

Islam and democracy

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إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ
عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ

Allah says: "Allah commands justice, the doing of good, and liberality to kith and kin, and He forbids all shameful deeds, and injustice and wickedness: He instructs you, that you may remember."

[*Sûrah al-Nahl*: 90]

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ
بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا
اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ
خَبِيرٌ بِمَا تَعْمَلُونَ (المائدة: 8).

O you who believe! Stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to piety.

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ
بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ [النساء: 58].

وفي الحديث: ((ما من أحد يكون على شيء من أمور
هذه الأمة فلم يعدل فيهم إلا كبه الله في النار)) أخرجه
الحاكم، وقال صحيح الإسناد من حديث ابن يسار
رضي الله عنه

These verses for the Quran and statements from the Prophet Muhammad, among others, lay the foundation in Islam for what scholars call the broad terms of the objectives of Islamic Law, which is generally misunderstood by Muslims and non-Muslims alike.

Sheikh Salman al-Ouda, a contemporary Muslim scholar, tells us that the objectives of Islamic Law “call for justice in legislation, for precision, quality and ethical conduct in interpersonal conduct and industry, and for generosity in the flow of wealth. These verses express the noblest values for life and the greatest concern for the general welfare.”

A failure to understand Islamic Law, or Shari’a, and its higher objectives leads to many misunderstandings, including the false assumption that Islam is against democracy.

In an interview on 60 minutes on Sunday, 20 March 2011, Ibrahim Siddiq-Conlon condemned democracy and said that he hates it.

As an Australian citizen, Mr. Conlon is entitled to express his own views but in no way does he represent Australian Muslims.

Such sentiments demonstrate Siddiq-Conlon’s lack of adequate training in Islamic scholarship.

As it is the job of the media to sensationalise issues, 60 Minutes did a great job in enhancing already existing prejudice against Islam and the Muslims.

Among the fear-mongering tactics used by politicians and media outlets is to propagate the claim that Islam and Muslims hate democracy, and that they cannot integrate in a multicultural society such as Australia.

Today I would like to talk about the question of Islam and democracy, and leave the discussion on integration and multiculturalism to another time.

But for now, let me say this about the last two issues. In a recent research conducted by staff at the Griffith University Islamic Research Unit, published in the latest issue of the *Journal of Sociology*, the study challenges popular assumptions that Muslims are opposed to integration and reject Western values.

On multiculturalism, many would say that the past genius of Islam in adapting itself to cultures from Senegal to Sumatra cannot be extended into our era.

The embracing of other cultures is encouraged by the Qur'an when it states the purpose of the diversity of nations and tribes which is knowing each other, this Arabic form *Ta'aarafoo* indicates *Mushaarakah* which indicates mutual effort towards knowing each other, which is also integration.

Abdul Hakim Murad, A British Muslim convert and a Cambridge University scholar, says that "One could argue, that Muslim communities are far more open to the West than vice-versa, and know far more about it. Muslims return from the mosques in Cairo in time for the latest American soaps. There is no equivalent desire in the West to learn from and integrate into other cultures."

He further states: "Westerners, when they settle outside their cultural area, almost never assimilate to the culture which newly surrounds them. Islam, we will therefore insist, is more flexible than the West. Where they are intelligently applied, our laws and customs, mediated through the due instruments of *ijtihad*, have been reshaped substantially by encounter with the Western movement, through faculties such as the concern for public interest, or *urf* - customary legislation. Western law and society, by contrast, have not admitted significant emendation at the hands of another culture for many centuries."

Furthermore, "The story of Islam in traditional China, [for example], where it served the emperors so faithfully that it was recognised as one of the semi-official religions of the Chinese state, was the norm rather than the exception. Minority status is nothing new for Islam, and around the boundaries of the Islamic world, Muslims have consistently shown themselves to be good citizens in contexts a good deal less multiculturalists than our own."

Brothers and sisters: we need to understand this clearly so that we don't make statements about issues that we are not well versed in, otherwise we will continue to feed wrong information to an already hungry media.

We need to understand the meaning and objectives of democracy and Islamic Law before we condemn democracy as incompatible with Islam. We need to examine the higher

objectives of both systems to realise the similarities and differences.

Scholars of Islam have determined these objectives to be five: protection of life, faith, reason, honour, and wealth. Some contemporary scholars have suggested a sixth, proposing things like justice, liberty, and fraternity. Some leading Muslim scholars believe it is more precise to refer to this sixth necessity as something like "society" which embraces all aspects of social justice, liberty, equality, and human dignity.

Each of these objectives is backed by the Qur'an and the authentic Prophetic traditions and not just the opinion of the scholars of Islam.

Obviously, democracy means different things to different people. But if by democracy we mean justice, the rule of law, good governance, freedom to practice one's faith, protection of life and property, freedom to express one's views, fair dealing, and the participation of citizens in the decisions regarding rulership, then these are very much compatible with the higher objectives of Islamic Law.

Anyone who studies the life of the Prophet of Islam who is the exemplar of the Qur'an finds the above values clearly practiced, especially knowing that the Madinah city was diverse with different cultures. Furthermore, when the Muslims lived in Abyssinia under the Christian ruler, Muslims lived under the Law of that land without demanding to apply their own laws since the Laws were compatible with Islam.

Clearly, Australian Muslims are able to practice their religion freely, despite the prejudice and discrimination that they may face by certain segment of the society. However, there are mechanisms and laws in place to protect them when any of their rights are threatened.

Dr Muhammad Haneef won against the Australian government under John Howard. Yes, he was unjustly targeted, but using the laws and mechanisms in place was able to win. This would not have been possible in many other countries of the world, including Muslim countries.

We are able to apply many aspects of Shari'a in our daily lives in Australia: five times prayer, fasting, paying zakat, going for hajj, wearing modest clothing, having Islamic schools, memorization of the Quran, marriage, and now there are serious attempts to bring Islamic banking and finance. Also, many social justice issues and protection of human dignity in Australia are consistent with the Shari'a.

The penal code does not apply in Australia because it is not governed by the Sharia. Even in courtiers where it is applied, the application is complex and the Sharia is strict on the assumption of innocence until proven guilty.

The leading modern Muslim jurist Abdullah Bin Bayyah explains that when you came into a country such as Australia, you are issued with a visa, or a citizenship. In the issuance of the visa and accepting it, a legally binding contract occurred which the Sharia calls a *suluh* (HUDNAH) - an agreement that when I came into this country, I would obey the laws and would follow the restrictions that this visa demanded that I follow. This was a contractual agreement that is legally binding according even to the divine laws. This is based on the command of the Quran:

وَأَوْفُوا بِعَهْدِ اللَّهِ إِذَا عَاهَدْتُمْ وَلَا تَنْقُضُوا الْأَيْمَانَ بَعْدَ تَوْكِيدِهَا

And be true to your bond with God whenever you bind yourselves by a pledge, and do not break [your] oaths after having [freely] confirmed them... "(16:91)

يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُقُودِ

He concludes that in looking at this, we have to understand that the Sharia views the relationship between the Muslims living in this land and the dominant authority in this land is a relationship of peace and contractual agreement-of a treaty. This is a relationship of dialogue and a relationship of giving and taking.¹

He further says "the verse from the Quran that we should take as the overriding verse in our relationship with non-Muslims is where God commands you to show *birr* to those who neither fight you because of your religion nor remove you from your homes. "*Birr*" in the Arabic language is the highest degree of excellence. God does not prevent you from showing them excellence - moral excellence - in your transactions with them or from sharing with them a portion of your wealth".¹

The point is that the democracy that we experience in Australia is very much compatible with the higher objectives of shari'a.

If there are any ethical issues that we as Australian Muslims have a problem with then we should seek the appropriate channels to express these views. This should be done with civility; this clearly falls under *amr bil ma'roof wa-lnahi 'an al-munkar* (ordering the good and preventing the evil).

¹ http://www.islamonline.com/cgi-bin/news_service/spot_full_story.asp?service_id=612

Much has been said and written about the issue of democracy in Muslim countries.

The democratic revolutions sweeping the Middle East are a testimony to the fact that Muslims are not opposed to a democratic model that will bring them relief from the injustice of the exiting regimes.

Of course, "In practice – as well as in theory – democracy is not a monolithic idea with a single mode of practical expression. There is a variety of approaches to democracy that have come about as a result of the different philosophical backgrounds and particular circumstances of the various societies wherein it has been adopted."

In an article titled 'The System of Rule in Islam,'ⁱⁱ Mufti Muhammad Taqi Usmani states:

"What becomes evident from studying the rules of the Shari'ah on politics, and what is mentioned in the Qur'an and Sunnah on this subject, is that Islam does not specify a particular "form of government" in the technical sense this phrase is used today, and it does not specify for it a particular methodology with all its particular details.

It only provided us with basic foundations and principles, and general laws that must be observed and preserved in every age and place. As for the particular details in organising the government, the Islamic nation is given the option to choose of them what is appropriate for its [prevailing] conditions in every age and country, with the condition that in all of this it adheres to the foundations, principles and rules which Islam has

legislated in the Qur'an and Sunnah and in the example of the rightly guided caliphs."

It is not wrong to recognize that among the many excellent principles of democracy "are the primacy of the constitution, transparency of government, independence of the judiciary, separation of powers, freedom of speech, respect for human dignity, and the preservation of human rights. These principles embody the true essence and spirit of democracy."

These are principles that Islamic Law calls us to uphold and commands our politicians to adhere to. Whoever wishes to adopt democracy should, first and foremost, embrace these principles. It is deeply regrettable that in many countries in the Arab world where we find the outward appearance of the democratic process, we do not find the reality of democracy.

Given that the Sharia does not stipulate nor specify a particular "form of government," as Mufti Taqi Usmani and others say, then Muslim countries must exercise every effort to develop their mode of democratic government that reflects their own religion, heritage and the requirements of the faith.

The overriding principals of democratic government in the Muslim world should be based on the rule of law, justice, and consultation.

وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَىٰ
بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنْفِقُونَ

And those who answer the call of their Lord and establish worship, and whose affairs are a matter of counsel, and who spend of what We have bestowed on them

Here Allah SWT praises the believers for answering His call, establishing the prayers, conducting their affairs by mutual consultation and spend from what He has given to them It is

interesting to see this principal among the pillars of Islam in this Aayah which shows the absolute importance of it, this principal is indeed a major element of democracy.

Elsewhere, the Quran commands his Prophet to consult with his followers:

فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ

So pardon them and ask forgiveness for them and consult with them upon the conduct of affairs

Our master `Umar ibn al-Khattab (Allah be pleased with him) said:

“Indeed I knew that people would say: the caliphate of Abu Bakr was sudden, and indeed it was sudden, but Allah protected [the people] from its evil. Indeed there is no caliphate without consultation.”ⁱⁱⁱ

The ruler who is given authority over the people, is obligated thereby to fulfill the qualities required by that [profession] and, according to what al-Mawardi which include, among others justice with [all] its inclusive conditions. (*Al-Ahkam al-Sultaniyyah* p. 6)

From the foundational principles of politics in the Shari’ah is that rule and authority is a responsibility, not a right by means of which a man seeks its material benefits.

Allah Most High alludes to this in His statement,

Allah doth command you to render back your trusts to those to whom they are due. (Qur’an 4:58)

The Messenger of Allah (Allah bless him and grant him peace) said to Abu Dharr (Allah be pleased with him),

O Abu Dharr! Thou art weak and [authority] is a trust, and on the Day of Resurrection it is [a cause of] humiliation and

remorse except for one who fulfills its obligations and discharges the duties attendant thereon.

This is to come from Muslim in *Bab Karahati l-Imarati li ghayri Dururah*

A leader is obliged to consult with his subjects by the imperative of His statement (Most High) "and consult them in affairs" (Qur'an 3:159) to [the extent that] some scholars mentioned that if he abandoned consultation, he is deserving of separation.

Ibn 'Atiyyah said, "Indeed consultation is from the foundations of the Shari'ah and the resolutions of the laws, and one who does not seek consultation of the people of knowledge and religion, separation from him is necessary. There is no dispute in this." Abu Hayyan (Allah have mercy on him) transmitted this in *al-Bahr al-Muhit* (3:99).

The renowned classical Qur'anic exegete al-Qurtubi (d.1272), stated that: 'It is the obligation of the ruler to consult with the scholar on matters unknown to them...and leaders of the people in administrative issues, as well as teachers, ministers and governors in matters to do with the welfare of the country and its development.'

ⁱ http://www.islamonline.com/cgi-bin/news_service/spot_full_story.asp?service_id=612

ⁱⁱ <http://www.deoband.org/2010/06/general/politics/the-system-of-rule-in-islam/>

ⁱⁱⁱ Ibn Abi Shaybah transmitted it in his *Musannaf* (14:523), *Kitab al-Maghazi, Bab ma ja'a fi Khilafati Abi Bakr*.