistakes (see 2:2⁶³; 39:28⁶⁴; 41:3⁶⁵). Since this paper works in unison with the Quran and the narrations of the Prophet and narrations about him, it would not be feasible to analyse the theories set forth in this paper using Shia sources, since they fundamentally believe that the Quran Muslims possess today is flawed. And since the public has no access to the secret, and allegedly complete, version of the Quran, how does one know whether the principles of democracy, or any system for that matter, and those of Islam are compatible, if the most important source and key to this question is either inaccessible or incomplete?

Despite having been the second major sect formed out of the schism resulting from the death of Jaafar al-Sadiq, Ismailis took a different approach with their ideology. They believed that the son of Ismail, Muhammad bin Ismail, was not just the next rightful Imam, but that he was in fact a Prophet of God, like those Abrahamic prophets that came before him (Morrissey 2021, p.83). They declared that there had been seven great prophets, and that Muhammad bin Ismail was in fact a Prophet of God (Morrissey 2021, p.83). This declaration removes all followers and believers of Ismaili Shiism, according to a significant number of scholars from the Sunni stream, out of the folds of Islam, as it violates the most central belief in Islam, and that is that Muhammad bin Abdullah, the Prophet of Islam, is the final Prophet and messenger of God. Ideologically, their practices do not differ too much from those of the Twelver Shia, as it follows the blueprint of the infallible Imam who must be followed, and that they, since they do not make mistakes, cannot be questioned either. As such, we arrive at the same conclusion as we did with the Twelvers, only with the slight change that the Ismailis, as a possible case, were categorically unfit due to their violation of the most sacred declaration, the shahada, in Islam. As for the arguments around the infallibility and what problems those present, they can simply be reapplied one to one here.

⁶² 15:9 “It is certainly We Who have revealed the Reminder [the Quran], and it is certainly We Who will preserve it”

⁶³ 2:2 “This book that is clear from doubts, is a guide for the pious”

⁶⁴ 39:28 “A clear-cut Quran [or “an Arabic Quran”, both translations are true] without any crookedness lest they become pious”

⁶⁵ 41:3 “a Book whose verses are perfectly explained—a Quran in Arabic [or “a clear-cut perfect Quran” both translations are true] for people who know”

The issue with the infallibility of the Imams in both streams of Shia doctrine would also open up another front in this academic conflict. If an individual is believed to be incapable of making mistakes, how can one then allow the general public to partake in ruling the state through its various bodies? Further, the infallibility means that the individual would never be removable from office, as, according to the doctrine, it would be going against what is known to be the absolute truth. And if a person is not removable from office i.e. if there is no prospect for a transition of power other than death, then that is by default not a system capable of existing within the folds of democracy or capable of housing a democracy within it.

The natural opponents of the Shia were the Sunnis. Politically speaking, the main difference between the Shia and Sunnis was the process by which an Imam ascended to power. As has been discussed above, both Twelvers and Ismailis believe that the first Imam was appointed directly by the Prophet Muhammad (pbuh) and subsequently believed that all Imams were appointed in succession and that there would be no debate about their appointment. This stood in contrast to the Sunni view that every state leader must be appointed by the people through a *bayaa* (a pledge of allegiance), and that any Imam could be removed from power if the people so will it and if the right conditions are present⁶⁶.

Within Sunni ideology, there are two significant streams: Salafism and Ashaarism. The former ideological stream branches off into multiple smaller streams such as moderate and modern, or puritanical streams. The latter stream is the most popular one in places like Saudi Arabia and other parts of the Arabian Peninsula, inspired by scholars like Bin Taymiya and Muhammad Bin Abd al-Wahab. Puritanical Salafism preaches a strict adherence to everything stated in the Quran and *Hadith* in a literal sense. Originally, Bin Taymiya, generally understood as the founder or source of this ideological stream, had written about his views but had never applied, nor attempted to apply, any of them into tangible policy (Abu Zahra 1996, p.199). It was not until a few centuries later that Muhammad Bin Abd al-Wahab would read his teachings and become infatuated with the scholar (Abu Zahra 1996, p.199). It was then that Bin Abd al-Wahab began to preach an orthodox form of Salafism and eventually would take up arms and attempt to spread it by force (Abu Zahra 1996, pp.199). Moderate and modern Salafism attempts to reinterpret some scholarly matters in light of

⁶⁶ Islamic *Fiqh* (jurisprudence) has a general theme and that is that one cannot remove one evil using another evil, especially if the result will be more evil and hardship for the Muslim nation. As such, the right conditions for the removal of a leader must entail having a replacement ready, to be in the majority, and to hold sufficient military capability to overthrow the incumbent without breaking out into a war or resulting in massive destruction

the times it finds itself in, adapting where it can. This includes attempts, today, at coupling Islam with modern political and economic systems. It is often regarded that this form of Salafism, and the word itself to describe a certain group/ideology, had existed long before the type of Salafism preached by Bin Taymiya and radically implemented by Bin Abd al-Wahab (Abu Zahra 1996).

The Ashaari school of thought is not too different from general Salafi ideology either. In fact, the major disagreements between Salafi's and Ashaaris are not around political or economic matters, but around philosophical and metaphysical concepts. Their rows are centred within matters such as when Allah ascribes himself a trait, such as anger or satisfaction, whether it is to be understood in a literal or metaphorical sense; whether actions were a creation of God or whether man was responsible for his own actions; whether when Allah says that He descends into the night sky it is to be understood as a literal or metaphorical descent (Abu Zahra 1996). The Salafis believe that whatever the pious predecessors had not questioned, elaborated on, or argued over must therefore be taken at face value, whereas the Ashaaris believed in freer thought and logical deductions and conclusions, regardless of whether any pious predecessors had questioned the matter or not. Reiterating the point above however, one will read in almost all books on Islamic thought and ideology only about their disagreements in Islamic jurisprudence and doctrine.

In spite of those disagreements, both streams are in complete agreement on the fundamentals of Islam, as highlighted in the beginning of this chapter, as well as all ritualistic practices. Neither Salafism, moderate or puritanical, nor Ashaarism deny the perfection of the Quran, the five pillars, the prophetic lineage, or the *ghaybiyat*. They also do not claim that anyone, but the prophets, are infallible, which is crucial as it opens the door for dialogue and discourse on both religious and political matters; in contrast to the Shia view that Imams are infallible, and their directions must be followed because they do not make mistakes. As such, Sunni Islam is more receptive of a governmental system like democracy than the two major Shia streams.

It is for these reasons that I have chosen the Sunni school of thought over the Shia and believe that it is best suited for the analysis and subsequent discussion.

As for the question of what type of democracy will be discussed, the best answer is that we will be assessing various democratic concepts, values, and structures rather than one specific system. This is because my hypothesis is still considered quite general and it attempts to follow the path of least resistance just to establish whether or not democracy and Islam are compatible, not to supply us

with a working blueprint or framework. In this light we will be addressing the concept of elections and peaceful transfer of power, as well as the preservation of civil liberties and rights to privacy, as well as the canonical roadblocks we face when combining Islam and democracy.

Aristotle, succinctly

Plato

While I mentioned in the literature review, and other parts in this paper, that earlier Islamic scholarship was infatuated with Aristotle, I originally did not delve further into why that was the case. I should also interject that my assumption upon reading that *ulema* had been studying one specific Greek philosopher, with whom they overwhelmingly agreed with in most philosophical and metaphysical matters, I immediately thought it would be Plato. I had thought that after the rift between the rulers and scholars due to the first great *fitna*, surrounding the creation of the Quran, that scholars would capitalise on this rift and declare themselves as the only ones fit to rule. Since emphasis is constantly placed on the notion that no ruler should be followed when they excessively go against the *sharia*, it seemed only fit that now the scholars, who had consolidated all authority on interpreting the Quran and the passing of *fatwas* (religious-legal rulings), would be the ones destined to rule. In this expectation of mine, they would have found themselves in accord with the concept of the philosopher kings, with the distinction that they were not all philosophers but rather of equal and equivalent importance in the Muslim world. This idea of religious men leading an entire country would also not be completely unheard of, as was the case in Florence when it was temporarily ruled by a Dominican friar. Yet these scholars and thinkers, who held the ultimate power, the power of religious decree, had no such aspirations. In fact, the only ones who held such aspirations, as discussed earlier, were the fanatics of the 19th and 20th century. The scholars of the Middle Ages were much more concerned with the technicality of Islamic law, teachings, and jurisprudence. It mattered more to them that the faith be preserved and not be corrupted, than them exercising their power for political gains. It is perhaps this perspective on, and understanding of, their power and authority that explains their acceptance of, and interest in, Aristotelian philosophy and their disinterest in Platonic theories and desire to rule.

Aristotelian political theory, ethics, and virtue

While this paper does not concern itself with Aristotle's teachings, their influence on, and importance in, Islamic scholarship cannot, and should not, be ignored. This chapter summarises some of the most important aspects of Aristotle's theories with some brief explanations as to why they may have become popular among the Muslim scholars.

If one were to concentrate Aristotle's teachings into a few brief sentences, the most important would be that all of politics and political action is directly tied to ethics and virtues of the people.

Throughout his summary of Aristotle's theories, Schwaabe (2018) spends the majority of it referencing the virtues and their importance in Aristotelian theory. Virtue is tied to everything. And virtue can take on many forms and be expressed in many ways, but the best virtue to possess, in the eyes of Aristotle, is to be just and fair. This ties into the logic of the middle ground in any affair being the most desirable; to be humble and confident rather than arrogant or servile. Virtue itself pursues the middle ground in all affairs.

Aristotle supplies us with two understandings of that which is just. One expression of justice is equality, meaning the equal distribution of things to everyone. The second expression, the one Aristotle prefers, is equity; giving each what they truly need. In Islam most scholars argue that it is a religion of equitable justice. The most popular discussion surrounding the differences in inheritance between the son and the daughter, is often defended by arguing that it is a just and equitable treatment given the different financial responsibilities each carries⁶⁷. It would not be inaccurate to say that Islam views equality in these matters as a form of injustice. The importance of equitable justice is also established in law, as carrying out the law should take into consideration the personal circumstances of the people. Likewise, it is only fair to distribute positions of authority or bureaucratic positions according to one's merits. This general theme of the state being a meritocracy is mentioned often, and this too finds its parallel in the real world during the life of the Prophet, when he appointed a 17-year-old Usama bin Zayd to lead the Muslim armies in battle, despite there being more senior members available⁶⁸.

Returning to the idea of virtue, Aristotle describes virtue as determining one's end goals while intelligence established the right path towards that end goal. He also states that each person knows within them right from wrong, and that in and of itself is virtuous. This concept in Islam is called *fitra*, and describes the innate moral compass established within each human. Theologically speaking, each individual is born with this *fitra*, and it is either nurtured to develop a good person or corrupted to develop a bad person. It is this nurturing and teaching right from wrong, good from bad, and justice from injustice that Aristotle regards as being one of the main factors in raising a just society. Indeed, it is stated that “a man becomes virtuous only through upbringing and education”

⁶⁷ According to Islamic laws on finances, men must pay a dowry when getting married, are the main providers in their household and are financially responsible for any unmarried sisters they may have after the passing of their father. These are just a few examples, not an exhaustive list

⁶⁸ <https://sabq.org/tourism/cjgp75#:~:text=روى عن النبي> صنع الإسلام وأحبّه النبي وقاد الصحابة في "جيش المدينة" وعمره 17 عامًا، روى عن النبي، وأبوه زيد بن حارثة نماذج يفخر بها،".

(Schwaabe 2018). This and good laws, are the two most important things that the state needs in the opinion of Aristotle. Specifically, it needs virtuous and intelligent men, not “spiritual scientists” (Schwaabe 2018). This last point could explain in a direct manner why so many Islamic scholars did not seize the opportunity after the *Mihna* to consolidate power and become the sole religious and political authority in the Muslim empire. In the Aristotelian sense, these scholars will have understood that the characteristics needed to run a government and those needed to rule a state, are different to those needed to be a good scientist, even if both require virtue.

Structurally speaking, Aristotle describes the state as being a community striving towards the good, specifically the highest good. This is another point where one sees the involvement of ethics and virtues; indeed, all are trying to achieve this good in some capacity and on different levels. He argues however that even within the state there exist many different communities, chief of these is the community of the households, where the power dynamics do not necessarily align with the status one holds in the larger state community. In this fashion, Aristotle sees the inside and outside of the household as two completely different worlds. For a subordinate or servant in the larger community is still the master of his own household and his goals are different to the aspirations of the state, which are political in nature (Schwaabe 2018). This view makes us observe the household as a different authoritative entity to the state, in the sense that it enjoys a different set of rules and general autonomy as well. We find the same approach in the Bukhari *Hadith* (no. 5200)⁶⁹, where the Prophet narrates that each individual is like a shepherd responsible for their flock; the sovereigns flock is the state he governs; the man’s flock is his household.

A person to Aristotle, by nature, is a political being that yearns for, and belongs in, a community or a state. He is not made to live in isolation divorced from the rest of his community. Even smaller tribes that form villages will eventually meet other villages and build cities. Similarly, the Islamic view confirms the claim, that man is a political being and is by nature a state-forming being, befitting the Aristotelian image. In the Quran 49:13⁷⁰, Allah states that mankind were created as a group of peoples and tribes meant to interact with one another. Building on this, when Allah states that these tribes and peoples are intrinsic to the creation of mankind, then this also stands in

⁶⁹ Bukhari (5200) “Each of you is a shepherd and each of you is responsible for his flock, and the prince [meaning ruler] is a shepherd, and the man is the shepherd of his household, and the woman is the shepherdess of her husband’s house and his children, so each of you is a shepherd and each of you is responsible for his flock”

⁷⁰ 49:13 “O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another [...]”

alignment with the idea that the state belongs to the things inherent to nature. This is probably what Wasfy (1994) meant when he wrote that the state stems from *sharia*, not *sharia* from the state.

To organise this state, there must exist a constitution and laws that act as deterrents from evil and wrongdoings; for the state must be built on virtue. Indeed, the best state is the good state filled with virtuous citizens; their virtues being the ones discussed above.

The good constitution is that which serves the collective good, not the private interests of any individuals or groups of individuals without the rest. As such, Aristoteles sees certain forms of government as serving the collective good, better than others. A monarchy or aristocracy is better than a democracy, because in the former example it is the best who rule (and ideally) in the interest of all, whereas a democracy skews the odds in favour of the majority.

Aristotle does not name one constitution or method of governance to be the absolute best (Schwaabe 2018). Instead, he determines that elements from different systems welded together could create, in the real world, the best possible constitution. This would ideally be the direct rule of the people over one another with “some oligarchical and democratic elements” (Schwaabe 2018). Even this mix of systems can find an equivalent in Islam when both the divine directive to demand good and forbid evil⁷¹ is coupled with the instruction to obey the ruler⁷² and not go against them without viable cause.

How do these views apply to my hypothesis that the Quran should be the constitution of the people? Aristotle's view would in fact go against some of the arguments presented by some scholars, like Wasfy (1994), who states that “Islamic law (*sharia*) is the one that created the state and defined its its roles. And its existence preceded that of the state”. We see a clear establishment of the rule of God as being the beginning of state, meaning that *sharia* demands the establishment of the state through its existence, because the divine law was revealed with many state organising structures. This includes structures like the financial structure of inheritance, guardianship, alimony, and post-divorce funds; just some of the many rigid laws that organise everyday life for the people.

Abd al-Raziq (1925) and Voll & Esposito (1994) would all reject this statement by Wasfy and argue, that indeed the state must be established first, as these laws can only be applied when a state and an organised society exist in the first place. These authors all argue that there are no clearly defined

⁷¹ Al Albani (2324) “Islam is that you worship God, not associating anything with Him, performing prayer, paying zakat, fasting Ramadan, performing Hajj to the House of Allah, enjoining what is right and forbidding what is wrong, and greeting your family [...]”

⁷² 4:59 “O you who have believed, obey Allah and obey the Messenger and those in authority among you [...]”

government structures in Islam. These would be needed to establish a state, and the rules and regulations, including the financial system, are but a guideline, not pre-existing structures, to be applied when a state is formed.

The Quran itself however, highlights that the most desirable form of life is that which leads its people to heaven, and leads them to having their Lord satisfied with them. Whichever life leads to that is the best life. There can be arguments then made, that the implication is that the application of the entirety of the Quran leads to the most desired life, and that as such, in Islam, the constitution comes first, and life is adapted to it accordingly. The issue is that in Islam, heaven is built in stages, and thus many can reach it in different ways. As the Bukhari *Hadith* (no. 6956) highlights “A Bedouin with unkempt hair came to Allah's Messenger and said, "O Allah's Messenger! Tell me what Allah has made obligatory upon me in terms of prayers." The Prophet said, “The five daily (compulsory) prayers, unless you want to perform some voluntary prayers." The Bedouin said, "Tell me what Allah has made obligatory upon me in terms of fasting." The Prophet said, "You have to fast during the month of Ramadan, unless you fast more days voluntarily." The Bedouin said, "Tell me what Allah has made obligatory upon me in terms of Zakat." Then the Messenger of God, upon whom be prayers and peace, informed him of the laws of Islam. The Bedouin said, "By the One who has honoured you, I do not volunteer anything, nor do I detract from what God has imposed upon me in anything." Allah's Messenger said, "He will succeed if he is truthful, (or: He will enter Paradise if he is truthful.)”. This means that there is not one single way to live the life that the leads you to go to heaven. As such, with the above *Hadith* in mind, one could argue that the constitution still comes second, as you only take from it a few teachings and tasks but do not have to perform all which is written.

Main Body

Are Islam and democracy compatible? The question itself is very vague and general, and often leaves many "but what about" questions hanging in the air, waiting to be answered. Exactly which elements of democracy should we address first; and what can we leave out? I do not want to dwell too long on the question of sovereignty and the rule of Allah versus the rule of man. But since the literature suggests that this move away from arguing about sovereignty in Islam is very recent, I feel I must also address it and present my arguments. As mentioned in the previous chapters, I will present my theories on the legislative versus judicial nature of Islamic laws and the idea of the Quran as the equivalent of a constitutional court. I also must answer the question of "who is allowed to interpret Islamic jurisprudence", as it is at the heart of most of these issues. I also write about the difference between Islam in a structural democracy and Islam in a modern democracy and highlight their differences. I also expand on some of the similarities between Islamic government and Aristotelian government. Based on the suggestions of my colleagues, I also discuss the practical obstacles between Islam and democracy and how to overcome them.

Hakimiya: The nail in the coffin on the debate of sovereignty

The discussion regarding sovereignty in Islam was over before it began. Many authors, both Muslim extremists and anti-Muslim writers, argue that sovereignty belongs to God alone. The former interpret the Quran as supporting this idea, while the latter claim that it is clearly part of the Quranic canon. Both groups did so to highlight that Islam had its own system and claimed, that it was incapable of encompassing or accommodating another. While their motivations are different, both groups are in total agreement over this matter. Yet both failed to conduct sufficient research into Islam and the *Hadiths* of the Prophet Muhammad (pbuh). Reiterating their idea swiftly: Sovereignty belongs to Allah alone, who decrees and rules by Himself. Humans are merely vessels to implement His laws and regulations. Those who do not adhere to his teachings are heathens that must be removed from power at any cost, even through violent means. Those who do not rule according to the laws of God, are ruling in a system of unbelief, making their subjects adherents to a system of unbelief as well.

The sovereignty of God must be understood to be absolute, and that the sovereignty he possesses over man is carried out only through the sovereignty of man over himself. As a famous debate between scholars, highlighted in Morrissey (2021), showed, if the sovereignty of Allah extends over oneself, then the existence of heaven and hell would be unjust, as our actions would be falling under the direct control of Allah and as such, we could not be held accountable for them. If one understands the sovereignty of Allah to be absolute, as in that his sovereignty is manifested in the causes and effects, but that the actions of individuals are independent, then they can be held accountable for their actions as they are entirely their own. The latter argument not only makes more sense, rationally speaking, but even theologically. Divine intervention, or to stretch it slightly — manifestations of divine sovereignty, are directly related to the independent state and actions of the people as stated in 13:11⁷³. Understanding Allah's sovereignty in this sense mandates that the people must be independent in their actions, and, as stated in the case selection chapter, inherent to the traits of humans is the Islamic fact that they will sin. This, by default, removes any real faultless applicability of the system of God. It should then come as no surprise that there are authentic *Hadiths* where the Prophet states “you will see after me selfishness (by the rulers), and other matters that you will disapprove of [...] give them [the rulers] their due rights, and ask Allah what you are rightfully owed” (Bukhari 7052); and “and if God had on that day a successor of authority

⁷³ 13:11 “[...] Indeed, Allah will not change the condition of a people until they change what is in themselves [...]”

[caliph] on the earth who flogged your back and took your wealth, stick by him” (Al-Albani vol.4, p.400). Through both of these *Hadiths*, it is prophesied that there will be in fact those who are in power yet do not rule using that what God has decreed. *Hakimiya* theorists would say, that these rulers would be going against the sovereignty of Allah. Yet the instruction from the Prophet is not to rebel against these unjust rulers who challenge the sovereignty of Allah, according to the *hakimiya* interpretation, but to remain patient and stick by the ruler. This stands in line with the Quranic verses against the division into sects⁷⁴. We therefore see no reference or mention in the canon of the *Hadith* or that of the Quran that labels these systems, which violate the rules of Allah blatantly, as system of unbelief, nor do we see any instructions that the system should be violently overthrown, as suggested by the likes of Qutb. Ergo, the *hakimiya* debate has no place in any serious discussion on politics and Islam but is rather a cheap and misinformed attempt at peddling either extremism or islamophobia. In fact, one could have even made a solid argument that democracy is the necessary system for the maintenance of the sovereignty of Allah, as you spread out the responsibility of holding the ruler accountable amongst the people who then forbid him from going astray, rather than relying on the ruler’s own self-awareness, virtue, and morality.

As mentioned in the chapter on Aristotle, political situations are those situations in which action must be taken. He bases these actions on the voluntariness and preferential selection of the people, and states that to master these two abilities, the individual exercising them must possess two specific virtues, namely justice and intelligence, with the latter being distinct from the knowledge of spiritual scholars. We find a general agreement between Aristotle and most Islamic scholars who all regard that the rule of a sovereign must possess the mark of justice, with justice being understood as the rule of law independent of any bias. As the Prophet once said, “whoever is unjust to a *dhimmi*⁷⁵, belittles him, burdens him beyond what he can bear, or takes something from him without his consent; I will be his opponent on the Day of Judgement” (Al-Albani 3052). Further, Aristotle regards the political matter, and the action aspect of it, as one requiring experience, likening it to the job of a doctor, who must be experienced in handling his patients. The characteristic of virtuous actions must therefore be already built into the person in the form of past experience. Meritocracy seems therefore to be the best way to describe who, according to Aristotle, should be a leader.

⁷⁴ 6:159 “Indeed, those who have divided their religion and become sects - you, [O Muḥammad], are not [associated] with them in anything[...]; and 30:31-32 “[Adhere to it], turning in repentance to Him, and fear Him and establish prayer and do not be of those who associate others with Allāh. [Or] of those who have divided their religion and become sects, every faction rejoicing in what it has”

⁷⁵ Non-Muslim living in Muslim lands

Schwaabe (2018) states that Aristotle in general places large value on the words and actions of the experienced and virtuous individuals; “that is why Aristotle often proceeds with his argumentation from the predominant opinions, established either by a consensus of opinions, the opinions of the majority, or the opinions of the experts” (Schwaabe 2018, p.47). In this sense, even Aristotle would reject the *hakimiya* arguments and attempts at establishing a metaphysical authority above all else, as it would upset the balance of the state and the ability of people to exercise their natural duties as political beings. It would also go against the complete separation of jurisdictions between the authority of a sovereign over the state and that of the individual over his own household.

Quran and Sharia: Legislative or Judiciary?

My main hypothesis is that there can be an Islamic democracy or a democracy within the folds of Islam without any issue, if we regard the Quran as being something akin to a constitutional court or some manifestation of a guiding red line that should not be crossed. My claim revolves around a few central ideas. One, there are no democracy constraining laws or democracy constraining structures in Islam. Two, if we regard the rules and regulations of the Quran as being part of the judicial branch, and not part of the legislative branch, we can build a democracy within the folds of Islam. The former hypothesis is expanded on in later subchapters, and this chapter will focus mainly on the recognition of Islamic law as judicial guidelines.

The Quran is the constitution and guiding scripture of Islam. So much must be clear and agreed upon. Yet as it is comprehensive in nature, addressing both societal and private issues, its placement in a political system is not as clear. For now, many theorists have sought to take its rules and apply them as legislation in their countries or have even argued that there should be no legislation other than that which was highlighted in the Quran and *Sunnah* (Wasfy 1994). Yet I argue that this is a false approach if one wants to build a democracy compatible with Islam. One must also understand that Islam as a doctrine, and its teachings, are mostly flexible, and that even the unchangeable laws, *hudud*, are only applied within a very specific scope and when very specific conditions are met. Indeed, we must understand Islamic law and sharia in general to be more of a guideline with some hard laws, rather than a fully untouchable set of regulations. Throughout the life of the Prophet and the *Rashidun* period, we have read narrations that preach mostly flexibility and leniency upon the people rather than harsh draconian application of *sharia*.

I wholeheartedly, based on the available historical records, reject the notion that Islam does not permit new legislation, as advanced by Wasfy (1994) and others. I present evidence in the form of authentic narrations that refute this claim through the actions of the *Rashidun*, as well as the conditions that tie many of these laws in place and restrict their application, to show that *sharia* and its application is closer to judicial laws and criminal codes than it is to legislation.

For the purpose of establishing that most of these codified orders are in fact closer to law than they are to legislation, we must understand a few theological concepts.

First, Islamic law is not up for debate as legislation generally tends to be. Wasfy (1994) states that all legislation in Islam stems from Allah and thus there is no room for manmade legislation. I

believe that his choice of words here were not accurate, for legislation always implies that whatever has been passed can be rescinded or debated on; a notion that that Wasfy clearly rejects in his texts, and so do a majority of puritanical Salafis and Ashaaris (Morrissey 2021). If an item cannot be debated on, rescinded, or even completely rejected, it cannot be regarded as legislation, but is closer to an amendment in a constitution that is protected by other amendments from being changed. We see a similar concept with the German *Grundgesetz*, which cannot be removed without a successful nationwide referendum. In an Islamic system, this step is taken further to say that it cannot even be altered or amended ever but must remain static for it is the law of God. The only freedom an individual possesses is whether they wish to follow these laws or not.

Second, many strict Islamic laws are shrouded in conditions that make it difficult to implement said laws. Take the law that states that a thief's hands must be amputated. This law is not applied to everyone and takes into consideration the conditions of all parties involved. This includes whether the thief stole out of necessity (such as during the time of Umar when a man stole out of hunger) or not, what the value of the item they stole is, whether the victim forgives the thief or not, and whether we can establish intent beyond a reasonable doubt. Indeed, if there is even the slightest doubt surrounding the circumstances of the thief or the cohesiveness of the entire case, that specific punishment is dropped and replaced with another⁷⁶. An even more apparent case is the law prohibiting and reprimanding adultery, which is either leads to stoning or flogging. In order for an accused to be convicted, four separate eyewitnesses are needed and must each deliver the same testimony without error, and the adulterers must also confess to their sin, which if they do and their story aligns with that of the witnesses, their sin becomes a crime. If at any point the witnesses' case is not cohesive, they get flogged 80 times and are prohibited from testifying in court. Islamic laws that affect the lives of people in this way are thus mainly deterrents; deterrents against sinning in public as this, in the Islamic view, would corrupt society. They are also deterrents against prudery and unjust behaviour, as false accusations are punished almost as severely. This falls within the Aristotelian logic of establishing a set of punishments as deterrents against crime, because one cannot build a state with a mischievous population. We also see, in the first case, the application of equitable justice by taking into consideration the circumstances surrounding a certain crime and considering these circumstances when passing judgement.

⁷⁶ Here the judge determines what the appropriate punishment should be. Today, we have a criminal code unique to each country that standardises punishments for petty crimes

Third, a great deal of laws and regulations are only for the individual to follow themselves. Laws around what garments one is allowed to wear and how one should behave around individuals of the other sex should be enforced by each person or their guardian, not by the state at large. Thus laws, like those in Iran, or Saudi Arabia previously, that forced women to either wear the *hijab* or a *abaya*, are laws that actually fall outside the jurisdiction of the state. This is because Islam establishes a hierarchical authority both within the household and outside of it, and matters like clothing and personal appearance fall under the jurisdiction of the household authority and not the state authority. Only the guardian of the individual, for Aristotle this would be the household authority, would be responsible for the decisions of this individual and is the only one with the jurisdiction over them.

Fourth, many laws in Islam are guidelines whose main purpose is to aid scholars in their efforts in passing *fatwas* on modern issues. These are rules like “no harming and no reciprocating of harm”, or “demand what is right and forbid what is wrong”. Their interpretation and application are left up to the scholars of each generation. They were purposely left vague because they are tools and mechanisms used in *ijtihad*, not hard laws.

Fifth are the codified laws the state must both follow and implement. The laws on inheritance and *zakat* as well those on loans and usury are laws that must be followed as they were revealed. This is because these laws are usually part of a larger system and removing or altering one factor could upset the entire established balance. These laws were also established, as the literature highlights, for the greater good of the people. Recalling Aristotle's statement that the state is made out of a rich tapestry of treatises and constitutions, and the best ones are those serving the greater good; scholars would argue that the prevention of usury or loans with interest are for the greater good as they combat greed and fight against the exploitation of the needy. Another reason that some laws were established on this level is, that the state often represents the unbiased actor meant to resolve issues between its citizens, as it is mandated to do so in cases of divorce, child custody, child support payments, and alimony. Had this been left up to the people to regulate among themselves, there would be a clear bias and infighting among the people as each tries to sway the outcome in their favour. But even these laws, if we were to see them as legislation, are not exhaustive. While the financial system in Islam is complex and is meant to create relative financial stability for all

individuals and protect them from financial ruin, that does not mean that it cannot be adjusted⁷⁷. One could therefore, through the Aristotelian lens, regard the entire financial system of Islam as one form of treatise or closed system that can be combined with another separate political one, or even another financial one that addresses the economic matters left up for debate.

If the two main categories of Islamic law, where the state has the right to exercise authority, are either so tightly controlled or not exhaustive with regards to all situations that arise in a state, how can one argue that Islam has no place for additional legislation, or that there is only room for *ijtihad*?

The answer is one couldn't. Umar during his reign issued a decree giving all mothers a stipend for their new-borns. There is no decree in Islamic jurisprudence or opinion that mandates this task, nor do we find any roots for it within the Islamic financial system. Yet this is a clear instance of legislation being passed by a caliph to meet the specific needs of his people in Medina. Thus, it would make more sense not to say that there is no room for new legislation, as Wasfy puts it, but rather that there should be no legislation passed that goes against the already established guidelines and regulations. For if we close the entire legislative branch, how would have Umar known that his people needed a stipend for their new-borns to begin with? How would any ruler be able to address the needs of his people, who give him his legitimacy, without the forum that is meant to give them a voice, either in a direct or representative manner? It does not make any logical sense, nor is it based on any historical or theological evidence.

⁷⁷ In the case of hard law, adjusting the law usually means adding to it, as changing the law itself or removing a part of it is religiously prohibited

Tenure and the transfer of power

As Abd Al-Raziq (1925) mentioned, there is no place in the Quran nor in the Hadiths that mentions the necessity of a caliph, in the classic sense, explicitly, nor does it mention a specific structure or system for the state. This serves our interests in two ways.

First, the omission implies that the rule of a caliph, in the classic understanding, is not mandatory. Historically, caliphs ruled until they were either deposed and killed, or died of natural causes. But there is nothing that states that that is how it is supposed to be. All we know to be necessary in Islam, is the establishment of some type of authority and that the authoritative figure must be followed, unless they exit the folds of Islam, or come forth with a great crime for which they must be tried (Abu Aasy 2022; Abd al-Raziq 1925). This claim by Abd al-Raziq and Abu Aasy means that the caliph is not the only position that a head of state can take. This explains why nobody objected to the titles that Muslim rulers took on later, be it king, sultan, or prince; and it explains why the lack of a caliph today isn't causing any fallout in the Muslim world (Abu Aasy 2022). Further, there is a long history of governors being rejected by the people in Muslim political history.

Structurally speaking, the Muslim world during the first two centuries was built on the caliph model. This meant that there was one caliph who took one city as the capital of the Muslim empire and presided over the city himself. He would then send out governors (*walys*) to rule over the other cities on his behalf. Despite the caliph having received the pledge of allegiance from all representatives, effectively making his decrees law during that time, the people would still have a say over who their *waly* was. This is evident during the first two centuries, and even later on, as the people of Iraq had rejected their governor during the time of Uthman, who had to send a replacement that they agreed upon (Surur 1979). And even when a people had accepted a *waly*, they could still turn on him, as was the case with his brother as mentioned in the previous chapters. These two examples highlight, that even when a caliph was established, the primary authority was still with the people. At any given moment, the people had the power to remove their ruler.

One also saw how the transfer of power between Al-Hassan Bin Ali and Muawiya Bin Abu Sufyan took place because Al-Hassan willingly abdicated in order to avoid the outbreak of a civil war, larger than the one his father had experienced. For the most part, the people who had been under the authority of Al-Hassan pledged their allegiance to Muawiya willingly (Surur 1979). I mention these occurrences bearing in mind Przeworski's (1991) statement that democracy is when parties lose elections. I understand parties in this sense not necessarily as an organised political organisation,

but a political side that can be manifested in the form of the classical party or an individual. One must still be wary of the fact that while rulers were only established once they had received the pledge of allegiance, there were still no elections in the classic sense, and that after Muawiya the system changed to a hereditary monarchy for centuries, and power was only ever stripped away through conquest. However, the essence of the argument is still somewhat captured in these two occurrences. One would not call the latter example democratic — it was only to show that a transfer of power can happen without the death or forceful removal/killing of a caliph — but the former does have some elements of a democracy, specifically the triumph of the will of the people. It could be likened to when a parliament must choose a speaker for the house. The president is already in office, he may even announce a preference, but ultimately, the selected representatives of the people must collectively agree on one individual to preside over them. And while there obviously is a structural difference between the *waly* and the speaker of the house, the argument is based on an approximation of principles due to the fact that the caliphate system in its original form was lost a long time ago.

Through these examples one can conservatively establish two things: tenure is something that is up for discussion, and there is no canonical nor historical evidence that mandates it to be to the death; and authority over the people in Islam stems only from the people, who have a right to choose their own ruler and can reject him if they so please, either through representatives or through a popular uprising or vote, bearing in mind that voting by the people in the classic sense had not been established during the *Rashidun* period or in the years after that.

Second, how the transfer of power from one caliph to the next took place, specifically how the next caliph was determined, is also a matter of preference and circumstance, and is not set in stone. After the death of the Prophet, there was a debate between the *Muhajireen* and the *Ansar* over who should become the caliph. The former were the group of people who emigrated with the Prophet from Mecca to Medina, and the latter were those from Medina, who had pledged allegiance to the Prophet in *aqabah* on behalf of their tribes, as mentioned in the introduction. Due to the higher religious status of those who emigrated, as well as Abu Bakr being the best man amongst the

Muslims, according to various *Hadiths* and even some interpretations⁷⁸ of verses 92:17-21⁷⁹ in the Quran, the heads of the various tribes and families in Medina agreed together on pledging their allegiance to Abu Bakr and naming him the first caliph (Surur 1979). In contrast, Umar was appointed as caliph by Abu Bakr right before his passing and received the pledge of allegiance as a result of that. Uthman on the other hand was chosen by a *shura* committee, whom Umar had appointed, to select the next caliph after he was stabbed, but before succumbing to his wounds. And after they announced their choice, in a majority split decision, Uthman received the pledge of allegiance from the people. After Uthman's assassination, the power vacuum led the people of Medina to flock to Ali and demand that he be the caliph. And while he turned it down at first, the pressure mounted until he gave in to the demand of the people and took the pledge of allegiance from them (Surur 1979). The precedent here is that there is no one form by which to select a ruler; Abu Bakr was chosen through a representative vote; Umar was chosen by the previous ruler; Uthman was appointed by a majority representative vote; and Ali was chosen by the people directly. But the one commonality is that there must be full agreement on their appointment by the people and or their representatives, or at the very least, as in the cases of Uthman and Ali, the popular vote (Surur 1979). The people thus always held the final say and had to be politically active. Arguing from the Aristotelian perspective, we could interpret the predominant system of rule during the *Rashidun* period, and during some years afterwards, as having the perfect population for the state. Everyone was a full citizen that politically participated in this system in some capacity. Whether they all truly agreed on the appointment of each caliph is unknown, but even if we assume that some agreed only out of the desire to maintain peace and order, they would be handling in more political fashion since they are taking the greater good into consideration.

Based on the above, it seems that the writings of Abd al-Raziq were more accurate than those of his critics and were rooted more in reality. With the different paths by which a ruler can be appointed, and even removed, there stands little in the way of saying that structurally, a democracy, or democratic voting structure, in Islam is plausible.

⁷⁸ Bin Kathir (2000) writes that many had interpreted the verses to be explicitly about Abu Bakr, for he was the most righteous after the Prophet, and donated his wealth in its entirety in one go, and the Prophet stated in his final sermon that everyone had received what they were owed in this world, except for Abu Bakr. His compensation will be in the hereafter

⁷⁹ 92:17-21 "But the most righteous will be spared from it [hellfire]. He who brings donates his money to purify himself. And not [giving] for anyone who has [done him] a favour to be rewarded. But only seeking the face [i.e., acceptance] of his Lord, Most High. And he will certainly be satisfied.

Yet if this is the case, and the agreement of the people was always necessary, how do we explain the consolidation of power that took place when a ruler was forcefully deposed? One way to explain it is through its historical context: this was a common occurrence globally, whether it is the countless battles in Italy, about which Machiavelli writes in *The Prince*, or the overthrow of many caliphs throughout the history of the Muslim empire. The population would generally accept the ruler and pledge their allegiance out of fear of their military might. As Abd al-Raziq states “if we were to return to the reality at the time, we would find that the caliphate in Islam was grounded on frightening strength, and that strength was, except on rare occasions, a material military strength” (Abd al-Raziq 1925, p.25). While this explains the succumbing of the population, it does not explain why the scholars, who would often in their sermons remind the caliph that they will not hesitate to use force to “straighten any crookedness” they find, would necessarily agree (Abd al-Raziq 1925, p.27). The most common answer is the guiding principle, mentioned before in this paper, that no harmful action should be removed by an action that would cause even more harm.

In a story often used to highlight this concept in Islam, it is said that Bin Taymiya was walking with his companions when they came across soldiers from the Mongol army, which had occupied their land. The soldiers were consuming alcohol, and when a man from the group went to prevent them from drinking — owing to the concept of promotion of virtue and prevention of vice; its responsibility is carried by every Muslim — Bin Taymiya was presumed to have said “leave them, for when they are drunk the people are safe, and when they are sober they corrupt the land and spread mischief”⁸⁰. Whether this actually took place or not is disputed, but the lesson from this popular story is an accurate representation of how a Muslim is expected to handle divisive scenarios, especially a person of authority and certain political sway.

Apart from the scholars who hold out on their opinions of the caliph and are satisfied with merely threatening him, some completely submit. As one author puts it: “In any case, Islamic jurisprudence recognises the taking of authority by force merely as a matter-of-fact situation, as it usually leads to absolute power and opposing it could lead to the needless spilling of blood. And this leads to doubting the legitimacy of said authority, and one must not acquiesce except out of force, and patience, until an opportunity to return to the legitimate status quo presents itself” (Wasfy 1994, p.106). This position by Wasfy follows the same lesson taken from the Bin Taymiya story, with the single adage that it believes submission to be only temporary, and that the responsibility to right the

⁸⁰ <https://wassatsy.org/417/>

wrong still exists but must be exercised when the least amount of harm and least damaging fallout is guaranteed. What is learned from this, is that Islam does not have a built-in non-violent mechanism to depose a ruler. It always depends on the powers at play and the cooperation of all parties with one another. Al-Hassan could have chosen to carry on the fight against Muawiya, and his refusal is not due to any structures that Muawiya was able to exploit, but it was his own choice to willingly step down. The takeaway from these last points is that since Islam has no directly established mechanism for removing a ruler from power, it is open to accept one, especially since it guarantees a peaceful transition of power. The peaceful transition would be fulfilling one of the main goals of Islamic society, order and peace as the constant status quo.

Structure versus value system

Democracy however is not built on structures alone. I recall having had this conversation with many students, and recall that we were unable to reach an agreement on the core identity of a democracy. The criticism in general is that the position that Przeworski takes is very reductionist, and that democracy is more than just a voting structure and transfer of power. Those who argue in favour of democracy being more than just a structure usually state that civil liberties, certain freedoms, and justice must be at the core of any democracy in order for it to be named as such. In general, they tend to use any democracy theory that preaches these ideals, although some today use the Worldwide Governance Indicators (WGI), specifically freedom of expression, freedom of assembly, and free media (Roy 2021). Those who argue against it will state that democracy merely refers to the will of the majority and the structure by which their will can be expressed. For if the people could choose their own laws and leaders, they could also choose to segregate or to subjugate another group. And if that is the expressed will of the majority, its application would then be democratic. The most prominent example of this would be the United States of America, that has been heralded as a beacon of democracy. Supporters of the first interpretation of democracy would then have to be content with the argument, that the United States was not formally a democracy until the civil rights act had been passed. At best it would be described as having some elements of one, but if civil liberties, freedom, and justice are at democracies core, then even having some elements would be insufficient. In contrast, supporters of the idea of democracy being just a structure will argue, that it was always a democracy, and that the civil rights act came into existence thanks to the democratic structures that had already been in place.

I find both arguments to be valid. The latter argument puts more emphasis on democracy being a largely utilitarian system throughout history, and being recognisable through its clear structure, while the former puts emphasis on the most modern expression of democracy. Therefore, I will be using both interchangeably and explaining my choices at each step.

Exploring democracy as a structure in Islam will be more difficult than exploring it as a whole value system. As highlighted in the examples on sovereignty and the transfer of power above, Islam does not have in and of itself a full democratic structure, but rather some elements of one. Islam also has a separate established structure, over which scholars tend to argue a lot. Briefly, some scholars see the structures in Islam as rigid formal structures, meant to be applied as they were

revealed, while some see these structures as mere guidelines meant to help Muslims establish the structure of the state.

Wasfy (1994) uses a different phrase when describing these structures, and states that Islam is mainly an organised and an organising religion. He believes Islam to be a religion that organises everyday life and a religion that is itself an organised entity, with rules and regulations, and checks and balances. Islam is thus not just a religion, but a system, and it is an “authority-restricting system, in which legitimacy and law prevail” (Wasfy 1994, p.14). The authority-restricting characteristic it possesses, as Wasfy argues, is proof of it being democratic. “Positive and restricting systems of government are always democratic systems” says the author (Wasfy 1994, p.13). The argument here is that if man makes laws, and with these laws restricts the powers of others to a degree by which they cannot exploit the system, but also to a degree so that he is not the only one capable of passing laws, then that system in which he finds himself in, is a democracy. The argument presented is that since Islam was revealed with authority-restricting measures built into its system, then it must be democratic, because authority-restricting measures mean the absence of a dictatorship or tyranny. While the argument Wasfy puts forth is slightly stretched, one can still see its application. If we continually regard Islam from the lens of democracy as only a structure, then indeed it must have checks and balances, which are present in Islam in a limited capacity and are very conditional, as presented in the history on the power disputes in Islam above.

As a value system we distinguish primarily between the authority of the state over people’s affairs and the authority people have over themselves. In Islam the authority of the individual over his own actions is unquestionable, for each adult is responsible for their own actions. The responsibility of the state however is twofold. On the one hand, it is charged with giving its people a good life and it is prohibited from interfering in their personal lives, as highlighted by the story about Umar bin al-Khattab in previous chapters, and on the other hand, its rulers are charged with implementing the divine teachings to the best of their abilities. Taking the WGI as the frame of reference, Islam does limit freedom of expression to a certain extent within the public sphere. Blasphemy and or to announce that an individual has left Islam and to begin preaching against it has serious repercussions. The consequence for the latter is capital punishment, while the former often results either in exile or jail time today. In general, one could say that freedom of expression in the public sphere, where the government has the right to exercise its authority, is limited, but in private it is limitless.

There is nothing in the faith that prohibits the freedom of assembly, on the condition that it does not ruin public property or threaten the peace, order, and stability. Freedom of press falls under the same rules as freedom of expression does.

Whether these are considered flagrant violations or not is difficult to tell, as the WGI takes more factors into considerations and uses complex mathematical formula to determine whether a country is democratic or not. But therein lies a core issue, it was not determined to measure things that are not countries.

If we therefore take what we generally, meaning normatively, understand under civil liberties into consideration — such as the protection of minorities, equality and justice before the law, freedom of expression — we will see a less bleak picture. As I have already written above, we have examples from the times of Umar bin al-Khattab in Jerusalem and the times of Amr bin al Aas in Cairo that showed that the protection of minorities and respecting their faith and right to religious practice is paramount. This is also enshrined in the Quran in 109:1-6⁸¹, cementing freedom of expression in the form of adherence to any religion in a Muslim society. Likewise, during the time of Umar bin Abdelaziz as caliph, we saw a great degree of openness towards the Shia and those who disagreed with the Sunni narrative, as he reversed years of confrontational behaviour and preferred to have an open dialogue to maintain peace and order instead. This included debates and discussions where each was free to speak their mind and argue their case (Taqoush 2010). As for equality and justice before the law, the Quran establishes this right firmly in 4:58⁸², commanding the people to rule justly.

⁸¹ 109:1-6 “Say, "O disbelievers, I do not worship what you worship. Nor are you worshippers of what I worship. Nor will I be a worshipper of what you worship. Nor will you be worshippers of what I worship. For you is your religion, and for me is my religion”

⁸² 4:58 “Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with fairness. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing.”

Legislative power in Islam: on the red lines

In a lengthy discussion I had with some colleagues, we discussed whether the Islamic red lines were an obstacle towards achieving a democracy. We discussed this with a very reductionist view of democracy as our frame of reference, namely that a “democracy is when parties lose elections” (Przeworski 1991). With this in mind we formulated a hypothetical scenario. Say in a random country the population, through their parliament, has passed a constitution. Within this constitution they determined that some laws are not to be amended as, in their eyes, they guarantee the continuity of democracy and removing them would undermine the existence and longevity of this democracy. A few generations pass and the ideological standpoint of the people shifts beyond a democracy, and they decide that they want to change the unchangeable laws in the constitution that guarantee the survival of the democracy. The question then is: if the courts attempt to fight off the will of the people and refuse to ratify the changes demanded by the majority of the population, who are attempting to dismantle regulation meant at upholding and solidifying democracy in the state, are they handling the situation in a democratic or an undemocratic matter? We can argue both cases.

The judges can be seen as handling the unfolding crisis in a democratic fashion so far as that they are adhering to the body of the texts passed by their predecessors. By rejecting the attempts by the people and their representatives to change the constitution, they guarantee the survival of the democratic state. In this scenario, it is not so much that they do not allow any change or reinterpretation of the entire constitution, but only the clauses needed to maintain the democracy and guarantee its survival. And where precedent in the real world exists, the strength of hypothetical scenarios increases. Regarding the case of Germany and the banning of some political parties in the 1950s. Would one be saying that the banning of the SRP, the successor to the Nazi party, on grounds that it threatens the existence of democracy, was undemocratic? What if it had gained the same popularity that the Nazi party once enjoyed, and, as Hitler had done at the time, used the will of the people to dismantle the established red lines? Indeed, in this moment the handling of our hypothetical court, and the handling of the German Supreme Constitutional Court, was the epitome of democratic handling, as it protected the very system that gave it its powers, not to keep its powers, but to save the system itself.

But what if one were to argue for the other side? Some will argue that the courts intervention is undemocratic as it stood firmly against the will of the majority of the people. And since the laws of the state stem from the people, are used to govern by the executive, and are applied and protected

by the judiciary, then the people, and only the people, should be able to determine what happens with their laws, and it should only be the people who determine how to be governed. This argumentation advances the idea that even if faced with losing an objective good, the will of the people must be obeyed. It would not be a stretch to even say that the good is only determined by whatever the people believe it to be. And as such, in the absence of the idea of an objective good, one can argue that the courts handling was undemocratic as it did not obey the will of the people living today. I place emphasis on the temporal aspect as we had often discussed in our courses on democratic theories, that at the core of democracy, specifically in Germany, is an idea that all laws must be reversible, as no past generation should tie the hands of future generations long after their passing.

This rather basic hypothetical is meant to set a playing field for the ideologies set forth by some scholars on the authority over legislative powers and the powers to pass legislation that is then protected by law.

Theorists and academic scholars, both classic and modernist, have argued a similar point, but from different perspectives. On the one hand, classic scholars and supporters of the idea of sovereignty belonging to Allah alone⁸³ see no need for a legislative body in any Islamic state (Wasfy 1994). They push forward the idea, that the Quran and *Sunnah* have provided us with sufficient legislation and that all that remains is the *ijtihad* of the scholars on novel issues. Yet this view is problematic for a number of reasons. Primarily, it still does not address sovereignty as something of which man is responsible and rather that his responsibility is to apply the rules of God. In this understanding, man is but a vessel to rule in a predetermined manner. But their view of the existence of red lines that should not be altered remains the closest to the concept of going against the will of the people to maintain the greater good. The alternative view, which also finds its proponents in Islamic jurisprudence, is that “the political system in the Islam of the Sunnis hinges on the choices of the people and changes and develops according to what they see suits them best” (Abu Easy 2022, p.46). The prerequisite for the second view however is that the population must be able to understand what suits them best, and in the absence of that, it would then seem more likely that, from the point of *fiqh*, adhering to the system even against the desire of the people would be best, as it guarantees order in society rather than chaos.

⁸³ But in the extreme interpretations of Qutb, rather the regular view that believes in the sovereignty of Allah as an absolute sovereignty over everything

The right to interpret

Theorising and arguing for the implementation of the Quran as the judicial red lines that encompass a democratic structure raises one important question. As with any legislative body, there will come a time when the people may want to change or reinterpret the constitution. For the most part, there are mechanisms that allow them to do so regularly without needing to go through multiple levels of bureaucracy. However, every now and then there comes a piece of legislation that may be divisive or controversial. Other representatives in a house of government may question its validity and legality, and usually the matter is determined by the Supreme Constitutional Court or an equivalent body. Presiding over the courts are the most experienced judges, usually at the end of their careers. How does this apply in a case where the Quran is the highest document? Who has the right to interpret the Islamic law and pass judgement on it?

If we argue that the Quran is the highest judicial text in the country, then just as the Supreme Constitutional Court is filled with veteran expert judges, the body charged with interpreting the scriptures would have to be comprised of veteran expert theologians. These would be scholars whose expertise is on Islamic jurisprudence specifically. They would be responsible for the interpretation and reinterpretation of the Quran, *Hadith*, and *Sunnah*. The reason why they must be scholars, continuing the tradition since the second century *hijri* is twofold. The first, as mentioned above, is that they are the experts in their field. It would not make much sense to have someone who is not an expert be in charge of such a task, especially when one recognises that lack of knowledge on *fiqh* has more than once led to the birth of extremist ideologies. The second reason stems from the Quran itself. 16:43⁸⁴ commands the people to ask those of religious knowledge whenever there is something they do not know. This directive on religious matters places the burden of responsibility upon the scholars of Islam and no one else. As such, if one were to go by the scripture to the best of their ability, placing scholars in charge of interpreting the scripture, acting as the constitution of the state, does not just seem logical, but, according to the Quran, mandatory. The change of authority after the *mihna* had shown that generic scholars were the most reliable at maintaining and preserving the faith and its directives. The lack of the scholars' political aspirations makes them ideal judges, as they do not attempt to appease one party or faction over another nor are they concerned with swaying the political field in any direction.

⁸⁴ 16:43 “And We sent not before you except men to whom We revealed [Our message]. So ask the people of the scripture if you do not know

There would also be little to no quarrel among the Sunni scholar-judges. As mentioned in the case selection, most disagreements are often around the metaphysical questions, not the established red lines that they would be expected to safeguard and enforce. Since the academic branch of the Muslim world has been detached for the majority of its existence from the political branch, one would expect there to be no overlap between both branches in the future either. As scholars would probably defend their right to be the sole interpreters of the scriptures and chief authority on them, it would be passed down onto the next generations of scholars through an internal system.

In Egypt, the government had in fact attempted to pass legislation that would give it significant influence over the religious institution in charge of issuing *fatwas*, known as *Dar al-Ifta'*. The authority had belonged exclusively to Al-Azhar, and this was seen as an attempt to grab the religious power and give it to the legislative and executive. Had it succeeded, one would have seen Egypt as one of the first Muslim countries to return to the *pre-mihna* status quo. The government would have once again been both the political and religious authority simultaneously, answering to no one on the religious front. The attempt failed as Al-Azhar managed to plead their case and maintain their authority over religious matters⁸⁵.

Another reason the authority and right to interpret should remain with the scholars is due to the academic standard. As Esposito (1991) and Esposito and Voll (1994) rightly mention, consensus is a key factor in Islam. It is the most important factor in jurisprudence, as the consensus or majority usually means that the right decision has been taken. A scholarly opinion that stands on its own in Islamic jurisprudence has no meaning, especially if many scholars disagree with that opinion. The rigorous methodology and criteria applied to religious rulings also make it difficult for any lone ideologues to break through the ranks of the scholars and infiltrate the institution, as any decree must be rooted either in Quran, *Hadith*, or *Sunnah*.

The way their role is set up could also be adjusted to allow maximum political autonomy for the legislative. Based on the argument presented earlier, that the Islamic financial system can be seen as one of the several treatises or constitutions, in the Aristotelian sense, one could argue that the red lines of Islamic law could also be regarded as another separate constitution as well. If one regards these constitutions as each needing their own experts, rather than one group of experts on all different types of constitutions ruling the state, then one would be establishing a form of pluralistic meritocracy.

⁸⁵ <https://www.al-monitor.com/originals/2020/07/egypt-draft-law-control-al-azhar-dar-al-iftaa-religious.html>

What stands in the way of democracy?

It is futile to argue in favour of democracy, or its plausibility in Islam, without simultaneously addressing the roadblocks it faces. The nature of the roadblocks can be divided into two: theological roadblocks, based on the canon; and applicability roadblocks, referring to the actual application of some Islamic laws in the day-to-day life, and the effects that has on society.

Theologically speaking, there is not much that stands in the way in terms of hard-line policy. This of course depends on how democracy is interpreted, as already addressed in the previous subchapters. The theological roadblocks faced when moving towards a democracy become more apparent when taking the civil liberties aspect of modern democracy into play. Are gay rights and complete equality between the sexes necessary to be able to state that there is a democracy? If yes then one must contend that the civil liberties in Islam are static, and do not recognise many of the modern laws regarding finances, in the form of interest, or sexual and gender identity as a personal choice and form of public expression. And there is no reconciliation or middle ground that can be reached on these topics. The very fact that many of these laws in Islam are static could in itself be one of the larger theological roadblocks, when arguing in favour of democracy being more than just a structure or more than just a political system.

Democracy from the reductionist point of view however, can be theologically compatible with Islam without any roadblocks. As has been established in previous subchapters, there are no laws or regulations, unless one interprets the Quran in an extremist sense, that prohibit the participation of people politically. In fact, there is almost a consensus among the scholars that the primary path towards establishing a leader or person of authority is through a vote (Wasfy 1994), either direct and through the people as in the case of Ali, or through representatives as in the case of Abu Bakr (Surur 1979). In this matter, Islam is definitively flexible.

However, scenarios that include the passing of legislation depend on our interpretation of the canon, which in turn depends on who gets to interpret the Islamic texts. There remains, as has always been the case throughout the history of the Muslim empire, a rich tapestry of opinions on the nature of legislation in the Islamic world. A major roadblock would be if the lead scholars responsible for Islamic decrees (commonly called a mufti), and cross-referencing our political aspirations with Islamic jurisprudence, decide, like the understanding of Wasfy (1994), that legislation belongs to Allah alone. If this interpretation is popularised, which it is not in the real world and such ideas are

often labelled as impractical, then one could be faced with a major hurdle that is difficult to move past without looking for loopholes. Wasfy argues that the door to pass legislation is closed, and that Islamic law was, is, and will be forever perfect and does not need any changing, as it is divine in nature; and that which is divine possesses no faults by definition. He does leave a window open, and that is his statement that, while the door to pass legislation is closed, *ijtihad* will forever remain open; as we still must be able to judge novel affairs and deal with them in a temporally accurate manner. Therein lies the juxtaposition. What Wasfy describes is essentially the argument presented by others, that many Islamic rules are guidelines and not laws set in stone. What he calls *ijtihad* is what others call legislation. The reason I still include this view as a hurdle however, is that its application in the real world could take a very wrong turn. To deem that all what remains is *ijtihad*, is to directly imply that any modern judgment needed, or anything similar to legislation, would only stem from the scholars with no possibility for the public to participate in said judgement or express their opinions on it, since it has been determined to be of no concern to those not learned in Islamic jurisprudence. And so despite the existence of a loophole, it would only be usable by scholars with political aspirations, not by the people.

The application of Islamic law is where the true trouble is. At some point in time, one which has been difficult to pinpoint, our understanding of *sharia* became drenched with patriarchal concepts that placed men at the centre of the state, society, and the household. When scholars began mixing cultural traditions and practices with Islam, Islam transformed from being an independently codified way of life, to being only applied within the scope of one's own culture. Subsequently, the people would see *fatwas* that forbid women from exiting the house entirely or appearing in public without wearing a niqab or an equivalent face covering; two things that are not mandatory in Islam but entirely optional. What the mixing of culture and faith led to is the abolition of personal freedoms. In Islam, it is stated again and again that there is no compulsion in faith, meaning that no non-Muslim can be made Muslim by force, and also that no Muslim should be forced to do something that they do not wish to do, as this fosters resentment against the faith. It is emphasised that each person is responsible for their own actions and faces judgement for their own decisions. This is best highlighted in 53:38-39⁸⁶. As such, one must recognise that when modern governments force women to wear certain things, as was the case in Saudi Arabia with the abaya up until a few years ago, and Iran with the mandatory hijab, that their decisions are not rooted in Islamic

⁸⁶ 53:38-39 “That no bearer of burdens will bear the burden of another. And that there is not for man except that for which he has strived for”

jurisprudence, but in rather in an expression of cultural patriarchal tyranny under the guise of Islam. This contortion of Islam affects primarily the civil liberties more than anything else, but it does often find its way into the political arena as well.

While it has been argued throughout this paper that Islam is compatible with democracy as a structure with regards to selecting a ruler, autocratic and dictatorial governments, and their *muftis*, often discredit the idea of a democracy under three fundamental pretexts. The first is the maintenance of peace and order in society. Democracy would mean the upheaval of the entire system which they have known and could even lead to instability, or worse; the people choose an un-Islamic path forward. Second, that one must not disobey the ruler. The same arguments I present above to refute the logic of *hakimiya* is also used to force the population to acquiesce to the rule of a family/president/monarch, regardless of whether it is in their favour or not. The *muftis* and other scholars will often state that obeying the ruler is part of faith, as it is mandated in both the Quran and in the *Hadith*. Third, they will argue that democracy on the legislative level goes directly against Islam, as it gives rise to different political groups. Their argument is that the verses 42:13⁸⁷ and 6:159⁸⁸ imply that the Muslims may never split. The establishment of political parties with ideological differences is a form of divide and should thus be avoided. We see this logic applied in its totality with all three arguments applied primarily in the gulf states. And as such these countries are continuously labelled either as dictatorships or autocracies.

From these argumentations one can recognise one very important thing, and that is that any hurdle presented so far, either in the theological aspect of Islam or in its real-world application, is tied in a direct manner to who interprets the Quran, *Hadith*, and Islamic jurisprudence, and how they interpret it.

If one were thus to summarise the points made in this subchapter so far succinctly, the most accurate description would be, that the absence of consensus on a mechanism, and sometimes the absence of a mechanism altogether, by which scholars determine not just who, but how theological matters are interpreted, and how often they should be reinterpreted, is the largest and most serious hurdle standing in the way between Islam and its road to a lasting democracy.

⁸⁷ 42:13 “He has ordained for you of religion what He enjoined upon Noah and that which We have revealed to you, [O Muḥammad], and what We enjoined upon Abraham and Moses and Jesus - to establish the religion and not be divided therein [...].”

⁸⁸ 6:159 “Indeed, those who have divided their religion and become sects - you, [O Muḥammad], are not [associated] with them in anything. Their affair is only [left] to Allah; then He will inform them about what they used to do.”

There is a further, more serious, hurdle that is often addressed but through a false lens, and that is the issue of fundamentalism and its violent outbreaks. While the writings above paint a picture of Islam being a faith in which power and authority is centralised, this is in fact not true. Islam is a very decentralised religion when it comes to the power to establish legitimacy and authority. We have previously discussed that authority in Islam comes primarily from the people; there are no holy rulers ordained by God or individuals who possess authority as a birth-right. The maintenance of power and authority hinges constantly on being a good, or acceptably good, Muslim who does not commit a serious offence/sin and remains a Muslim. We have also read about the scholars who would remind caliphs that they would forcefully straighten them out should they go astray (Abd al-Raziq 1925). This sentiment has its roots both in the Quran and *Hadith*. 3:110⁸⁹ states that the Muslims are the best nation to be produced, because they demand what is right and good and forbid what is wrong and evil. Extremist ideology often uses this verse as a justification for engaging in an armed conflict against a ruler or carrying out acts of terror. They disregard verses and narrations that one must maintain peace and order and neglect the concept of not replacing evil through an act which leads to more evil, and that is because they often see the people in authority as apostates or infidels, and thus combatting them becomes mandatory in their eyes. This entire ideology is addressed in all books on Islam, be it Morrissey, Wasfy, Aasy, or De Bellaigue. It is clear, throughout these books and others, that extremist ideologies are founded upon two things: lack of education and information on Islamic jurisprudence, and a desire for political supremacy.

The solution to the first issue is more complex than the second. Islam being taught as a way of life means that everyone is exposed to the Quran and *Hadith* in an informal manner from an early age. This makes people susceptible to misinformation and miseducation on the hands of fundamentalist, which I have even witnessed first-hand in Egypt. It seems as though the solution is one of two extremes. The first would be to establish a standardised education model that includes theology as a fundamental subject. The goal would be to teach the Quran and contextualise its verses, creating a generation of individuals that possess sufficient knowledge as not to get radicalised or radicalise others. Alternatively, one would have to remove the idea of Islam being a way of life and equate it more to what mainstream Christianity has become in Europe. Islam would thus be transformed

⁸⁹ 3:110 “You are the best nation produced [as an example] for mankind. You enjoin what is right and forbid what is wrong and believe in Allah. If only the People of the Scripture had believed, it would have been better for them. Among them are believers, but most of them are defiantly disobedient.”

mainly into a spiritual religion rather than a ritualistic one. The drawback of the latter argument is that it does not remove the possibility of radicalisation, it only subdues it temporarily. As we currently experience the rise of right-wing nationalist movements in Europe, one also sees that many of them, whether in Poland, Italy, or France, often include religious rhetoric and reference religious concepts in their speeches and manifestos. Some individuals even go as far as to carrying out terrorist attacks against an ethnic or religious group and will often have extreme religious motivations behind their attacks as well. The former option would guarantee a longer peace and remove the ease with which young Muslim tend to get radicalised. It would give everyone a basic understanding of the fundamental core of Islam and should also include refutations of popular radicalisation rhetoric. While it does sound cliché, indeed educating the masses would be the solution to the single largest hurdle standing in between Islam and democracy. And this is correlates with the established research on the relationship between democracy and education, that “the most important single factor differentiating those giving democratic responses from others has been education. The higher one's education, the more likely one is to believe in democratic values and support democratic practices” (Lipset 1959). This would also explain why theories that tie economic development to democratic systems fail in the gulf states; some of the richest countries in the world. Yet despite most of them having high literacy rates today, and good education, Lipset writes that indeed the style and type of education makes a difference. Pre-Nazi Germany had high literacy rates and an excellent educational system, but the type of education that was built more on discipline rather than development resulted in a misinformed and exploitable population. What the appropriate education system to establish a democracy today in Muslim countries would be remains a mystery to me. But what is clear, is that any form of education would at the very least prevent the ideological vulnerability exploited by extremists to recruit a few individuals. As Lipset (1959) writes: “in Egypt, by contrast, the cities are full of "homeless illiterates," who provide a ready audience for political mobilisation in support of extremist ideology”. This supports the claim made above, that the largest threat one faces when combining Islam and democracy successfully is fundamentalist ideology, for which adequate education would be the only viable solution.

Theoretically speaking, this also meets with the Aristotelian theory that to build a good state, you need to virtuous people. The virtue of the people must be nurtured and can only be achieved through upbringing and education (Schwaabe 2018).

Where are the Muslim democracies?

This question has constantly popped up in most literature questioning the compatibility between Islam and democracy; that if both were so compatible, how come very few exist? The explanation finds its roots in the social sciences as expanded by the likes of Lipset and Weber. The theorists believe that certain societal characteristics play a significant role in establishing, supporting, and maintaining a democracy.

One theory, advanced by Weber, is that these various government systems and structures are part of a longer chain of actions set in motion by the systems before them. Lipset writes “differences in national patterns often reflect key historical events which set one process in motion in one country, and a second process in another” (Lipset 1959). Extrapolating from this theory, one can state that one of the main reasons that democracy was not established in most of the Muslim states, is because there is a long history of relatively homogenous structures of rule that remained, for the most part, uninterrupted for the last 1400 years. Similarly, whenever a democratic system did come into existence, it was not able to fully create the necessary institutions to guarantee the establishment of another democracy after it, but always left a door open for the consolidation of power and dictatorial rule. Or to quote it in a direct manner: “a "premature" democracy which survives will do so by (among other things) facilitating the growth of other conditions conducive to democracy, such as universal literacy, or autonomous private associations”, and both of these points had been lacklustre in most Muslim countries. And I would argue that the latter point is a prerequisite for the first, because no dictator or tyrant will willingly educate his people to the point that they may want to question his authority and overthrow him; and this is supported by the research conducted by Lipset (1959), where they concluded that more dictatorial regimes had significantly lower literacy rates than the more democratic regimes⁹⁰. As such, the establishment of private groups, institutions, and political unions at the hands of the educated few is what often brings about positive democratic change. This is what was seen in places as far away from each other as Brazil and Poland, where worker’s unions developed into political movements that were able to instigate true political change and set in stone the frameworks necessary to maintain a democracy. Contrasting that with both Egypt and Israel, one sees how both countries in recent years have either undermined or been trying to undermine the democratic structures to shield the executive from political and judicial repercussion or to give the executive office more power. In Egypt, a referendum was used to grant

⁹⁰ And from the information presented it seems to reject an inverse relationship, meaning that people have lower literacy rates because they live in dictatorships, and not that they live in dictatorships because of lower literacy rates

the president the power to select the chief justice of the Supreme Constitutional Court, and that power was immediately used by the president. In Israel, the judicial reform law was passed, and then subsequently struck down by the supreme court, but the executive is still attempting to find ways to force it through.

It should thus come as no surprise that most Muslim countries, based on that general theory, were unable to form democracies. And it should be considered a legitimate reason, that the cultures of these countries have developed to include little political engagement for ninety percent of their recorded history, owing to the systems that governed them for the majority of that time; even before Islam.

What this should serve to show is that the reason Islamic politics developed the way it has, is in part due it starting in the Arabian peninsula of 1400 years ago. The previous chapters and subchapters highlighted that there are no inherent structures within Islam or Islamic law that prohibit a democracy. On the complete contrary, Islamic law, either established through the Quran, *Hadith*, or *Sunnah*, all speaks to maintaining the civil liberties and rights of the people under its rule. The scholars emphasise that the people participating in choosing their ruler is the original way to select a ruler in Islam, and the historical evidence put forward showed that the people possessed the power of bestowing the legitimacy to rule upon the ruler every time. As for the Aristotelian explanation, it can be said confidently, that Islam as a faith contains within it the virtues and ethics Aristotle ties to everything. This is further aided by the *Hadith* mentioned previously in this paper distinguishing people only based on piety. As such, Islam has the necessary virtues and ethics through the Aristotelian lens. What it does lack is the specific structures for establishing a democracy, but that is not because they aren't compatible, rather because Islam seems to have a blank canvas able to take on any just and fair system, and sometimes even unfair and tyrannical systems for a short period. As such, the most accurate response to "where are the Muslim democracies" would be to ask, "was there a democracy in the first place?"

Limitations

The arguments made in this paper, and to the best of my current abilities given the word count limitations, must be taken with a grain of salt. They are not reductive, but I cannot also state that they are anywhere near exhaustive or all-encompassing. The approach I took with answering the question “are Islam and democracy compatible”, was theoretical. It aimed to show that the fundamental conditions are present, and the criteria needed to establish plausibility exist. Whether this translates into real world applicability is beyond the scope of this research paper, and is, without exaggeration, the work of a lifetime. The examples I took from the real world are also not completely exhaustive, as they were to prove the existence of certain criteria and or conditions that enable the application of democracy in Islam or Islam in democracy or were to highlight that some theoretical concepts are applicable in the real world. No rule after the Prophet, not even of the *Rashidun* was perfect or without its controversies⁹¹.

Further, while I am a native Arabic speaker and practicing Muslim, all that gives me is offer me some assistance in working with the primary sources relevant for this topic. This does not, however, render my understandings and interpretations of certain texts as gospel. As I highlighted in the main body on the question of who has the right to interpret and reinterpret the texts, I clearly do not meet all criteria. My interpretations and arguments are only that of a political scientist and are free from any theological judgment. This is meant to directly imply that there is always the possibility that my interpretations of and understandings of certain matters of Islamic jurisprudence are false. I would also reaffirm this last point by reiterating that almost all refutations of theological interpretations in this paper were either already rooted in a theological debate or refutations on grounds of logic and reason with the assistance of citations from the Quran and *Hadith*.

I was also not able to conduct a thorough analysis of many of the historical books composed by many significant scholars like al-Afghani, who’s arguments for a more modernist approach in Islamic jurisprudence are beyond insightful and important. For one, scholars and authors like him have written many books, spanning multiple volumes, and some are even part of century old debates. Working with theses texts requires much more than the five to sixth month allocated for us to write this paper. And second, even if I were to attempt this, it would balloon this paper from its

⁹¹ One could even argue that the rule of the Prophet was not perfect, as the Quran was revealed over a span of 23 years. What I mean by not perfect though is that rule at the beginning may have been different and could probably have been not acceptable based on the revelations that came in the end

limit of 80 pages to over hundreds of pages long, and as not to fall into the same forms of academic malpractice, of which I was very critical in the literature review, I have decided not to water down his arguments in this paper either, as they do deserve a study on its own. This applies to more theorists than just al-Afghani of course.

This paper also does not explore why a democracy has failed to form in the Arab Muslim countries and why it only found true success in Indonesia. It would undoubtedly be worth setting up a comparison between the interpretation of *fiqh* in far eastern countries versus the interpretations in the MENA⁹² region and explore what effects this has on the forming of political structures. This should include research on the effects of regional politics on the development of Islamic jurisprudence as well, as it was highlighted above that some interpretations were born of the colonial strife faced by the scholars and the people, and that more extreme interpretations came from the disagreement on how the post-colonial state should be formed. Research should therefore be focused on the effects of one on the other and vice versa.

As for the section on Aristotle, it is evident to anyone who has familiarised themselves with his works that I only use a fraction of his works in the form of general theories. This paper simply does not have the space, nor do I possess the knowledge nor the expertise necessary to do a full analysis of the Islamic texts and the *Politics*. The reason I include him in my analysis, and believe he should be used more, is because he possesses a significant influence on the early development of the Islamic understanding of philosophy and metaphysics, which later on found itself at the centre of fierce century-long debates. Many of the normative criteria Aristotle places at the centre of his theories, be it that the best state is the happiest, or that state leadership requires intelligent virtuous men, not theoretical scholars, find a home in Islam. Most of his claims were in fact manifested either in the form of actions undertaken by the Prophet and the companions of the Prophet, or through established laws in *fiqh*, *Hadith*, and the Quran. I have also included him on account of the advice I have received by my academic peers, both due to the novelty aspect, and because some of his theories — the ones I used — provide a good support for some of my theories and hypotheses. I do however believe, that despite my efforts his inclusion here does not do the topic justice and that there is much more to be explored pertaining to the relationship between Aristotelian political theory/philosophy and Islam.

⁹² Middle East and North Africa

In the chapter where I answer the question why there are almost no democracies in the Muslim world, I would have ideally expanded on what I believe to be culturally the most fitting democracy, but found, as I prepared the material for it, that this would indeed need its own independent paper to be able to do it justice. I would have argued that a federal republic with a representative democratic system would be the closest model in structure and in culture to the long history of tribalism in most gulf states and some north and central African states. As a topic that should be expanded on, and I would hesitantly claim that it addresses a large gap in the literature on democracy in the MENA region with the effects of faith taken into consideration⁹³.

⁹³ I say hesitantly as I was not able to find research specifically on that topic as mentioned, but it could still exist

Conclusion

Can there be an Islamic democracy or a democracy in Islam? This paper has set out on this ambitious mission to attempt to contribute a meaningful addition to the plethora of papers and books already written on the subject. Throughout this attempt, we have visited theories and interpretations over a thousand years old as well as their newer counterparts. The analysis set out to establish whether or not past contributions to this topic had been factual and accurate, both western and eastern. A few fundamental points stand out. The sovereignty of Allah in Islam is absolute and must be understood in an absolute sense. There is no quarrel or issue with an individual calling themselves sovereign, as their sovereignty on the earth does not infringe on the sovereignty of God in absolute. It has also been determined that sovereignty of man is needed, as only it can guarantee the application of the rules mandated by God. It has established that Islamic authority primarily emanates from the people, who possess the right to choose their ruler, and have the power to depose him with peaceful means. Additionally, we have also learned that Islam places an immense emphasis on maintaining peace and social order even in times of injustice, and explained how this is often used by authoritarians to consolidate their power and control the people as they please. Most importantly, this paper confirms that there are no rules or guidelines that prohibit the establishment of a regulated tenure or term for a head of state before they have to step down or undergo another election. When they are in power, their authority is limited to what has been placed under the jurisdiction of the state, and they have no right to infringe upon the private mandates of faith due to the law of “there is no compulsion in religion”, and the emphasis that people are free to act and do as they please without infringing on the rights of others or going against the law. It has been further determined that structures of Islamic law and the different types of laws mean that nothing stands in the way of public participation in politics, and that the best type of state to have political participation in is the educated state. This is substantiated by Lipset (1959), and reaffirms Aristotle's theories on the citizens of the state.

We also discovered that the popularity of Aristotle in Islam is due to the surprising compatibility of his theories with those of Islam, specifically those on the different relations and power dynamics outside amongst the people versus inside in the household; the virtue of the leader, their skillset, and how it should differ from the scholars; and the focus on virtue being tied to everything in life, similar to the Islamic concept of piety. The idea of the highest goal also appealed to the Islamic scholars who saw in it a reflection of their faith and their desire to reach heaven at any cost, as it is the *summum bonum* for them.

This paper also reaffirmed the scholar's authority in the right to interpret Islamic scripture, and how that responsibility cannot, for both practical and theological reasons, fall to someone else.

We have also argued that the lack of Muslim democracies can be attributed to a political history/culture aspect, as theorised by Lipset (1959), and that above all else we need high literacy rates and high-quality education as a prerequisite and necessary condition to have a democracy, and that it does not indeed depend on the financial aspect as was also theorised.

Whether Islam and democracy are definitively compatible is challenging to assert with a categorical "yes," but it is safe to reject a definitive "no." In the limitations chapter I highlight what I outlined what I believe is still necessary to answer this question conclusively. Before we find a democratic model that can actually fit within Islam, can we really determine it to be absolutely compatible? I will therefore be content with saying that, based on the arguments presented in this paper that differentiate between the types of rules and regulations in Islam, as well as the structures upon which it is built and the space it has to accommodate different structures, and understanding many of its structures and regulations through an Aristotelian image, one can say, confidently, that there is a very high plausibility that both Islam and democracy are compatible.

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