Islam and Democracy

Contemporary Islamic political thought has become deeply influenced by attempts at reconciling Islam and democracy. Muslim thinkers who deal with political debates cannot ignore the significance of the democratic system, as it is the prevailing theme of modern western political thought. Thus it is necessary for any alternative political system, whether it is religious or secular, to explore its position with regards to democratic government.

In the past, prominent Islamic thinkers such as Imam Khomeini, Mirza Muhammad Hussain Nayini and al-Kawakibi maintained that a democratic Islamic form of government is a compatible and practical thesis, believing that a constitution could protect and guarantee both the essential Islamic as well as democratic aspects of government.

In contrast to this more optimistic approach, many fundamentalist thinkers argue that Islam and democracy are irreconcilably opposed, and that there exists a clear contradiction between Islamic and democratic principles. This opinion has emerged as a result of their perception of the source from which democracy came, the creed from which it emanated, the basis upon which it has been established as well as the ideas and systems of thought with which it is currently associated. However,

opposition to religious democracy is not confined to fundamentalists; advocates of a secular state also believe that the concept of a democratic Islamic government is a paradoxical thesis, and they often refer to a selection of Islamic rulings and beliefs that they construe as antagonistic to the foundations and underlying values of the democratic system.

Other Muslim intellectuals maintain that any apparent incompatibility or conflict between the ideas of religion and democracy are caused by the misinterpretation of Islam. They maintain that there is no conflict between democracy and an understanding of religion, which is changing, rational and in harmony with accepted extra-religious criteria and values. They believe that by reinterpreting Islam and constantly reviewing and renewing its beliefs, the vision of a religious democracy would be completely feasible and indeed desirable.

Consequently the question of whether or not religious democracy is feasible has given rise to four major schools of thought amongst thinkers and Muslim political movements:

1. The implementation of Islamic laws (Shari'ah) and the establishment of an Islamic society based upon Islamic values is possible within a constitutionally Islamic and democratic political system. The participation of citizens in making political decisions can serve the socio- political aims of Islam and democracy merely acts as a system and method for the distribution of

political power and a means by which citizens express their opinions.

2. There is an obvious conflict between the traditional juridical (fiqhi) based conception of Islam and democracy. The establishment of a religious democratic government is in need of a rethinking, reinterpretation and review of Islamic thought in order for it to become harmonious with contemporary global and philosophical foundations, values and implications of democracy. Therefore, the practicality of religious democracy rests upon the reformation of traditional religious knowledge.

3. Democracy is a system of disbelief (kufr) and is totally and completely irreconcilable with Islamic beliefs and principles. Commitment to Islam leaves no room for democracy.

4. The fourth approach arrives at the same conclusion as the third, that the idea of a democratic Islamic government is paradoxical. However, unlike advocates of the third approach, this group emphasizes the desirability and justification of democracy, and insists that religion cannot possibly satisfy the values and foundations that democracy requires.

These approaches shall be addressed in detail later in this Chapter, but first it is necessary to examine democracy, its various interpretations, its relationship to liberalism and some philosophical presuppositions that support this political doctrine. Many apprehensions surrounding the theory of religious democracy are caused by conceptional ambiguities concerning the description of democracy and its possible models.

We must define what it is that democracy means, whether or not there is a unique and commonly agreed interpretation of democracy and what exactly distinguishes a democratic government from a non- democratic one. Without answering such questions it will be impossible to come to an objective and accurate conclusion regarding the issue of religious democracy.

What is Democracy?

The term democracy is derived from the Greek words ‘demos’ (people) and ‘kratia’ (rule), so democracy literally means ‘rule by the people’. In other words it is a political doctrine in which it is believed the people possess the capacity needed in order to govern and regulate society. This idea originally emerged towards the beginning of the fifth century B.C. in ancient Greece, primarily amongst the Athenians. The city-state of Athens referred to itself as a democracy (from 500 B.C to 330 B.C) because all citizens (excluding women, slaves and non-residents) could participate in political decisions. Abraham Lincoln’s famous definition of ‘Government for the people and by the people’[1]refers to this model of participatory democracy.

Throughout the long history of political thought, many different forms of democratic

government have emerged and declined, they often came into being almost completely independently of one another, as Dahl writes:

It would be a mistake to assume that democracy was invented once and for all, as, for example, the steam engine was invented...democracy seems to have been invented more than once, and in more than one place. After all, if the conditions were favorable for the invention of democracy at one time and place, might not similar favorable conditions have existed elsewhere? I assume democracy can be independently invented and reinvented whenever the appropriate conditions exist[2].

Although the root meaning of the Greek term 'demokratia' is clear and straightforward (rule by the people), it is necessary to properly define what constitutes 'demos' (the people). Historically the criteria of who ought to be included in 'demos' to rule and participate in political decisions, as a citizen has been an ambiguous and contentious issue. In the most ancient models of democracy, 'the people' did not include all adults; women and slaves were not given the right to participate in the political system. And even today there are noticeable disagreements amongst modern interpretations of democracy about who should be included among the 'demos'.

For example, even though the principle of equality was firmly established in the American declaration of independence in 1776, the right for free men to vote on an equal basis was not granted until 1850. Black males were prevented from voting until the fifteenth constitutional amendment some twenty years later. And females, both free and enslaved, were not given the right to vote until the nineteenth constitutional amendment in 1920[3].

Democracy in the above mentioned forms, is an imaginary and inapplicable idea in large scale societies.

In general, both advocates and critics agree that 'rule by the people' - in the truest meaning of the people – never existed and is never likely to exist. It is impossible for any democratic regime to be fully democratic, as it will always fall short of the criteria that emanates from its self-evident meaning.

The virtues and advantages that are mentioned to justify democratic government undoubtedly require 'participatory democracy', which delegates decisions to citizens, so, in a single meeting or during an election, people are able to express their opinions. That is why the Greeks passionately supported 'assembly democracy'. Obviously this system is inherently limited by practical considerations, in a small political unit such as a city, assembly democracy provides citizens with desirable opportunities for engaging in the process of governing themselves. This original conception of democracy, which was embodied in Greek city-states, is possibly the

most appropriate to the true meaning of the term (excluding the fact that only a minority could vote).

However modern democracies within nation- states exist on a much greater scale than before. Consequently, modern theories of democracy, despite their alleged efficiency when dealing with the problems of large- scale societies, effectively decrease the political participation of the people. In modern democratic theories 'the people' (demos) are replaced by 'representatives', so that a small proportion of the population are made responsible for looking after the affairs of the people, thus 'rule by the people' becomes 'rule by representatives elected by a majority of the people'.

A significant cause for the confusion concerning the meaning of 'democracy' at present is due to the fact that it has developed over several thousand years and ultimately stems from a variety of sources. Our understanding of the term 'democracy' is not necessarily the same as an Athenian's understanding of the term. Greek, Roman, Medieval and Renaissance notions have intermingled with those of later centuries to produce a mosaic of theories and practices that are often deeply inconsistent[4].

If any attempt to apply the original meaning of democracy to the nation-state is impossibly absurd, and moreover if there is no commonly agreed definition of the democratic system amongst its advocates, it should be reasonable to concentrate on what at present are known as democratic states in order to recognize its major elements and what distinguishes them from a non-democratic state.

Even though, in theory, political philosophers and theorists have presented various models of democracy such as 'elitism', 'participatory', 'pluralistic' and 'corporate', in practice representative democracy is the prevailing norm among contemporary democratic systems.

The major characteristics of modern democracy, according to Dahl are as follow:

Elected officials: control over government decisions concerning policy is constitutionally vested in officials elected by citizens. Thus, modern, large-scale democratic governments are representative.

Free, fair and frequent elections: elected officials are chosen in frequent and fairly conducted elections in which coercion is comparatively uncommon.

Freedom of expression: citizens have a right to express themselves on political matters without danger of severe punishment; this includes criticism of officials, the government, the regime, the socio-economic order and the prevailing ideology.

Access to alternative sources of information: citizens have a right to seek out alternative and independent sources of information from other citizens, experts, newspapers, magazines,

books, etc.

Associational autonomy: citizens have the right to form relatively independent associations or organizations, including independent political parties and interest groups in order to achieve their various rights.

Inclusive citizenship: No adult permanently residing in the country and subject to its laws can be denied the rights that are necessary for the five political institutions listed above[5].

These help explain the political reality of democracy as a political system in which people participate, and as a method and process for making collective political decisions. The key point is that democracy requires 'majority rule', meaning that majority support should not only be necessary, but also sufficient for enacting laws. Some contemporary writers even go so far as to argue that majority rule is a definition, not a requirement of democracy[6]. Also numerous advocates of democracy do not confine the role of the people to the mere distribution of political power, or participation in the process of collective political decisions (via their representatives), rather, they have a right to control governors. Mayo writes:

In short, a political system is democratic to the extent that the decision makers are under effective popular control[7]. In summary, democracy is a political system, which acknowledges the right of the people to participate in political decisions, either directly or indirectly through elected representatives, to distribute and regulate the political power under the rule of a majority. Political prerequisites such as free, fair and frequent elections, freedom of expression, .inclusive citizenship and so on, are necessary in order to insure the soundness of the process

Democracy and Liberalism

Most contemporary democracies are liberal democracies: a combination of the democratic political system, and the liberal political ideology, that places emphasis upon specific rights and values such as private possession, negative freedom, individualism and toleration. Therefore, liberal democracies embody two distinct features; the first of these is the liberal conception of a limited government; this is that the individual should enjoy a degree of protection from arbitrary action of government officials.

This limitation of government - which is often referred to as the theory of limited democracy – is rooted in the belief that fundamental rights and values supported by liberalism possess a moral standing and philosophical grounds, that are altogether independent of democracy and the democratic process. These rights and values serve as a limitation or restriction on what can be enacted by means of the political system. Citizens are entitled to exercise certain rights and should not be threatened by the powers of state and governmental processes. Liberals

believe in protecting these rights from infringement, even though they may be by democratic means.

This is why liberal attitudes towards democracy have historically been distinctly ambivalent. In the nineteenth century, liberals often perceived democracy as something threatening or dangerous. The central concern for liberals has always been that democracy could evolve to become the enemy of individual liberty and pluralism.

The rule of the majority is the 'democratic solution' to conflicts that people have regarding their interests and opinions. This means that the will of the greatest number of people should prevail over that of the minority. In other words, democracy comes down to the rule of 51 percent, a prospect that Alexis de Tocqueville (1805-1859) famously described as 'the tyranny of the majority'. Individual liberty and minority rights can thus potentially be crushed in the name of the people[8].

Liberals have expressed particular reservation concerning democracy, and have crafted a network of checks and balances in order to reconcile the advantages of democracy and fundamental liberal rights and values. This combination creates a model of democracy that, as Heywood says, has three central features:

First, liberal democracy is an indirect and representative form of democracy. Political office is gained through success in regular elections, conducted on the basis of formal political equality – 'one person, one vote; one vote, one value'. Second, it is based upon competition and electoral choice. This is ensured by political pluralism, a tolerance of a wide range of contending beliefs, conflicting social philosophies and rival political movements and parties. Third, liberal democracy is characterized by a clear distinction between the state and civil society. This is maintained both by internal and external checks on government power and the existence of autonomous groups and interests, and by the market or capitalist organization of economic life[9].

As far as our discussion – the relationship between Islam and democracy – is concerned, it is fundamental to distinguish between democracy just as a method to form a political system or as a process for making collective decisions opposed and liberal democracy as one of the possible models of democracy consisting of an ideological framework of beliefs and values. Many opponents of religious democracy have failed to distinguish between democracy as a method and liberal democracy, which in principal represents a particular political philosophy and doctrines with its own beliefs regarding human nature, human rights, ends and moral values.

Benefits of Democracy

There are many advantages that make democracy more desirable than any other feasible alternative political system. Even though to attain all of the potential benefits is beyond the capacity of current democracies, these ideal consequences cannot be overlooked. When properly implemented and regulated, the democratic political system should in theory produce a series of beneficial objectives.

Avoiding tyranny: Democracy reduces the likelihood of a tyrannical or autocratic government obtaining power. However, this does not mean that democracy can totally guarantee the prevention of oppressive or dictatorial rule, or that it is entirely capable of preventing injustice in society. For example, the Nazi party in Germany (1933-1945) obtained power through the manipulation of the democratic and free-electoral systems. Advocates of democracy argue, though, that in the long-term a democratic process is less likely to do harm to the interests of the citizens than a non- democratic one.

Protecting essential rights: Democracy guarantees its citizens a number of fundamental rights that undemocratic systems do not grant. These political rights are all necessary elements of democratic political institutions.

Human development: It is claimed that democracy fosters human development more fully than any practical alternative. This claim is controversial and very difficult to substantiate. The only way to test this assertion is by measuring human development in democratic and non-democratic societies. Political equality: Only a democratic government can guarantee a high degree of political equality amongst citizens.

Protecting essential personal interests: Democracy assists people in protecting their own fundamental interests. It allows people to shape their life in accordance with their own goals, preferences, values and beliefs[10].

Perhaps the most common justification given for democracy is that it is essential for the protection of the general interests of the persons who are subject to a democratic state. However, it is worth mentioning that this attempt to justify democracy has been attacked by some democratic theorists. For example, John Plamenatz argues that we cannot compare governments and, as a reasonable empirical judgment, conclude that “the policies of one have in general done more than those of the other to enable their subjects to maximize the satisfaction of their wants”.

This is particularly true if the governments are not of the same type and the values and beliefs of the people concerned differ greatly. Moreover people do not and should not prefer democracy to its alternatives because they believe it is better at maximizing the satisfaction of

their desires. They should instead favor it because it provides people with certain rights and opportunities or reject it because it does not[11].

Foundations of Democracy

It is widely believed that political theories have philosophical or metaphysical foundations that justify every political ethos or system amongst its alternatives. Referring to these foundations for the justification of political thought is considered important because they represent the basis from which the system has emanated.

It is insufficient merely to examine publicly admitted elements and values that have emanated from this basis, as these have ultimately grown around a political doctrine and logically cannot prove the validity of that political theory. The prevalent approach maintains that the question of justification is also a question of truth. A valid and justified political system must be consistent with human nature, human common goods and ends and other related moral-philosophical truths.

This methodof political theorizing (also known as foundationalism) is omnipresent in the history of political thought, especially so during the age of enlightenment, when thinkers such as John Locke and Emmanuel Kant presented rational foundations as basic elements of contemporary western political culture. Political foundationalism presupposes that there is a correct answer to every fundamental political question, and through the appropriate method of thinking, political truths are made available.

Recently, some advocates of liberal democracy, in contrast to traditional supporters of democratic governments, have inclined to justify their political system without reference to a particular interpretation of human nature or any comprehensive moral, religious or philosophical doctrine as a basis. John Rawls (1921-2002) and Richard Rorty, the contemporary American philosopher, are to prominent figures of this modern anti-foundationalism movement in political thought. They present a 'political' democratic liberalism instead of a 'philosophical' one. Their justification for this model of political thought is not rooted in any specific philosophical or moral doctrine. John Rawls writes:

Political liberalism, then, aims for a political conception of justice as a freestanding view. It offers no specific metaphysical or epistemological doctrine beyond what is implied by the political conception itself[12].

This attitude, its influence and its relevance to our main debate (Islam and democracy), will be assessed later in the Chapter. It is now necessary to briefly refer to some philosophical foundations mentioned by some thinkers to justify democracy as the most desirable political

.system

Intrinsic Equality

The belief that all humanity is made intrinsically equal by man's own inherent nature and instincts is a concept supported by the great religions of Islam, Christianity and Judaism. For some, however, the idea of inherent equality provides a justification for democracy because it indicates that all human beings are of equal intrinsic worth and no person is naturally superior to another. Locke says:

Though I have said above...that all men by nature are equal, I cannot be supposed to understand all sorts of equality: age or virtue may give men a just precedence: excellency of parts and merit may place others above the common level...and yet all this consists with equality, which all men are in, in respect of jurisdiction or dominion over one another, which was the equality I there spoke of, as proper to the business in hand, being that equal right that every man hath, to his nature freedom, without being subjected to the will or authority of any other man[13].

The politically implicit meaning of the last sentence of this quotation is that the good or interests of each person must be given equal consideration, hence, people have a right to express their will and no one has the right to make a decision on behalf of them except with their permission. For advocates of democracy who refer to the intrinsic equality, every guardianship model of government, which entrusts the authority to a few people (guardians) instead of people themselves, must therefore be incompatible with the idea of the intrinsic equality of people. Locke ascribed the intrinsic quality to 'men' instead of 'the people' because in his own era the theory that men alone qualify as 'active citizens' was common (As indicated earlier, it was not until the twentieth century that women gained the right to vote).

It is also worth mentioning that Kant too firmly supported political freedom and according to his view, the legislative authority should be placed in the hands of a representative assembly, whose members are elected by a majority of voters in each district. However, Kant's franchise is restrictive. He assumes that it should extend only to adult males who own property and that these persons alone qualify as 'active citizens'. Others are merely 'passive citizens' and while they must be assured the same civil rights and legal equality as everyone else, they should not be allowed to vote[14].

If we were to overlook this restriction and ascribe the intrinsic equality to all human beings (men and women), it could not justify democracy as the best desirable political system, as essentially there is no necessary connection between admitting intrinsic equality and the

necessity of a democratic state. Robert Dahl states that intrinsic equality is quite compatible with guardianship as well. He writes:

As I have already said, nothing in the assumption of intrinsic equality implies that Able, Baker and Carr are the best judges of their own good or interests, suppose it were true that a few people like Eccles not only understood much better than the others what constitutes their individual and common good, and how best to bring it about, but could be fully trusted to do so. Then it would be perfectly consistent with the idea of intrinsic equality to conclude that these persons of superior knowledge and virtue, like Eccles, should rule over all the others. Even more: if the good of each person is entitled to equal consideration, and if a superior group of guardians could best ensure equal consideration, then it follows that guardianship would definitely be desirable and democracy just as definitely would be undesirable[15].

Priority of the Will of the Majority over Rightness

A rare conception of democracy supposes that the democratic system and the rule of the majority can guarantee correct decisions and right answers to political needs. People who individually are the best judge for their private, personal affairs also are the best judge in public affairs (policy decisions).

The political judgments of the majority reflect what is best and right for the community. According to this theory, there is no need for a few experts (guardians) with specific moral and scientific-philosophical knowledge to perform correct policy decisions, because the performance of the experts is no better than the people's choices. The choice of the majority would be based upon certainty and would achieve a correct result.

However, the practical and realistic approach to democracy, supported by its advocates, does not accept that the rule of the majority is a guarantee for right decisions. It admits that people have a right to decide, however it also accepts that voters and their representatives may not always make the correct decisions. The validity of the democratic political system is not owed to the knowledge that the will of the people (majority) reflects the correct outcomes and true social good. The political legitimacy of democracy, instead, rests upon the will and consent of the people, not upon their reason or rightness. This means that although there is no rational- philosophical certainty that democratic political decisions are right, it is simply sufficient that these decisions are outcomes of the will of the people and their exercising of their practical rights and freedoms. Michael Walzer writes:

Democracy rests, as I have already suggested, on an argument concerning freedom and political obligation. Hence it is not only the case that the people have a procedural right to

make the laws. On the democratic view, it is right that they make the laws – even if they make them wrongly[16]. Since the legitimacy of the democratic system rests on people's rights instead of their valid knowledge, there is no reason to suppose firstly that the power of the people must be limited by the rightness of what they decide, and secondly that a few experts ought to be empowered to review what the people do and step in when they move beyond those limits and make incorrect decisions.

The presupposition of such a view is that there is a small group of people, in every society, that can recognize the truth better than society as a whole can, hence they must have a right to intervene. Democracy in principle absolutely disagrees with this procedure, for the people's rule does not rest upon their knowledge of truth. If we admit that finding objective knowledge, true answers, and right decisions is possible and philosophers are those who can be presumed to attain the truth, then the tension between philosophy and democracy is inevitable because the democratic system fails to reconcile between the rule of majority and the authority of truth (philosophy). Walzer says:

Nor can the philosophical instrument be a majority amongst the people, for majorities in any genuine democracy are temporary, shifting and unstable. Truth is one, but the people have many opinions, truth is eternal, but the people continually change their minds. Here in its simplest form is the tension between philosophy and democracy. The people's claim to rule does not rest upon their knowledge of truth...the claim is most persuasively put, it seems to me, not in terms of what the people know, but in terms of what they are. They are the subjects of the law, and if the law is to bind them as free men and women, they must also be its makers[17].

Many advocates of the democratic system as the best desirable political system strive to justify the detachment between democracy and the issue of truth by stating misgivings about the possibility of attaining objective knowledge about public good and moral truths. For instance, Robert Dahl emphasizes that not only is the justification for democracy independent of any specific answer to the epistemological ontological questions about the nature of moral judgments, but also democracies should have misgivings about such claims. For him, we are entitled, indeed obliged, to look with the greatest suspicion on any claim that another possesses objective knowledge of the good of the self that is definitely superior to the knowledge possessed by the self[18].

General Freedom

Democracy, not only as an ideal, but in actual practice prerequires certain rights and liberties. A

truly democratic government could only be established within a political culture that profoundly supports these rights and freedoms. That is why advocates of democracy always stress its relationship to freedom and view democracy as the best political system that maximizes and protects general freedoms such as freedom of opinion and expression and freedom of religion. Accordingly some liberties are preconditions for the emergence of a democratic state, whereas others (such as the freedom of self determination) are seen as results of such a state. Thus one can conclude that democracy is desirable because freedom in general and freedom of self-determination in particular is desirable.

In other words, to govern oneself, to obey laws that one has chosen for oneself, and to be able to determine ones destiny is a desirable state of affairs. On the other hand, however, human beings cannot exist in isolation from society, and it is essential for them to live in association with others and to live in association with others naturally requires that they must sometimes obey collective decisions that are binding upon all members of the association. Democracy maximizes the potential for self-determination amongst society because its members still govern themselves. Dahl claims that this justification for democracy has been endorsed by all those, from Locke onwards, who have believed that governments ought to be based upon the consent of the governed[19]

In a similar manner, democracy is also justified by the assumption that this political system maximizes 'moral autonomy'. A morally autonomous person is one who defines his own moral principals. Dahl states a deeper reason for valuing self-determination; that the freedom to govern oneself is in fact an expression of the value of moral autonomy, but he neglects to discuss the arguments for why moral autonomy should be respected[20]. Dahl believes that the cornerstone of democratic beliefs is the presumption of personal autonomy, namely the assumption that no person is, in general, more likely than yourself to be a better judge of your own good and interests, or to act in order to bring them about. Consequently you should have the right to judge whether a policy is, or is not, in your best interest. On this assumption, then, no one else is more qualified than you to judge whether the results are in your interest[21]

It is quite clear that this justification, if any, merely supports the assembly model of democracy, which is appropriate for a small-scale society in which people have an opportunity to share directly in the process of making political decisions, whereas most present day democracies are representative. In the representative model of democracy, the choice of people about their goods and interests is confined to electing representatives. Dahl in his later book (On Democracy) refers to this dark side of representative democracy:

The dark side is this: under a representative government, citizens often delegate enormous discretionary authority over decisions of extraordinary importance. They delegate authority not only to their elected representatives, but, by an even more indirect and circuitous route, they delegate authority to administrators, bureaucrats, civil servants, judges and at a still further remove to international organizations...popular participation and control are not always robust, and the political and bureaucratic elites possess great discretion[22].

Even though the roots of democracy mentioned by advocates who believe in foundationalism are not restricted to what has been discussed above, these four principals are viewed as more significant than the others. In comparison with the second approach i.e. the political or pragmatic defense of the democratic state, which does not rest on any specific foundation or doctrine to justify this political system, foundationalism is significant because with a comparative discussion one can make judgment and recognize how compatible Islam and the foundations of democracy might be. Before further debate about these foundations, it would be appropriate to explore the modern approach to liberal democracy (anti-foundationalism). As indicated previously, John Rawls, one of the most influential political philosophers of the twenty century, in his latest works insists that we should present a political conception of liberal democracy – liberal justice – instead of the comprehensive conception that rests upon specific moral and philosophical doctrines. For him this new political liberalism is 'free standing' with no reference to any particular comprehensive doctrine or specific moral-philosophical foundation. He writes:

While we want a political conception to have a justification by reference to one or more comprehensive doctrines, it is neither presented as, nor derived from, such a doctrine applied to the basic structure of society…but as a distinguishing feature of a political conception is that it is presented as free standing and expounded apart from, or without reference to any such wider background[23].

By emphasis on a freestanding view of liberal democracy – a well ordered, just, democratic society, which does not rest on particular doctrines – he hopes that this conception can attain an overlapping consensus among reasonable comprehensive doctrines. The political conception of liberal democracy with its freestanding view supplies appropriate circumstances to be endorsed by citizens who belong to various comprehensive religious or philosophical doctrines. He says:

The problem, then, is how to frame a conception of justice for a constitutional regime such that those who support, or who might be brought to support that kind of regime might also endorse the political conception provided it did not conflict to sharply with their comprehensive views.

This leads to the idea of a political conception of justice as a freestanding view starting from the fundamental ideas of a democratic society and presupposing no particular wider doctrine, so that it can be supported by a reasonable and enduring, overlapping consensus[24].

Rawls' starting point is the ideas and values that are latent in the public political culture of contemporary western liberal democracies. His political conception of a well-ordered democratic society based on the principles of justice, is formed upon western culture without any attempt to justify these ideas and values. Rawls writes:

In order to state what I have called political liberalism, I have started with a number of familiar and basic ideas implicit in the public political culture of a democratic society. These have been worked up into a family of conceptions in terms of which political liberalism can be formulated on understood[25].

Richard Rorty, a famous American philosopher, maintains that Rawls does not attempt to justify democratic institutions through philosophical foundations. Rorty writes:

Rawls is not attempting a transcendental deduction of American liberalism or supplying philosophical foundations for democratic institutions, but simply trying to systematize the principals and intuitions typical of American liberals[26]. For Rorty, the sources latent in the public political culture of liberal democracies seem to be all that is available, and so must be all that is required to justify the liberal democracy political system. Rorty says:

It is not evident that [liberal democratic institutions] are to be measured by anything more specific than the moral intuitions of the particular historical community that has created those institutions. The idea that moral and political controversies should always be 'brought back to first principals' is reasonable if it means merely that we should seek common ground in the hope of attaining agreement. But it is misleading if it is taken as the claim that some particular interlocutor has already discerned that order[27].

For many thinkers it is obvious, that this method of justifying a political system, which consists of merely invoking the basic elements of a public political culture, because these cultural elements and values grow and thrive around that political system, cannot logically support this argument. This anti-foundationalist approach to the contemporary democratic system comes to the conclusion that advocates of liberal democracies are free to ignore critics whose criticisms question the moral intuitions of western liberal democracies. Rorty, in principle, disagrees with any attempt to provide rational foundations for systems of values and concepts[28].

Obviously this form of justifying a democratic state does not provide an opportunity for comparative critical discussion between Islam and democracy. This anti-foundationalist

approach as a first step and starting point wants us to completely admit all basic values of western liberal democratic culture while allowing no room for criticism or philosophical discussion concerning these values and foundations. As Rorty states “Rawls puts the [democratic politics first and philosophy second.”[29

Limited Democracy versus Pure Democracy

Pure democracy or unlimited democracy is a political system in which all political questions are settled directly, without any restrictions, by the majority vote of citizens. Early liberals were concerned about pure democracy for its potential harms, for instance Kant maintained that pure democracy that relies upon the majority vote in an assembly, without any constitutional restrictions, subjects the individual to the whims of the masses, as it contains no constitutional safeguards against the tyranny of the majority and, therefore, it cannot protect personal rights. Justice demands that a people be given the right to make its own laws, but the right must be constrained by constitutionally guaranteed civil liberties. In Kant’s view, political freedom embodied in voting and democratic processes, alone does not ensure civil freedom. The majority may fail to respect the rights of the minority[30].

Conversely the idea of a limited democracy is based on the doctrine that there are many fundamental rights – including political rights – that possess a moral standing and a philosophical ontological basis that is independent of democracy and the democratic process. Since the validity and foundational justification of these rights does not depend on majority rule or the democratic process, they can serve as limits on what can be done by means of the democratic process. Citizens are entitled to exercise these rights, against the democratic process if need be, to preserve fundamental political rights and liberties and in order to protect themselves from infringement even by means of the democratic process itself[31].

The above-mentioned justification for limited democracy should not be restricted to fundamental rights; rather, it also embraces moral and religious values. According to this justification, whatever possesses a moral or philosophical standing – a reliable and valid foundation – independent of democracy and the democratic process, should be protected from possible democratic harms. Consequently the limits of democracy could be constitutional, moral or even religious. Theoretically, the limits of this type of democracy depend on what is crucial and most fundamental for citizens who choose democracy as their desirable political system.

For example, in the United States, since 1803 the Supreme Court, consisting of nine judges, has been assigned to declare whether legislation is ‘constitutional’ or not. Indeed they have the

authority to review what the people and the people's representatives enact via the democratic process. Of course, the constitutional role of the Supreme Court judges extends no further than the enforcement of a written constitution that is itself based on democratic consent and is subject to amendments through the democratic process.

The tension between judicial review and democracy occurs within the framework of the constitution. Even when the judges act in ways that go beyond upholding the textual integrity of the constitution, they generally claim no special understanding of truth and rightness but refer instead to historical precedents, long-established legal principals or common values. Nevertheless, the place they hold and the power they wield make it possible for them to impose philosophical constraints on democratic choice[32].

Having referred to these primary points concerning democracy, it is now time to address the central purpose of this Chapter; that is the possibility of a religious (Islamic) democracy.

What is the Conception of a 'Religious Democracy'?

It goes without saying that 'pure democracy', which delegates all dimensions of public affairs including legislation to majority rule without limitation, is absolutely incompatible with Islam. Essentially every school of thought, ideology and religion that follows a set of beliefs, values or rules independent of the will and desire of people cannot approve unlimited democracy. These values and rules must be protected and this cannot be insured by the will of the majority, as majorities in any form of democracy are shifting and unstable. Even political ideologies such as Liberalism and Socialism are in need of a constitution to control a purely democratic process and to protect their fundamental values and beliefs from possible harm from majority rule. On the other hand, democracy and the democratic process do not provide us with a comprehensive ideology, way of life or any substantial values. Democracy is but a method among other alternative methods for overcoming difficulties in decision making in an association or society.

The philosophical foundations mentioned to justify the democratic system, fail to uphold it as a reliable means to attain truth and righteous decisions. Majority rule is too weak to be presented as an alternative to comprehensive religious, moral and philosophical doctrines. In fact what gave democracy superiority over other alternative systems is far removed from any philosophical or ideological basis; instead the democratic system is made desirable in comparison to other political systems because of its practicality.

Democracy as a method does not contain fixed, unalterable or absolute moral and philosophical ideas and values. However, in order for a political regime to be democratic, it

must meet some criteria. A democratic political system should provide the opportunity for the people to participate, at least in some significant political decisions, to express their ideas, orientations and needs, to distribute political power through free elections and be able to regulate and bring to account the governors.

These political rights and duties of the people in a democratic regime could be dealt with within a fixed framework consisting of specific rights and values. In current limited democracies these frameworks are embodied in constitutions, and constitutions in turn are influenced by values and beliefs that people of each country respect and support. Muslim advocates of democracy cannot accept 'pure democracy' as Abu al-Ala Mawdudi says: Islam is not democracy: for democracy is the name given to that particular form of government in which sovereignty ultimately rests with the people, in which legislation depends both in its form and content on the force and direction of public opinion and laws are modified and altered, to correspond to changes in that opinion[33].

Therefore the key issue concerning religious democracy is whether Islam has the capacity to draw an appropriate framework for a democratic government that meets the above-mentioned criteria. As I have indicated in the earlier pages of this Chapter, many Islamic thinkers believe that Islam has delegated significant political as well as social roles and duties to Muslims. In Islam, no conflict exists between the supreme authority of religion – the definite and unquestionable status of divine laws and Islamic values – and the political status of people in an ideal Islamic state. As there are limitations for the will and desire of the people, they have authority within the framework of Islamic rules and values.

Hence, a majority of the people or their representatives have no power to legislate or make judgments that contradict Islam. At the same time the governors in an Islamic state must respect the rights, will, and authority of the people. Ayatollah Khomeini, the founder of the Islamic Republic of Iran during a meeting with the representative of Pope VI said:

I do not want to impose (my will) on my people, and Islam does not permit us to establish a dictatorship. We follow our nation's votes and act according to their views. We have no right, God has not conferred such a right to us, and the Prophet (pbuh) never permitted us to impose our ideas upon Muslims[34].

Smoothing the Path to Religious Democracy

The advocates of Islamic democracy usually refer to the shura (consultation) as the most important Islamic teaching that supports and justifies the authority of people in an Islamic government. Rashid al-Ghannouchi (Tunisia, born 1941) writes:

The Islamic government is one in which:

1- Supreme legislative authority is for the Shari'ah, which is the revealed law of Islam, which transcends all laws. Within this context, it is responsibility of scholars to deduce detailed laws and regulations to be used as guidelines by judges. The head of the Islamic state is the leader of the executive body entrusted with the responsibility of implementing such laws and regulations.

2- Political power belongs to the community (ummah), which should adopt a form of 'shura' which is a system of mandatory consultation[35]. Thinkers like Sadek Sulaiman (Oman, born 1933) maintain that shura in Islam includes basic elements of democracy. He says:

As a concept and as a principle, shura in Islam does not differ from democracy. Both shura and democracy arise from the central consideration that collective deliberation is more likely to lead to a fair and sound result for the social good than individual preference[36].

The Holy Qur'an explicitly proposes and encourages that public affairs and the governance of the ummah should be based upon shura:

And those who respond to their Lord and keep up prayer, and their rule is to take counsel amongst themselves. (Chapter 42, Verse 38) And ask pardon for them, and take counsel with them in the affair. (Chapter 3, Verse 159)

The second verse orders the Prophet (pbuh), who receives revelation and enjoys infallible knowledge, to take counsel with believers in management of public affairs. This command shows the fundamental significance of the participation of Muslims in social and political affairs. It is somewhat an exaggeration to suppose that the shura is the functional equivalent of western parliamentary democracy because there are some controversies amongst scholars about the political status of shura.

For instance, those who believe in the theory of Caliphate, emphasize that members of the council only have a duty to express their opinion with no right to make political decisions. Accordingly if the Caliph refers to the assembly to take their opinion regarding rulings, which he wants to adopt, their opinion is not binding on him, even if it is a consensus of majority opinion.

What makes shura one of the basic elements of Islamic democracy, it seems, is the fact that shura refers to one of the significant essentials of democracy. Democracy in its long history has had evolutions and alterations, but matters such as public participation, the rule of law and the responsibility and accountability of governors can be recognized as essential to democracy.

In conclusion, the assumption that the Islamic political system could be a democratic one,

merely implies that Islamic teachings endorse and agree with the essentials of democracy. From this point of view, there is no doubt that the verses of the Holy Qur'an concerning shura along with some transmissions from the prophet and Imams emphasize on the necessity of public participation in political and social affairs. But the question concerning the political role of consultation (shura) in the process of making decisions still remains. Is consultation merely a religious duty of the ruler of the Islamic state, or is he bound by the decisions of those consulted?

The last verse of Surah Aale-Imran verifies the view that shura is not binding upon the ruler, for the Almighty God delegates the final decision, after consultation, to the Prophet (pbuh): And take counsel with them in the affair, so when you have decided then place your trust in Allah. (Chapter 3, Verse 159) However, the practice of the Holy Prophet, according to some traditions, testifies that he had implemented and respected the opinion of the believers even when it was against his own views.

It is recorded that the Prophet not only consulted with his experienced or close companions, but sometimes he held open meetings in which all Muslims were invited. The consultation that took place about the battle of Badr and Uhud was one such example. In the case of Uhud he gave precedent to the opinion of the majority of Muslims over his own concerning the location of the battlefield and decided to fight outside the city of Madina. He also consulted the people concerning the treatment of prisoners of war following the battles of Badr and al-Khandaq[37].

Clearly, however, the Prophet did not consult the Muslims concerning religious affairs or divine matters. His consultations were restricted to war, peace and ordinary public affairs that were not determined by revelation and were not amongst the situations in which divine order determined must be done. For example, with regard to the treaty of al-Hudaybiyah the Prophet (pbuh) did not submit to the opinion of the majority of his companions who were in disagreement with the covenant, it was not in fact a consultation but a series of complaints made to the messenger regarding the terms of the peace. He rejected their suggestions to break his promises and continued to respect the agreement, which he had made because it was a command of Allah (swt). He told them: "Verily I am the servant of Allah and his messenger. I shall never disobey his order."

In short, even though the shura in its historical function within the Islamic world does not totally overlap with the modern concept of democracy and the political status of parliament in contemporary representative democracies, it would be appropriate for shaping a limited democratic model for an Islamic state.

The Qur'anic emphasis on the status of shura as an essential aspect of the Islamic political system – according to those who interpret the word for amr in both of the two verses relating to shura, as referring to governmental affairs – makes way for defining a determined systematic role for the people's representatives (members of the shura) within the body of the Islamic state. The above- mentioned verses are silent about how the form and mechanism of shura in an Islamic political system might be, consequently the constitutional approach inclines to determine and stabilize the political status of shura (people's authority) under the supreme authority of Islam does not confront any religious problem.

The second element, however, often mentioned by advocates of religious democracy as an appropriate approach to an Islamic democratic state is Bay'ah. In the first Chapter, the meaning of 'Bay'ah' has already been discussed. Here, the aim is to examine its legal nature, for it is supposed that its political function is the same as the function of an election in democratic systems. It should be noted that Bay'ah in the sense of adherence to a religion (as occurred between the Prophet and his supporters from Madina before Hijrah) or recognition of a pre-established authority by other means (such as the testamentary designation, such as the Bay'ah of people to the second caliph Umar) is irrelevant to our debate.

Bay'ah as a means and method of designating a person as a ruler (caliph) among other legitimate methods is held to be the same as democratic election in its legal nature. This political view exclusively belongs to Sunni jurists, because Shi'a political thought, except that of the Zaydis, maintains that the Imamah is acquired by election within the Alid family. The Bay'ah has never been able to play this role, for the Shi'a recognize only one method of designating the Imam. He is appointed through the testament (nass) of one in the legitimate line of descent[38].

This sense of Bay'ah is a supposed contractual agreement between those who elect and he who has been designated as the ruler. As far as democracy is concerned, for at least two reasons, Bay'ah is not simply and solely a democratic election. Firstly, Bay'ah implies binding obedience to the ruler, and since it is a contractual agreement, like commercial agreements such as bao (to sell), the obedience of the elected ruler as a religious duty, would be obligatory. Secondly, this obligatory obedience is life long, whereas the democratic process of appointing a person as ruler is merely temporal with no religious implications.

One of the most important characteristics of a democratic government is its accountability to its people. A democratic state must be accountable and its citizens must have the right to criticize its policies and functions. Advocates of religious democracy maintain that al-amr bi'l-maruf wal nahy'an al- munkar (enjoining good and forbidding evil) is one of the most

significant Islamic duties placed upon Muslims and it should render the Islamic state accountable. Many Qur'anic verses emphasize on this fundamental injunction, which if Muslims take seriously would produce a healthy and healthy society that is far removed from tyranny, injustice and dictatorship. Almighty God says in the Holy Qur'an:

And from amongst you there should be a party who invite to good and enjoin what is right and forbid the wrong, and these it is that shall be successful. (Chapter 3, Verse 104)

And (as for) the believing men and believing women, they are guardians of each other, they enjoin good and forbid evil. (Chapter 9, Verse 71) It is an Islamic duty, incumbent upon all Muslims, to concern themselves with the health and well being of society, to oppose injustice and immorality, and to scrutinize the actions of those who undertake governmental affairs. There exists a mutual responsibility between the rulers and those whom they rule to implement and uphold the Islamic Shari'ah and this provides a clear framework and basis upon which citizens may question the actions and policies of their governors with regards to their socio-religious duties. As the most-noble Messenger (pbuh) in a famous tradition says: Every one of you is a shepherd (of the community), and all are responsible for their dependants and herd[39].

In order to fulfil this obligation (to monitor governmental functions) there is a requirement for certain conditions to be met, such as the freedom of speech and to criticize as well as access to accurate and objective information. Otherwise, the active participation of people in public-religious duties such as providing constructive feedback and criticisms toward the governors and standing for justice and truth would be impossible.

It is obvious that Islam does not concur with individual freedom to the extent prevalent in western culture. However, the preconditions of an Islamic and democratic government that respects the rights of the people and their contribution in socio-political affairs, are outlined by the Qur'an and Sunnah (valid traditions). For example the Qur'an encourages believers to listen to different opinions and to select the best of them:

Therefore give good news to my servant. Those who listen to the word, then follow the best of it; those are whom Allah has guided, and those it is who are men of understanding. (Chapter 39, Verses 17-18)

There are many narrations in historical and religious texts documenting dialogue and debate that occurred between Shi'a Imams and non-Muslim intellectuals in which disbelievers (even atheists) were able to express their ideological views so long as they were voiced as academic opinions and kept within the circles of scholarly debate, rather than attempting to propagate them. In a true Islamic state, it is the right granted to the people that they be kept aware of

affairs in society and government.

Imam Ali (pbuh) once explained the mutual rights and duties that exist between an Imam (leader) and the people:

It is your right that I must not hide any secret, except that of war, from you. And that I should not take over matters (without your consultation or awareness) other than those concerning divine laws (hukm)[40].

Aside from the obvious distinction between religious democracy and western liberal democracy, the former holds the same essential advantages as any democratic government. These include the participation of citizens, the distribution of political power by election, political accountability of governors, constitutionalism and political transparency as well as mutual responsibility between the rulers and the ruled. Religious democracy however, is far more desirable for Muslims than any feasible alternative because of the supreme role of the Shari'ah in providing a basis for, and shaping the growth of, the contents of this political system. It is also desired because of the qualities and moral-religious commitments that the governor must have as the leader of Muslim society.

For instance, constitutionalism and accountability in secular, western democracies as Nathan Brown says, has expressed itself most frequently in human authored constitutional texts and rights, whereas religious constitutionalism is defined under the authority of the Shari'ah. Therefore, the religious government is not only accountable with regard to people's rights and needs, but also with regard to the Shari'ah and divine laws. He writes:

Many Muslims have come to believe that the crisis of political accountability can be solved by insisting that Muslim governments rule within the bounds fixed by the Islamic Shari'ah. In essence, this demand renders the Islamic Shari'ah as a kind of constitution. Governments may not cross the boundaries firmly established by the Islamic Shari'ah; rulers are held accountable to God's law[41].

In summary, although governments throughout history have often ignored the political teachings of Islam, the main purpose here is to show that these significant teachings smooth the path towards the establishment of a religious democracy.

Religious Democracy is Paradoxical

Critics of religious democracy maintain that there is an inherent antagonism between the fundamental aspects of the Islamic creed and the basis of democracy. According to this view, those who subscribe to the idea of religious democracy ignore the true nature of religion and overlook the epistemological foundations of democracy.

The democratic system is based upon pluralism that places emphasis upon freedom instead of regulation, diversity as opposed to homogeneity, and multiplicity rather than unity. According to pluralistic doctrine, no single person, group or school of thought can possess or claim to possess the absolute truth or that it's understanding and opinions are correct and that all others are false.

Truths are distributed amongst humanity, hence, every opinion is but a composition of truth and falsehood, and consequently no opinion has superiority over another, and cannot claim such. People are free to follow and support any opinion they decide upon, whether it be religious or secular, theistic or atheistic, moral or immoral. The unlimited freedom of choice is one of the most important foundations of democracy, a foundation that Islam is opposed to.

Hamid Paydar writes:

One of the epistemological foundations of democracy is the obscurity of truth and its distribution amongst all human beings, however, if an ideology or religion should call itself the sample of truth, maintaining that other religions and opinions are manifestations of infidelity, polytheism and misleading, it would not be compatible with democratic government. Islam, according to some verses of the Qur'an introduces itself as a unique right and true religion. Verses such as "This then is Allah, your true lord; and what is there after the truth but error" (10:32) "And whoever desires a religion other than Islam, it should not be accepted from him" (3:85) and the opening verses of Surah Taubah (repentance) are in contradiction to man's freedom of choice[42].

This view emphasizes on the inflexibility of Islamic laws and the absolute authority of the Shari'ah as evidence of incompatibility between Islam and democracy. Obviously the interpretation of democracy stated above does not represent what exists in an ordinary democratic state. It is a particular version of democracy mixed with extreme liberalism, which asserts the absolute neutrality of a liberal democratic state. For this new approach a desirable political system should ignore any conception of good and should not based upon any particular philosophical-religious doctrine of life. As Galston says:

According to this view, the liberal state is desirable not because it promotes a specific way of life but precisely because it alone does not do so. The liberal state is 'neutra' amongst different ways of life. It presides benignly over them, intervening only to adjudicate conflict, to prevent any particular way of life tyrannizing over others, and to ensure that all adhere to the principals that constitute society's basic structure[43]. It is not our objective to discuss whether the neutrality of a political system is possible. However, the fact is that no form of political life can be justified without appealing to certain ideas and values concerning society and the individual.

Some advocates of liberalism maintain that liberal theorists covertly employ theories concerning goodness. However, their adamant denial of any reference to a basis or foundation reduces the strength of their argument and leaves their theories vulnerable to criticism[44]. Regardless of whether a neutral government is feasible or not, there is no doubt that Islam is in complete disagreement with many underlying values of liberal democracy, including secularism, pluralism and radical individualism. Consequently the above-mentioned theory merely explains the general incompatibility of Islam with liberalism and specifically the new conception of a 'liberal state'. This, nevertheless, does not in any way undermine other versions of limited democracy, including religious democracy.

Usurpation of God's Sovereignty

Some Muslim thinkers who emphasize on Islamic governance argue that democracy is contradictory to Islamic principals because it involves the legislation of laws, and there are may verses of Qur'an that demonstrate that legislation is reserved for Allah (swt).

Indeed judgment (hukm) is only for Allah. (Chapter 6, Verse 57)

And in whatever thing you disagree, the judgment thereof is with Allah. (Chapter 42, Verse 10)

And if you were in dispute in anything amongst yourselves, refer to Allah and His Messenger. (Chapter 4, Verse 59) In conclusion, Islam holds that sovereignty is with God (Divine law = Shari'ah) and not with the ummah (people), thus the ummah does not possess the right to legislate on any matter. For example, even if all the Muslims were to gather together and agree to permit usury, usury would remain prohibited because it is a decree from Allah and Muslims have no choice in the matter. On the other hand, in democracy sovereignty is with the people, thus they are able to legislate according to their own free will and desires, either directly or indirectly via the representatives they have elected[45].

The Egyptian revivalist scholar, Sayyid Qutb holds that the essential doctrine of liberal democracy, namely the sovereignty of man, is a usurpation of God's sovereignty and a rebellion against His authority, for it subordinates the individual to the will of other individuals instead of God's governance on the earth[46].

Clearly this approach to religious government, in principal, should not ignore the administrative and executive role of the people in an Islamic state, because for them the problem of legislation is fundamental. This approach insists that the believers cannot frame any law for themselves, nor do they have the right to alter or modify God's laws. This assumption has emanated from the idea that it is incumbent upon Muslims to follow Shari'ah and to restrict all actions and principals to this basis.

It is not allowed for them to undertake or leave anything except after understanding the rule of Allah regarding it. Furthermore, those who deny any legislative role for the people maintain that the Islamic Shari'ah contains rules for all past events, current problems, all possible incidents and that it encompasses the actions of man completely and comprehensively. Allah says: And we have sent down to you the book as an exposition of everything, a guidance, a mercy and glad tidings to those who have submitted themselves to Allah. (Chapter 16, Verse 89) Accordingly, Muslims are allowed to make use of the sciences and thoughts of human beings unless they contradict Islam. However, with regard to laws and legislation it is prohibited for Muslims to devise and obey un-Islamic rules because it is impossible to find a human action that does not have an evidence or a sign that indicates its rule in the Quran. This is due to the general meaning of His saying 'exposition of everything'[47].

Since the above view is both influential and popular amongst Islamic revivalist movements, it would be both convenient and useful to examine its various aspects. In order to do this, one must first clarify the meaning of "God's sovereignty", then the assumption that all legislative authority rests with God and that believers and qualified jurists (fuqaha) cannot frame any laws for Muslim society should be examined.

It should also be emphasized that there is a lack of knowledge concerning the Islamic model of democracy, which insists on the sovereignty of God as well as people's authority in limited aspects of political affairs. The followers of this doctrine focus solely on a comparison between their conception of an Islamic state and a purely democratic (or liberal democratic) model.

By definition, sovereignty is the claim of ultimate political authority, subject to no higher power with regards to the legislation and enforcement of political decisions. In the international system, sovereignty is the claim by the state to independent self-government and the mutual recognition of claims to sovereignty is the basis of international society[48].

Through regarding sovereignty as the basis and foundation of the political power that a government relies upon in order to be able to exercise its power and organize its domestic and international relationships, the idea that sovereignty as a political term has no connection to God has come to being. Therefore those who attribute the quality to God confuse between the religious status of God amongst believers and the political power of a state referred to by the term 'sovereignty'. Hence many thinkers such as Fazlur-Rahman essentially deny any attempt to translate the supremacy of Allah into political sovereignty.

The term 'sovereignty' as a political term is of a relatively recent coining and denotes definite and defined factors in a society to which rightfully belongs coercive force in order to obtain

obedience to its will. It is absolutely obvious that God is not sovereign in this sense and that only people can be and are sovereign, since only to them belongs ultimatecoercive force i.e. Only their 'word is law' in the politically ultimate sense[49].

As a matter of fact, every formed state has sovereignty regardless of how its political hegemony and power are established and shaped. So, all political models of government - democratic, dictatorship, guardianship and even a military government established by a coup d'etat - so long as it remains in power and can exercise ultimate political authority, possesses sovereignty. In the Islamic ideology, however, there is no unique origin for the establishment of political sovereignty and thus the fundamentally crucial question in this regard is one of 'legitimacy'. Which form of political sovereignty is the legitimate one?

Amongst political philosophers there are several answers to this significant question. The idea that 'only people can be and are sovereign', as Fazl ur-Rahman stated, represents the democratic approach to this question. Certainly, for philosophers who believe in 'guardianship' such as Plato, the rule of majority and the consent of the people does not legitimize the political sovereignty of a government.

Therefore, sovereignty as such could be created through a number of means and in different forms, but every political doctrine presents its own specific interpretation of legitimate sovereignty and emphasizes on one factor as an essential element of a legitimate state. In the view of those who support the doctrine of an Islamic state, the legitimacy of a government is strongly tied to the extent of that government's commitment to the Shari'ah as well as Islamic teachings and values. Muslim thinkers construe the phenomena as God's sovereignty because God's will is embodied in his legislations and His will and orders have priority over the will and orders expressed by the rulers of an Islamic government, who are obligated to rule in accordance with divine laws (Shari'ah).

With regards to this interpretation of God's sovereignty with its particular insistence on his supremacy in legislation, the key issue that arises is whether sovereignty prevents the believers from any form of legislation. This important question distinguishes between religious democracy and the above-mentioned doctrine that does not recognize any right for the believers to frame any law for themselves. Religious democracy, as emphasized before, is based firmly upon the belief in the ultimate authority of almighty God, including his legislative sovereignty. But it is essential to recognize that the unquestionable legislative superiority over dimensions of Muslim's life is one issue, and their frequent need for appropriate, fresh and temporal laws to handle new and unusual situations is another.

Muslims society, like all other societies, is in need of new laws and regulations in order to

adapt its legal system with the frequent alterations in social relationships, namely, new developments in human lifestyle, technological development and cultural– economical changes. Social change in its broad meaning regularly produces many fresh judicial questions, which often cannot be resolved without new legislation.

The conception that Islam is perfect, comprehensive and all- embracing with regards to the needs of human beings, particularly the judicial-legislative necessities that arise, andthat the Islamic legal system consequently includes all rules required for a desirable Islamic way of life, with no need to draft new legislation and laws, can be interpreted in two ways. The first notion incorporates a misinterpretation of the idea that Islam is indeed a perfect religion. This theory asserts that in every case in which mankind is in need of laws, there are appropriate rules that already exist in the Shari'ah that can be automatically applied. Islam contains every law that people require in order to handle their private and public affairs. In conclusion, there remains no legal vacuum to justify the existence of another legislative sovereignty to derive new laws. According to this view, Qur'anic verses such as "And we have sent down to you the book as an exposition of every thing" (16:89) should be interpreted as supporting this view,

because the word 'everything' embraces all rules we need in the various dimensions of our life, at all times and in every model of social formation. Regarding the Islamic legal system, all judicial demands would be satisfied either by in advance prepared rules or through Ijtihad (fuqaha derive new laws by referring to Islamic sources), which in turn is not legislation. Through ijtihad the faqih recourse to the sources of Shari'ah to declare the position of Islam with regards to new questions and situations, this in its nature is completely separate from legislation. Islamic jurists have no right to legislate, they merely are able to understand and announce to believers what Almighty God has declared.

Small-scale societies have a relatively simple social structure that can be easily regulated by a basic set of rules. However, contemporary society is considerably larger and possesses a vast social structure permeated by many complex interrelationships. In such an environment, every circumstance and aspect of public life requires a flexible legal network, consisting of both fixed and changeable rules, in order to be able to stay in harmony with the demands of a growing and modern society.

The existence of ahistorical, non-temporal and fixed laws is a significant characteristic that is common in many comprehensive legal systems, especially in the Islamic legal code, nevertheless, the importance of temporal, changeable rules that every government must legislate according to new economic, social and political situations cannot be ignored. These

policies are required to protect the interests of society and to overcome different social difficulties concerning education, taxation, security, exports, immigration and so on. Therefore the adoption of policy is one of the most important functions of a government.

The Shari'ah is perfect, not because we do not need any kind of legislation or because all the rules needed have been previously prepared, rather it is because Islam is the most perfect of all legal systems. It consists of comprehensive and all-inclusive divine laws and Islamic jurisprudence also has specific elements, which render it a dynamic and flexible system that is capable of operating hand-in-hand with changes in society and reality. One of the most significant aspects of this structure is the right of a well-qualified jurist (Wali al-Faqih mujtahid a-adil) to issue rulings and commands. If the Shari'ah has already providing a verdict regarding a specific issue, it is an obligation upon the Islamic state to adopt the ruling of the Shari'ah.

If a situation arises in which the Shari'ah is ambiguous or there exists a difference of opinion concerning the divine law, the opinion and edict of the Wali Amr (who carries the responsibility of rulership in the absence of the infallible Imam) has precedence over all others. In the case where there exists no obligation or prohibition in the Shari'ah, it is permissible for the just faqih to issue a governmental order necessitated by the interest of Islam and Muslims. Since the just faqih has legitimate authority (wilayah) and legislative sovereignty other governors, including those elected by the people such as members of parliament and the president, should be appointed by the just faqih otherwise they would have no legitimate authority to make governmental rules and decisions. For instance Ayatollah Khomeini says:

In the absence of the guardianship of a faqih or divine ruler, the taghut (illegitimate authority) will prevail. If the president is not appointed by a just faqih, he would be illegitimate[50].

In letters appointing the members of the Islamic Revolutionary Council in Iran as well as the first premier, referring to the above points, he writes:

As a person who enjoys the wilayah of the sacred religion, I appoint him...any opposition to this government is tantamount to opposition of Shari'ah[51].

Therefore, being elected by the majority or obtaining public consensus does not automatically grant legislative sovereignty or legitimate religious authority to rule and govern Islamic society. And in cases that governors have been appointed by the just faqih – even elected officials – their authority for making decisions and orders cannot contradict the Shari'ah. Finally, in instances where there is noclear indication from the Shari'ah because the case is totally new, and without previous record, it is the responsibility of the fuqhaha (jurists) to deduce the appropriate rule from Islamic sources.

The legitimate status of the majority is what truly distinguishes religious democracy from all

other conceptions of the democratic state, for religious democracy limits the authority of the people in accordance with the legislative sovereignty of God. Whereas in non-religious democratic states, the sovereignty of elected individuals is not restricted by Shari'ah, and the doctrine explicitly assumes democracy as a secular system detached from the authority and sovereignty of God. It thus fails to make a fair assessment of the religious model of democracy .and the relationship between Islam and democracy

The Problem of Legal Equality

Legal equality is often highlighted as one of the crucial foundations of democratic government. Consequently, every political theory that wishes to categorize itself as democratic must respect the legal equality of its citizens. Some critics of religious democracy maintain that Islam is not compatible with democracy on the grounds of some inequalities endorsed within the Islamic legal system.

Islam may be credited with having disseminated the spirit of equality and brotherhood amongst its followers, nevertheless the inferior status of three groups, namely non-Muslim citizens, slaves, and women, and their inequality before the law ascompared with free male Muslim citizens do not help in smoothing the path to a democratic system[52].

Even though the modern conception of democracy emphasizes on all embracing legal equality, democracy in its nature – as the history of political thought – testifies that it is compatible with legal inequalities. As discussed before, in ancient models of democracy only free male landowners had the right to participate in the process of making decisions for city-states. In modern democracies, the right for all free men to vote on an equal basis was not granted until 1850. Males of African origin were denied the right to vote until 1870, and females, both those who were free and the slaves, were not granted the right until the 19th constitutional amendment in 1920.

Moreover, even the modern conception of democracy does not rest upon a complete, unexceptional, and all-inclusive legal equality. Instead it relies upon the principal that all adult members of society are considered equal in political rights, and are able to participate in voting and the distribution of political power. Therefore the existence of non-political legal inequalities, in principal, is not incompatible with democracy. Suppose that according to a legal system, women have not been granted the right to become a judge or religious leader, or that they inherit less than males, obviously these non-political inequalities do not undermine the idea of establishing a democratic system.

No one can make a credible attack against the Islamic ideology because of its supposed

endorsement of slavery, slavery was an age-old, and universally accepted institution, which was only officially abolished in the western world less than two centuries ago when emerged around the world.

However, when Islam was revealed, slavery was considered a completely natural aspect of human culture as well as an inseparable element of society. Islam moderated this institution and encouraged believers to emancipate their slaves. In fact, the concept of freeing slaves is an important element in the Islamic system of punishment. The acceptance of slavery by Islam should not, therefore, be considered an obstacle for democracy. In summary, there is no doubt that there are some differences in Shari'ah between Muslims and non-Muslims (for example in retribution), between men and women (for example in inheritance), but these legal inequalities have no connection to political equality and citizenship. For example, in the constitution of Iran as a model of Islamic democratic government, many articles emphasize the equal rights of citizens, men and women, Muslim and non-Muslim:

All people of Iran, whatever their ethnic group or tribe to which they belong, enjoy equal rights; color, race, language and the like, do not bestow any privilege. (Article 19)

All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social and cultural rights, in conformity with Islamic (criteria. (Article 20

Reconciling Islam and Liberal Democracy

Muslim advocates of religious democracy strongly support the conception of a democratic political system possessing a religious framework drawn by Shari'ah. In other words, a judicial (fiqhi) based model of democracy that respects the authority of the people regarding God's sovereignty and Islamic law. They emphasize upon the accountability of the government, the participation of the people in political affairs and the implementation of the Shari'ah.

According to their conception of religious democracy, the political power belongs to the people, but their authority is limited by the Shari'ah. Hence, it is not in the people's power to make political decisions that contradict Islamic rules and values. The basic structure of a fiqhi based society, namely the system of rights and duties, should be defined according to instructions and limitations set forth by Islamic teachings in general and Shari'ah in particular.

Some Muslim intellectuals attempt to present a model of Islamic democratic government, which in principle welcomes with open arms many underlying values of contemporary liberal democracies. As a notable sample of this modernist approach there is the conception of Abdul- Kareem Soroush (an Iranian intellectual born in 1945) regarding religious democracy.

Here we will briefly explore a political approach that strives to reconcile Islam and the western conception of human rights, justice and rationality, by reducing the status of Shari'ah to juridical conflicts with no connection to the management of society or the regulation of social relationships. The basic elements of this doctrine are as follows:

* In contrast to the prevailing conception of a religious society and Islamic government, that is essentially fiqh based and defines a religious society as one wherein the implementation of Shari'ah is the ultimate aim and major function of the religious state, the above mentioned doctrine does not give Islamic jurisprudence such a crucial role.

According to a fiqh-based interpretation of religious society and Islamic governance, the rights and responsibilities of people have been defined and determined by Islamic laws, in other words the issue of human rights is defined within a religious context, particularly jurisprudential arguments. However, the above doctrine insists that defining human rights, and thus human duties, belongs to the extra-religious area and should be determined outside the domain of religion and Shari'ah.

* "The first issue concerning human rights is that it is not a solely legal (fiqhi) inter religious argument. Discussion of human rights belongs to the domain of philosophical theology and philosophy in general. Furthermore, it is an extra-religious area of discourse. Like other debates on matters that are prior to religious understanding and acceptance such as the existence of God, and the election of the Prophets, human rights lies outside of the domain of religious"[53]

* Religious law (Shari'ah) is not synonymous with the entirely of religion; nor is the debate over the democratic religious government a purely jurisprudential argument, so we shouldn't define the religious society according to the extent of its adoption of Shari'ah. The prophets founded a society based on faith and spirituality, not on legality. The heart of a religious society is freely chosen faith, not coercion and conformity. Religious society is based upon free, invisible faith, and dynamic and varied religious understanding[54].

* The jurisprudential governing and attempt to resolve social and public difficulties by Islamic laws must be replaced by rationality and scientific magnanimity. Islamic jurisprudence (fiqh) was a solution for simple, underdeveloped societies that had simple, uncomplicated relationships. Fiqh could handle and successfully organize such societies, but the problems of complicated modern societies would be resolved solely by rationality and science instead of jurisprudence[55].

* Democratic religious regimes need not wash their hands of religiosity nor turn their backs on God's approval. In order to remain religious, they, of course, need to establish religion as the

guide and arbiter of their problems and conflicts. But, in order to remain democratic, they need dynamically to absorb an adjudicative understanding of religion in accordance with the dictates of collective reason. Furthermore, every democratic religious government must be mindful of both the inside and the outside of the religion in order to remain faithful to both of its foundations[56].

* Debates concerning justice, human rights and the methods of government cannot be resolved through intra-religious debate: these are extra-religious arguments that deeply influence the understanding and practice of religion. Religious understanding must constantly renew and correct itself according to philosophical-theological debate concerning human rights, the meaning and nature of justice, the effective method of government and so on. The legal and jurisprudential schools of thought should harmonize their achievements with these novel insights[57].

Having accepted these premises, one comes to the conclusion that many substantial changes of modern humankind in its ideas, attitudes, worldviews and lifestyle must be admitted and respected by religion. These profound and widespread alterations include the desirable political system, human rights, the structure of fundamental rights and duties and the limited role of religion in human life.

According to this doctrine, these significant changes should be noticed as new realities and truths, hence, religious knowledge must try to acknowledge and adopt itself to these facts. Therefore Muslims should not strive to deduce their political system from Islamic sources or form their social relationships according to the Shari'ah, instead they have to shape the fundamental basics of their society (i.e. The system of rights and duties) to become consistent modern mankind's world views, ideas and perspectives. The keystone of this political approach consists of the concept that the traditional Islamic thought – religious knowledge – is temporally limited and must therefore undergo a drastic metamorphosis in order that it be brought into line according to the views of "modern mankind".

This political doctrine suffers from three major categories of weakness. The first of these is that the fundamental aspects of this theory, presupposed by a specific doctrine about the nature of religious knowledge, rests on a subjective approach to the interpretation of texts. This subjective approach, called by Soroush "theoretic evolution and devolution ofShari'ah", insists that religious knowledge and the science of religion are relative to presuppositions, and in addition, that they are also temporal.

He states that since these presuppositions are varied and restricted by time, religious knowledge and the interpretation of religion is entirely human and this worldly. All of this

implies that religion is constantly surrounded by a host of contemporaneous data and deliberations, thus the interpretation remains constant so long as these external elements are also constant. However, once they change, the change will be reflected in the understanding of religion as well. Consequently, religious texts (such as the Holy Qur'an and Islamic traditions or ahadith) do not carry their meaning on their own shoulders, instead it is necessary to situate them within a context. The interpretation of the text is in flux, and presuppositions are actively at work here. Therefore, the interpretation of religious texts is subject to expansion and contradiction according to the assumptions preceding them. These assumptions are part of the world's view of an age, which need not and usually does not enter the mind through any formal education or conscious adoption, but rather are utilized inadvertently and fluently[58].

This approach to religious knowledge and the interpretation of texts has been strongly influenced by subjectivist schools of interpretation particularly the German philosopher Georg Gadamer (died 2001) and the philosophical hermeneutics of his famous book "Truth and Method" (First German edition 1960)[59].According to these, the horizon of the reader (his presuppositions, attitudes and expectations) share in the process of interpretation, thereby making the reader more than a passive observer who merely receives the message of the text, rather he is an active participant who creates the meaning of a text, or at least the horizon of the reader shares in the process of constructing a meaning around the text. Hence, according to this theory, admitting modern and popularly viewed and shared ideas as extra-religious presuppositions is acceptable, even if this should interfere in the interpretation of religion. Examples of such ideas include the western conception of human rights, political system and the social formation of rights and duties. Below are a few brief criticisms of this conception of the nature of religious knowledge and understanding religious texts.

à When referring to a religious text, the fundamental aim of interpretation for believers and religious scholars is to understand the 'intention' of the author (for instance the intention of God in divine revelation and what the Prophet had in mind with regard to interpretation of his hadith). To achieve this understanding, they seek objective and valid interpretations of the texts. Obviously every form of interference originates from the reader's prejudices, presuppositions and expectations, which imposing a specific meaning upon the text, this is obviously harmful for any attempt to interpret religious texts.

à It is quite possible to subjectively interpret a religious text with no regard to the intentions of its author or its context. This form of interpretation is known as tafsir bi rai (interpretation by

personal attitude and prejudice), and is criticized in many traditions originating from the Prophet and the Imams (peace be upon them). Developing a meaning according to the varied presuppositions and prejudices that exist in human society, is not a question of feasibility, rather it is a question of legitimacy.

à The assumption that religious texts do not carry their own meaning ignores the profound semantical relationship between words and meanings that is established in every natural language. This doctrine supposes that sentences of a text are empty vessels that a reader may place his own meaning within, as Soroush says:

Statements are hungry of meanings instead of being pregnant of them[60].(meaning a statement requires a meaning to be given to it, rather than providing a meaning from it).

Clearly anyone who wants to use or understand a language must respect its structure and limitations. Why aren't we free to apply and understand an English text as we wish? The point is that the pre-established connection between words (and their meanings) in this language prevent us from doing so and these limit the shape and framework of our linguistic activity. Therefore, statements in a text are not devoid of meaning, rather they contain their own meaning and play a crucial role in the process of understanding and transmitting the intention of their author, although this is not to say that other elements (such as the context of the text) are not important.

à This method of understanding in general, and understanding religious texts in particular, lends itself towards 'relativism'. It emphasizes tha religious knowledge and the interpretation of text is a theory-laden, as Soroush writes:

Religious knowledge will be in continuous flux, and since it is only through those presuppositions that one can hear the voice of revelation. Hence the religion itself is silent[61].

This absolute relativism doesn't allow any room for the question of validity in interpretation of the text and religious knowledge. According to this approach, the validity of religious knowledge is connected to the validity of extra-religious knowledge, which consists of the presuppositions of each age, which in turn are varied and changeable. Whereas appealing to religious beliefs and knowledge based on reliability and validity of religious knowledge is undermined by this theory.

à As a matter of fact readers face a text through their horizons that means they cannot ignore their knowledge, mental abilities, backgrounds and personal experiences concerning the context and content of the text. In other words, it is quite impossible that someone can overlook his own horizon and keep his mind empty when confronting a text, because our knowledge, experiences and so on are inseparable parts of our identity. This reality would not

excuse free and nonstandard interference of the reader ‘s horizon in the process of the interpretation of the text. Indeed, the horizon of every reader consists of several categories and some of them play a crucial role in understanding the text.

For instance, those who know Arabic and have suitable background in Islamic philosophy understand philosophical texts that have been written by Muslim philosophers in Arabic language much better than others. On the other hand, there are some elements whose influence we have to control during the interpretation of text,

such as our prejudices and expectations that tend to impose particular and prejudged meanings over the text. That is why even some great advocates of philosophical hermeneutics notice the danger of some pre-understandings that hold back the correct process of interpretation. Heidegger and Gadamer emphasize that we have to distinguish between ‘correct and incorrect’, ‘legitimate and illegitimate’ conceptions and prejudices that come into understanding[62].

Consequently we are not free to allow our prejudgments, attitudes and fore conceptions to be presented in the event of understanding. Substantial changes in ideas, lifestyle and attitudes among modern humankind should not decide the message of a religion. Certainly these radical alterations sometimes create challenges and conflicts between a religion and modernism that require solutions, but reinterpretation of religion in favour of these new ideas and attitudes is not an appropriate solution, especially when we know that there is no justification for many of these modern concepts and approaches.

Values such as consumerism, individualism, the liberal concept of freedom, secularism, free market (capitalism) and technology that make the major paradigms of contemporary civilization and modern humankind ‘s lifestyle, have established themselves because of the personal preferences of the majority. However, most of these paradigms suffer from the problem of justification. Therefore, there is no reason for believers to blindly apply all modern values and conception to their religious texts and to reproduce their religious knowledge in accordance to them.

Another criticism of the above mentioned political doctrine concerns the ambiguous role of religion in this version of “religious” democratic government. The scope of political- social affairs concerns the practical aspect of Islam, which is largely embodied in Islamic law. Yet, this doctrine essentially denies the fiqhi based model of governing and, therefore, it remains ambivalent about the role (if any) of the Shari’ah with regards to the organization of social relationships and the process of making significant social- political decisions.

On the other hand, if we endorse the claim that religious understanding should constantly be

renewed and corrected in light of extra-religious presuppositions and that Islamic jurisprudential thought must harmonize its achievements with these novel insights obtained by human sciences, then what reason would justify and obligate us to harmonize our political-social decisions with such dependent, relative and changeable religious knowledge? Why shouldn't we just directly trust these novel extra-religious sights and presuppositions and relinquish religion?

Soroush emphasizes that religious democracies in order to remain religious, need to establish religion as the guide and arbiter of their problems and conflicts[63].

However, by overlooking the role of the Shari'ah in resolving the problems of contemporary modern societies, he does not explicitly state the mechanism upon which Islam might be the guide and arbiter of conflicts in the modern world.

Also significant is the fact that this doctrine fails to demonstrate why the problem of human rights and the system of rights and duties are extra-religious and why we shouldn't respect the explanation of religious sciences from intra-religious contents. It seems that the only reason that could possibly justify this approach rests on an extremely subjective conception of the nature of religious knowledge and the interpretation of texts, which has been criticized previously.

In spite of this, there is no justification for ignorance concerning Islamic teachings, conceptions and laws with regards to human rights and duties. In cases where extra-religious notions and values contrast some Islamic teachings first of all we have to assess their capacity for truth-valid objective reasons that support and justify them.

Clearly many fundamental notions in the modern conception of human rights are deeply influenced by concepts and values of liberalism, which in turn suffer from absence of valid justification. For instance the liberal conception of freedom plays a very significant role in shaping modern conceptions of human rights, while advocates of Liberalism still have not presented a valid convincing rational argument for this conception of liberty.

Consider John Stuart Mill who tried to base and defend this freedom entirely on the principle of utility[64], which as many critics have pointed out is ill-equipped to bear the burden. If personal liberty is as valuable as Mill insists, liberals should at least attempt to find a more permanent foundation for it than the disputable proposition – the principle of utility. Classical liberals like Mill are not the only liberals whose defense of individual freedom have run into trouble.

Recent defenders of the liberal conception of personal freedom such as Friedrich Hayek and Isaiah Berlin do not present a convincing rational justificatory basis for it. Hayek stakes his defense of personal liberty on skepticism about moral rationality, while Berlin resorts to a

kindred species of moral relativism. For Hayek 'reason' is powerless to determine 'ends' and, therefore, cannot tell us what we ought to do. Human intellect cannot by itself settle questions concerning value, especially questions about moral values.

Consequently people personally must be absolutely free to choose[65],Berlin, on the other hand, emphasizes on 'relativity of values' and the subjective nature of values to conclude that there is no objective higher good than the arbitrary or relative good each individual sets for herself[66]. The weaknesses of these arguments seem plain. How is it possible to claim that there are no objective values and that all values are purely subjective, and yet simultaneously state that we should always hold personal liberty in such high regard as to make it one of the central pillars of human rights and political life.

If they are right that there are no objective ends or values, then there can be no rational or objective grounds for valuating individual ends or liberty. In short, liberals must avoid the temptation to base their argument on relativistic or skeptical premises because it undercuts rather than supports their own arguments.

There are other points about the above mentioned political doctrine regarding the role of Islamic law (fiqh) in an Islamic government, which were discussed in the first chapter and do .not need to be repeated again

Notes:

[1] Daniel Webster in 1830 (thirty three years before Lincoln's definition) said: people's government, made for the people, made by the people and answerable to the people. Cf: Patterns of Democracy, p. 1.

[2] Robert Dahl, On Democracy, Yale University Press, 2000, p.9.

[3] Sulaiman Sadek Jawad, Democracy and Shura, Published in Liberal Islam, p. 97.

[4] Democracy and its Critics, p.2.

[5] On Democracy, pp. 85-86.

[6] Democracy and its Critics, p.135.

[7] H. .B. Mayo, An Introduction to Democratic Theory, Oxford University Press, 1960, p. 60.

[8] Andrew Heywood, Political Ideologies, Macmillan Press, 2nd Edition, 1998, p. 43.

[9] Andrew Heywood, Political Ideologies, Macmillan Press, 2nd Edition, 1998, p. 46.

[10] On Democracy, pp. 45-57.

[11] John Plamenatz, Democracy and Illusion, Longman, 1973, pp. 164-168.

[12] John Rawls, Political Liberalism, Columbia University Press, 1996, p.10.

[13] John Locke, Two Treatises of Government, Peter Laslett (ed), Cambridge University Press,

1970, p. 322
[14] Allen Rosen, Kant's Theory of Justice, Cornell University Press, 1993, pp. 34-35.
[15] Democracy and its Critics, p. 88.
[16] Michael Walzer, "Philosophy and Democracy", in Political Theory, Volume 9, No 3, August 1981, p. 386.
[17] Michael Walzer, "Philosophy and Democracy", in Political Theory, Volume 9, No 3, August 1981, p. 383.
[18] Democracy and its Critics, pp. 66, 101, 103.
[19] Democracy and its Critics, p.89.
[20] Democracy and its Critics, p.91.
[21] Democracy and its Critics, p.99.
[22] On Democracy, p. 113.
[23] Political Liberalism, p. 12.
[24] Political Liberalism, p. 40.
[25] Political Liberalism, p. 43.
[26] Richard Rorty, "The Priority of Democracy to Philosophy", in Reading Rorty, Alan R. Malachowski (ed), Oxford: Basil Blackwell, 1990, p. 289.
[27] Richard Rorty, "The Priority of Democracy to Philosophy", in Reading Rorty, Alan R. Malachowski (ed), Oxford: Basil Blackwell, 1990, p. 290.
[28] Stephen Mulhall and Adam Swift, Liberals and communitarians, Blackwell, 2nd Edition, 1996, pp. 259-261.
[29] Reading Rorty, p. 291.
[30] Kant's Theory of Justice, p. 34.
[31] Democracy and its Critics, p. 169.
[32] Walzer, "Philosophy and Democracy", in Political Theory, Volume 9, No. 3, August 1981,pp. 387-388.
[33] Abu al-A'la Mawdudi, Political Theory of Islam, Karachi: Maktaba-e Islami, p. 30.
[34] Ruhollah Khomeini, Sahifa Nur, Tehran: Ministry of Islamic Guidance, Volume 10, p. 181.
[35] Rachid Ghannouchi, "Participation in Non-Islamic Government", in Liberal Islam, p. 91.
[36] Liberal Islam, p. 98.
[37] Ibn Kathir, Umda, Volume 3, p. 63; Ibn Hisham, Sireh Ibn Hisham, Volume 2, pp. 272-273.
[38] Encyclopedia of Islam, Volume 1, p. 1113a.
[39]Sahih Muslim, Hadith 1829.
[40] Ibn Abi al-Hadid, Sharh-e- Nahjul Balaqeh, Volume 16, p. 17.

[41] N athan Brown, “Islamic Constitutionalism in Theory and Practice”, in Democracy the Rule of Law and Islam, Eugene Cotran (ed), Kluwer Law International, 1999, p. 491.

[42] H amid Paydar, “The Paradox of Islam and Democracy”, in Modara wa Modiriyat, Abdul Karim Surush (ed), Tehran: Serat Publication, 1997, pp. 525-526.

[43] William .A Galston, Liberal Purposes, Cambridge University Press, 1991, p. 80.

[44] William .A Galston, Liberal Purposes, Cambridge University Press, 1991, p. 79.

[45] Abdul Qadeem Zalloom, Democracy is a System of Kufr, London: Al- Khilafah Publication, p. 35-37.

[46] “Sayyid Qutb, Ideologue of Islamic Revival”, in Voices of Resurgent Islam, John Esposito (ed), Oxford University Press, 1983.

[47] Democracy is a System of Kufr, pp. 22-25.

[48] Oxford Concise Dictionary of Politics, p. 464.

[49] Fazlur-Rahman, “The Islamic Concept of State” in Islam in Transition, Ponohue and John Esposito (eds), Oxford University Press, 1982, p. 269.

[50]Sahifa Nur, Volume 9, p. 253.

[51] Sahifa Nur, Volume 5, p. 31.

[52] Forough Jahanbakhsh, Islam, Democracy and Religious Modernism in Iran, Brill, 2001, p. 49.

[53] Abdul Karim Soroush, Reason, Freedom and Democracy in Islam, Mahmoud Sadri and Ahmad Sadri (trs), Oxford University Press, 2000, p. 128.

[54] Abdul Karim Soroush, Reason, Freedom and Democracy in Islam, Mahmoud Sadri and Ahmad Sadri (trs), Oxford University Press, 2000, pp. 134-141.

[55] Abdul Karim Soroush, Qesseye Arbab-e Marefat, Tehran: Serat Publication, 1995, pp. 54-55

[56]Reason, Freedom and Democracy in Islam, pp. 128-129.

[57]Reason, Freedom and Democracy in Islam, p. 148.

[58] Abdul Karim Soroush, “The Evolution and Devolution of Religious Knowledge,” in Liberal Islam, pp. 245-246.

[59] I have written a few books and articles concerning the exploration and criticism of this hermeneutical approach for instance refer to:

“The Hermeneutical Reflection of Heidegger,” in Transcendental Philosophy, Volume 3, No. 3, September 2002.

An Introduction to Hermeneutics (Persian), Tehran, 2001, Chapters3&4.

The Alteration of Understanding Religion (Persian), Tehran, 1996

[60] Qabs wa Bast-e theory e Shari'a, Tehran, Serat Publication, 1995, 3rd Edition, p. 287.

[61] Liberal Islam, p. 245.

[62] Martin Heidegger, Being and Time, John Maquarrie and Edward Robinson (trs), Oxford: Blackwell, 1962, p.195; Hans Georg Gadamer, Truth and Method, London: Sheet& Ward, 1999, p. 298.

[63]Reason, Freedom and Democracy in Islam, p. 128.

[64] John Stuart Mill, On Liberty, Edited by Gertrude Himmglfarb, Penguin Books, 1984, p. 69-70

[65] Friedrich Hayek, Law Legislation and Liberty, University of Chicago, 1973, pp. 32-34.

.[66] Isaiah Berlin, Four Essays on Liberty, Oxford University Press, 1969, pp. li, lvi, 172