

A Response to M.A. Muqtedar Khan's 'What is Islamic Democracy?'

Joseph Jon Kaminski

The question of Islam and its compatibility with democracy is one that remains hotly contested, inadequately theorized, and undeniably polarizing. Some people such as Bernard Lewis (2010) have commented that the question is not “whether liberal democracy is compatible with Islamic fundamentalism – clearly it is not – but whether it is compatible with Islam itself (p. 63). Others however have not been so pessimistic. One such scholar who has made a fruitful career writing about Islam and democracy is M.A. Muqtedar Khan. His chapter titled, “What is Islamic Democracy?: The Three Cs of Islamic Governance,” that appeared originally in Tim Poirson and Robert Oprisko’s (2015) edited volume, *Caliphates and Global Islamic Politics*, offers a useful intervention regarding a few elements that are indispensable to Islamic governance. In the name of proper disclosure, I must let everyone reading this know that I also have a short piece in this edited volume. With that being stated, I feel Khan’s brief, yet to the point piece is of particular relevance today.

Khan begins his piece by engaging with the Qur’an’s (3:110) famous *ayah* regarding the principle of *amr bil marouf wa nahy anil munkar* or commanding the good and forbidding the evil. For Khan this principle serves as a sufficient justification for democratic rather than autocratic Islamic governance. In today’s world devoid of Caliphates and borderless empires, there is no other reasonable way to operate an Islamic governed state other than democratically. Efforts to operate ‘Islamic states’ in the modern era have often resulted more in *commanding the evil and forbidding the good* than anything else. I completely concur with Khan’s point here; short of divine intervention or the emergence of some universally assented to *mahdi* figure, governance will have to be democratic if it is to have any chance at being successful.

Khan goes on to offer his 3 Cs—constitution, consent, and consultation. His 3 Cs are hardly anything new, however in today’s Muslim world, they are often ignored. All three are obviously interlinked and can be found within Islam’s earliest political community. Islam’s first Caliph, Abu Bakr as-Saddiq (R.A.) implored to the young Muslim community shortly after the death of the Prophet Mohammed (S.A.W.), “Indeed I am a follower, not an innovator: if I perform well, then help me, and if I should deviate, correct me... (–quoted in Afsaruddin 2006, p. 55). Regarding constitution, Khan makes reference to the Medina Compact which famously laid out basic rights and obligations in the nascent Muslim community. According to Khan, “The compact of Medina can be read as both a social contract and a constitution” (2014, p. 97). He then goes on to mention Thomas Hobbes and John Locke’s iteration of the social contract. He only briefly touches on this point, but I feel this needs more extensive qualification than Khan offers.

Indeed, the barebones understanding of Hobbes and Locke's social contract, i.e., man gives up some of his liberty in exchange for protection, resonates with the Islamic understanding of the social contract. Nonetheless, the way community and rights are articulated differ in a marked way between the Islamic and Western conceptions. For example, Locke's articulation of the social contract in many ways served as the basis of the modern liberal nation state. Without even getting into the significant differences between his understanding of the law of nature and Islam's moral epistemology, Locke's understanding of social contractual obligations was more steeped in what Isaiah Berlin would term negative liberty (or *the freedom from*), than positive liberty (or *the freedom to*). An Islamic social contract has more of an emphasis on positive liberty and places greater communal obligation upon the individual than does Locke's. In my previous book I draw upon Ferdinand Tönnies' distinction between *gemeinschaft* and *gesellschaft* and argued rather emphatically that:

In its ideal form, an Islamic community operates more as what Ferdinand Tönnies would call *Gemeinschaft*, whereas liberal societies today tend to operate more like *Gesellschaft*. On the basic difference between *Gemeinschaft* and *Gesellschaft*, Tönnies summarizes that; "In *Gemeinschaft* they [individuals] stay together in spite of everything that separates them; in *Gesellschaft* they [individuals] remain separate in spite of everything that unites them" (Tönnies, cited in Harris (Ed.) 2001: 52). The identity of the individual is largely reinforced by the rituals practiced within the broader Islamic community; the same can be said for communities that are *Gemeinschaft*. *Zakāt* for certain, and even *Hajj* to a lesser extent, cannot be adequately performed *without* some type of Islamic community. (Kaminski, 2017, p. 79)

Albeit Khan's piece is only a few pages long, and he did not have time to deeply engage in this discussion, I still believe that it is important to be aware of the significant differences between the Islamic social contract and the liberal social contract. There are vastly different understandings between where rights derive and what sources we derive them from when considering the two cases. One also cannot neglect the fact that it is not really possible to live as an isolated individual, largely divorced from community obligations within an Islamic socio-political discourse.

Khan's second C relates to consent— "An important principle of the Constitution of Medina was that Prophet Mohammed governed the city-state of Medina by virtue of the consent of its citizens" (2014, p. 97). No state can exist without some level of, at minimum, tacit consent. Even in totalitarian dictatorships, there must be some minimal level of consent (often from those who most directly benefit from the patronage-based system), otherwise people will ultimately revolt. I think one must understand that giving *bayah* directly to the Prophet (S.A.W.) himself (or any other ruler for that matter) as did the denizens of Medina is not feasible in the modern world. The key point to consider from the brief quote from Khan noted above is that Medina was a city-state; it was not a modern nation state with upwards of 100 million people spanning across hundreds-of-thousands of square kilometers of land. I think

the question of evaluating what constitutes ‘consent of the governed’ remains undetermined. As Charles Tilly (1985) reminded us, nobody formally consents to be governed in most cases except those who naturalize as a citizen of a new country. Most people tacitly consent with little or no ability to do otherwise. This means that any modern state will have significant populations that do *not* really consent to anything. Therefore, the Islamic governed state ought to be careful not to alienate its population via heavy handedness or unreasonable rigidity, especially on matter’s that lack a *qati*’ or unambiguous consensus amongst scholars.

Khan’s final point relates to the notion of consultation. This is the shortest section of his essay consisting only of a couple paragraphs. He points out that the notion of *shura* can be found in a couple different sections of the Qur’an, and that despite disagreements whether consultation is ‘advisory or mandatory,’ it nonetheless remains an undeniable Quranic injunction. “Pro-democracy Muslims see it as necessary, and those who fear democratic freedoms and prefer authoritarianism interpret these injunctions as divine suggestions and not divine fiats” (Khan, 2014, p. 98). Once again though, Khan’s articulation leaves open some serious questions. Similar to my previous point about consent: how does one measure ‘consultation’? Is this done via checking off a list of requisite governing institutions (parliaments, independent judiciaries, oversight councils, etc.) or does it have thicker meaning related more to citizen participation—participation beyond just going to voting booths once every 4 or 5 years? I would argue that the answer would be a combination of both. Meaningful consultation involves robust governing institutions that draw inspiration from successful modern states along with active citizen participation in what political scientists term ‘civil society’ or the sphere of society that is separate from the state. Robust civil societies tend to be lacking in the Muslim world today—often the state has a direct hand in this matter. Any Islamic governed state in the modern world must keep the door open to criticisms and free expression that does not fly directly in the face of Islam’s basic morals and standards. These are all questions that each individual state with its own unique cultures (*urf*) need to grapple with themselves.

Khan’s short piece offered some very useful things to consider when conceptualizing modern Islamic governance. I think Dr. Khan would probably find merit in most of my commentary on his piece. Obviously, one can only do some much in a 5 or 6-page chapter. However, I feel that it is important to make the necessary qualifications when engaging with the categories Khan chooses. Khan concludes his chapter commenting that—

I am convinced that Islam is not a barrier to, but instead a facilitator of, democracy, justice, and tolerance in the Muslim world. That said, for that to happen, Muslims must revisit the sources and reunderstand them without a bias against things that they erroneously label as Western. Democracy is inherent to Islamic values and Islamic historical experience” (2014, p. 99).

I completely agree with Khan’s final point. Islam can and should be a facilitator of all the aforementioned things above. I also think it is critical to find a balance between

what Wael Hallaq (2013) would call Islam's 'historical moral resources' and modern good governing practices. Khan's 3 Cs are indeed an excellent starting point, however if Islamic governance is to become viable in the long term, more theorizing needs to be done on institutions and bureaucratic culture.

References—

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