

HUMAN RIGHTS, DEMOCRACY AND ISLAM

By

Prof. Dr. Mohamed Ibrahim Elmasry

**Professor Emeritus of Computer Engineering, University of Waterloo,
Canada**

Founding National President

The Canadian Islamic Congress and Islamic History Month Canada

Founding Member of the Editorial Board, The Canadian Charger

1. Introduction

Democracy provides an environment for the realization and protection of human rights.

This was captured in the Universal Declaration of Human Rights, article 21(3) which states that “[t]he will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by equivalent free voting procedures.”

This paper examines the relationship between Islam, human rights and democracy.

2. Is there a relationship between Islam and democracy?

If you ask me, this is a very strange question, yet one that has been debated long and vigorously by Muslim and non-Muslim academics, intellectuals, activists and politicians.

Why is it so strange? -- because it has not been posed today in the context of any other mainstream religion.

And it gets even stranger; for if democracy is proven to be politically and socially better for the common good than other systems of governance, then like any other religion Islam not only accepts, but encourages, its practice and sustenance.

But I suspect that life is not that simple; or at least, there are people who do not wish to make it so.

Two high-profile groups maintain that Islam and democracy are incompatible.

One is represented by western-hemisphere writers like Bernard Lewis and Daniel Pipes (both are Zionist Jews).

In their view, since Islam is considered anti-democratic and since western-based experience correlates democracy with world peace, the only conclusion to be drawn is that most of the world's 1.5 billion Muslims are therefore a liability, an impediment to peace.

If the Lewis and Pipes group were to ask me -- an unlikely scenario -- I would have to respond that theirs is a racist and dangerous ideology, based on twisted dogma and chopped logic.

Another group whose ideology is equally off the mark emerges from within Islam itself.

Certain Muslim politicians and self-styled spiritual leaders try to appeal to the masses with slogans such as "al-islam-howa-al-hal," which roughly translated means, "Islam is the solution for everything."

This group believes, on similarly thin evidence, that Islam offers a far superior and *different* system to democracy. Its leaders trash all that is western and blame democracy for every ill that has befallen humanity for the past century and more.

If the supporters of this group were to ask me -- another unlikely scenario -- I would say that theirs is another dangerous dogma that exploits and distorts the love of Muslims for their faith.

Both groups are guilty of politicizing the question around Islam's supposed non-relationship with democracy in order to advance their particular warped agendas.

Ironically, the first group (Lewis, Pipes, et al) likes to use the arguments offered by the second, saying in effect, "Look! We told you so. Islam is not compatible with democracy. Even these Muslims are saying so."

Interesting, eh? So where does the real truth lie?

3. The principles of human rights in the Qur'an

Hundreds of years before the Magna Carta and the Bill of Rights, human rights, justice and freedom were sanctified in the doctrines of Islamic political theory.

The Qur'an makes clear that public good is based on establishing justice. It says (4:58):

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ ۚ إِنَّ اللَّهَ نِعِمَّا يَعِظُكُمْ بِهِ ۗ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا
“.. God commands you if you judge among people, judge justly ..”

And the Qur'an makes freedom in making choices even in matter of faith a corner stone for any advanced civil society (17:107):

قُلْ آمِنُوا بِهِ أَوْ لَا تُؤْمِنُوا
“..[Tell people Oh Muhammed: you are free to] believe or do not believe [in the Qur'an] ..”

And 1431 years ago the Qur'an grantees the fundamental equality of all members of the human race in society, in any political system or in court of law (49:13):

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۚ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ ۚ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ
“O people! We have created you from a male and a female and made you into nations and tribes so you may get to know each other ..”

4. Political system in the Qur'an

Given these commandments the Qur'an does not offer a specific prescription or recipe for an ideal political system.

But the Qur'an does recommend and praise the value of collective decision-making for the common good (42:38):

وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَى بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنْفِقُونَ

“[True believers are the ones who] respond to the Call of their Lord, do their prayers Salah, consult each others on issues of public concern, and send in charity from whatever We bless them with.”

Thus government and the people representatives (parliament) must conduct public affairs by consultation. This leads to establishing consultative processes, right to access to information, openness and transparency in government and the right to differ on issues of law and policy.

And elsewhere, the Qur'an elevates collective decision-making from the category of recommended processes to that of obligatory ones (3:159):

فَبِمَا رَحْمَةٍ مِنَ اللَّهِ لِنْتَ لَهُمْ وَلَوْ كُنْتَ فَظًا غَلِيظَ الْقَلْبِ لَانفَضُّوا مِنْ حَوْلِكَ ۚ فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ ۚ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ ۚ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ

“.. [Oh Muhammed] consult your companions ..”

5. Muslim democrats

Thus if modern democracy offers a practical methodology for achieving collective decision-making for the common good, it is not only compatible with Islam, but is virtually an Islamic political system with a Greek name.

Islamic principles indicate that pre-requisites of good governance have their counterpart in Islamic jurisprudence. The task of reviving and giving effect to the doctrines, mechanisms and institutions of Islamic Law regarding democracy is a matter of will on the part of the elite.

Good Muslim politicians who apply sound Qur'anic teaching to the theories should therefore call themselves Muslim democrats.

In fact, this was the primary thesis of Muslim reformers during the

nineteenth and early twentieth centuries, the most important of whom were Jamal al-Din al-Afghani, Muhammad Abdu, and Rashid Rida (an Afghani, an Egyptian, and a Syrian, respectively).

Each asserted that the values of freedom and democracy in the west are exactly what traditional Islamic teaching defines as justice (*adl*), right (*haqq*), collective decision-making (*shura*) and equality (*musawat*).

These Islamic values relate to the rule of freedom and democracy, which consists of imparting justice and rights to the people, and affirming the nation's participation in determining its own destiny.

Basically, they reframed and reformulated western democratic principles using Islamic terms, harmonizing Islamic teachings with western political, social and economic concepts.

And Shiek of Azhar Imam Mahmoud Shaltout clearly asserted 60 years ago that Islamic system of governance has more common elements with Western democracy than there are differences. During the 1940s Imam Hassan Elbana the founder of the Muslim Brotherhood said also that Western parliamentary system has no major contradictions with the Islamic system.

Egyptian writer and thinker Abas El-Aqad published a best seller in 1952; *Democracy in Islam*.

He cited Quranic verses which explicitly reject dictators (79:24):

فَقَالَ أَنَا رَبُّكُمُ الْأَعْلَى

“[The Pharaoh shamefully said] I am your lord, the most high.”

And the Qur'an warns against the three **tyranny**; dictators, exploiting politicians and greedy capitalists. An example of the three were mentioned in (40:24) as Pharaoh, his minster *Haman* and the rich greedy capitalist *Qaroon*.

Dictators and their supporters cause great harm to their people eventually leading to total destruction of their nations (89:6-14).

Many Muslim scholars explain that reaching consensus is the best methodology in political decisions but in some cases majority voting must apply.

At length they also point out the duty of a Muslim to vote for the best person to represent him/her -- voters are considered “witnesses” in a matter of public good and not voting is a negative voting allowing the wrong candidates to win elections.

Many Muslim scholars also say that the most positive side of the liberal-democracy is the political aspect manifested in the parliamentary process. Through this system people can choose the representatives of whom the ‘legislative branch’ is composed. Through this elected body, the people rule themselves, and ‘the nation becomes the source of authority.’ This picture as a whole is, theoretically speaking, good and acceptable from an Islamic point of view – provided it is implemented in such a way that the mischief and evils which accompany it can be avoided.

The negative aspects of this system stem from the unlimited power of the parliamentary body to enact legislation. This elected body should not have the authority to legislate in areas covered by explicit Islamic Law. There should be in the legislative body a group of *fuqaha* [Muslim jurists] who examine the validity of the laws adopted by parliament.

6. Partial democracy

Many Muslim elite accept selective and partial democratization and work for an acceleration of the process. But they believe that so long as democratization takes place from the top down the process remains problematic. The ruler, under those circumstances, doubts whether the public is ready for democracy. He is apt to prefer stability and control over the perceived risk of a democracy which could lead to chaos.

Those Muslim democrats know what is wrong with the current Western democracy (the same as Westerner reformers consider

what is wrong) and they try to mitigate it.

On top of the list are: (1) Because of the way the system is run, those who have power and money can manipulate the system and gain more power. They can pay their way into public office. Elected officials, in other words, are not necessarily elected on the basis of their virtuous character or their ability to lead people. Corrupt people can be, and often are, elected to public offices, and (2) The percentage of those voting is usually very low.

7. Can Islamic parties be trusted in a democratic system?

In some Muslim countries rulers insist that the problem of having more democracy resides in the antidemocratic character of the Muslim political groups.

Given the many liberal views embodied in Islamic Law, and the liberal interpretations of that law offered by Muslim scholars, these rulers assert that many Muslim politicians, no matter what they may say, are committed to an exclusivist interpretation that would not allow any permanent place for democracy.

They also say that expressions of support for democracy by some Muslim political leaders may be in at least some cases motivated by tactical considerations; advocacy of democracy and pluralism strengthens an Islamic movement's political appeal and in a world that increasingly advocates and adheres to democratic values, they are willing to use terms like "democracy," "human rights," and "pluralism" without hesitation, merely placing them in an Islamic context.

8. Muslim opposition to democracy

Few Muslim intellectuals reject the three western concepts of democracy, secularization, and the nation-state, saying they represented three direct contradictions of Islamic religious and political thought, and relying "for their authority on human rather than divine legislation ... formulated through secular rather than God-given laws."

This group believed that no one can reconcile the conflicting ideologies of global Islam and western democracy without accepting the latter system's perceived drawbacks of intellectual dishonesty, spiritual blasphemy, and moral cowardice.

This separationist point of view can be seen in the writings of Sayyid Qutb, a major figure of the Muslim Brotherhood who was executed by Egyptian authorities in 1966.

Many Muslims thinkers agree with Sayyid Qutb. Among them is Abu'ala al-Mawdudi, a prominent Pakistani scholar.

Both Qutb and al-Mawdudi reject the idealization of the three western values of democracy, secularization, and the nation-state, finding them corrupting to the human soul and to society.

Qutb, who lived in the U.S., believes that Western democracy has reached the point of virtual bankruptcy and thus it should not be imported to the Muslim world.

9. Theocracy is ruled out, all agree

Theocracy a word based on the word *Theos* meaning God in Greek indicates a state governed directly by God or his representative. All Muslim scholars agree that Islam does not advocate this type of government at all. On the contrary Islam does not give any person or any institution, government or church, to claim to be representative of God.

Any political system is secular designed by people to govern themselves. What makes this secular system Islamic is if and when it is based on Islamic values of justice, freedom, equality, social justice, etc etc.

The Prophet of Islam was a bearer of a Divine Law. Both were terminated by his death. It is up to Muslim jurists of the day to interpret that Law in matter of political system, etc. None of them is infallible.

10. Democracy or hypocrisy?

On my trips to Muslim countries I did not meet a single person who didn't recognize the need for more democratic political reform across the Muslim world.

And I met a lot of people -- including presidents, prime ministers, academics, many professionals, media and political analysts, intellectuals, university students, and informed taxi drivers.

But the vast majority of people I met not only doubted the West's sincerity in calling for democratic reform, but accused powerful Western countries -- especially the U.S. -- of blatant hypocrisy. Such strong opinions stem from a number of deeply-rooted reasons.

"Give us a break," says Fahmy Huwaidi of Egypt, regarding the demand for almost-instantaneous democratic reform.

Huwaidi, one of the Muslim world's top columnists (his readers number in the millions), once pointed out to me that "the West took more than 100 years to reach a decent level of democracy. Why then do they expect us to attain democracy overnight?"

Another reason why informed Muslims accuse the West of hypocrisy is that Western nations have repeatedly encouraged secondary steps toward reform while totally ignoring the fundamentals upon which any robust democratic system depends.

Many also accuse the West of exploiting existing undemocratic practices of Muslim governments.

Another issue fueling accusations of Western hypocrisy is the not-invented-here syndrome. While British democracy

is different from America's, both are widely accepted as valid models of democracy. But when it comes to the Muslim world, non-Western democratic practices are not considered acceptable.

An example is Malaysia's successful democratic system, which is not widely praised in the West; yet Malaysia has not only achieved an exemplary level of political reform in only two decades, but has done so alongside unprecedented economic reform and development, combined with a full commitment to multiculturalism and the upholding of minority rights.

In stark contrast, consider the post-9/11 regression of human rights that has taken place in virtually every major Western country -- especially those that have incessantly pressured Muslim countries to abandon the levels of human rights awareness they may already have achieved. Such duplicity is truly hypocritical.

Not surprisingly, the U.S. leads the international pack of post-9/11 human rights violators, routinely detaining citizens of foreign countries for years without laying charges or allowing them access to legal counsel.

France has passed a legislation that would ban publicly worn religious attire -- particularly the hijab, or headscarf, worn by many Muslim women. This pending move has shocked the entire Muslim world and with good reason.

Banning building mosques with minarets will be soon part of Swiss law.

Is this kind of racism behavior we should expect from Western nations who've always prided themselves on being champions of liberal democracy?

Many Western-educated liberals in the Muslim world

could not even find adequate words to describe and respond to these indefensible actions.

Will other Western nations follow suit? Will there soon be a ban on building mosques? Will Muslims be forced to change their names, as happened to early 20th-century European Jews? Will they be barred from certain security-sensitive jobs? Many Muslim liberals fear it is now just a matter of time.

In Holland, the charismatic and ultra-conservative political hopeful, Pim Fortuyn, called for the closing of his country's borders to all Muslims, whose religion he described as "achterlijk" (backward).

The young man who killed Fortuyn was an animal rights activist, who declared Fortuyn's ideas were a menace to society. He is now serving 18 years in prison.

Democratic Western governments should be considering the use of "nonlethal torture" for interrogating resistant suspects, says Harvard University law professor Alan Dershowitz.

Insisting he does not advocate torture himself, Dershowitz suggested to law students at Canada's Université de Montréal that senior judges could be empowered to issue "torture warrants" permitting its limited use in cases of imminent national danger.

He also predicted that countries such as Canada, the U.S. and France might be among the first to use nonlethal torture for interrogation purposes; all of which must sound confusing and dangerous to Muslim countries whose potential models for democracy are crumbling around them.

11. **Conclusions**

When it comes to fundamental democratic reform, therefore, perhaps the Muslim world would do better to emulate Western democratic ideals of a century ago, not the hypocritical and schizophrenic brand being practiced today.

Muslim reformist political leaders and thinkers affirm that Islamic and Western world views are broadly compatible. Through free and liberal interpretation of Islamic Law and values, they seek to introduce Western concepts into the social and political life of Muslims for the common good. The only important questions are related to how this should be done from an Islamic point of view.

