Chapter 9

YUSUF AL-QARADAWI
1926–

Yusuf al-Qaradawi, by far the most prominent scholar and preacher in Sunni Islam at the beginning of the twenty-first century, is the founder of Islam Online, a major Web site that professes to provide authoritative guidance to Muslims on all matters of faith and practice. He is also the president of the European Council of Fatwa and Research, an organization concerned with addressing the problems faced by Muslims living in Western Europe, as well as the founding chairman of the International Union of Muslim Scholars, established in 2004 to foster ties among Muslim religious intellectuals throughout the world. Qaradawi has been a regular presence on the Qatar-based Arab satellite television station al-Jazeera, which, with an estimated audience of up to forty million, has given him a visibility in the Arab world unmatched by any other scholar. Over the course of a long and highly prolific career, Qaradawi has helped shape contemporary Islamism even as he has embodied some of the many tensions and ambiguities within it.

Qaradawi was born in 1926 in a village near Tanta in Lower Egypt. He studied in Tanta, at an institute of Islamic education affiliated to al-Azhar, the millennium-old seat of Islamic learning in Cairo, and later at al-Azhar itself. In 1973 he went on to receive a Ph.D. from this institution. Qaradawi had developed close ties with the Muslim Brotherhood while a student in Tanta. This brought him under the suspicion of the Egyptian state, and he was briefly incarcerated on several occasions in his youth. He would retain informal ties with the Muslim Brotherhood as well as a lifelong devotion to the teachings of the organization's founder, Hasan al-Banna, some of whose precepts have been the subject of elaborate published commentaries by Qaradawi (see Qaradawi 1991; n.d. [1992]; 2000b; 2001; 2005a).[1] In the early 1960s, Qaradawi left Egypt for Qatar

[1]This extraordinary series of books purports to be a systematic commentary on Banna's "Twenty Principles," a short tract in which the founder of the Muslim Brotherhood had laid out some key guidelines for his followers. The commentaries are meant, as Qaradawi puts it, to "treat diverse intellectual issues—of law and legal theory, faith and practice—where the [true] path might have become obscured" (Qaradawi 2001, 5). In its focus not on the Islamic foundational texts but rather on the work of an Islamist founding father, there are no parallels to this work in Islamist literature. It not only reveals something about the evolving genre of the commentary in contemporary Islam or Qaradawi's obvious admiration for Banna. It also provides a remarkable view of how an Azhar 'alim has sought to

to teach at a religious institute, and he has lived ever since in this oil-rich state on the Persian Gulf. Here, unlike Egypt, he has also enjoyed the patronage of the ruling elite.

Despite his long residence outside Egypt, Qaradawi's career has remained closely intertwined with the Azhar and reflects trends in the modern history of this institution. Since the nineteenth century, successive Egyptian governments have sought to reform the Azhar, with the most far reaching of these efforts taking place under President Nasser in 1961. The 1961 reforms established several new faculties specifically for the teaching of modern, secular sciences. The three existing faculties devoted to the Islamic religious sciences were themselves thoroughly restructured in the process. These reforms had sought to modernize the Azhar, to integrate it into the educational mainstream, and to bridge some of the distance between those educated in the religious sciences and the secular disciplines. In light of its stature in Egypt and abroad, an unstated goal in all this was to bring those associated with the Azhar under more effective regulation and thereby to shape the Egyptian religious sphere in accordance with the prescriptions of the governing elite. Over the course of the following decades, graduates of al-Azhar did indeed come to be better integrated into the educational mainstream but, as political scientist Malika Zeghal has argued, with consequences quite different from what the government had envisaged. By the 1980s, a sustained exposure to modern, secular education had given to the graduates of the Azhar a new ability to interact with those educated in other westernized Egyptian colleges and universities. Far from making the Azhar 'ulama more amenable to government regulation, this helped foster new alliances between them and the Islamists even as it substantially increased the Azhar's own influence in the Egyptian public sphere (Zeghal 1995; 1999). Qaradawi's religious training as an 'alim was largely complete before the 1961 reforms. But he received his Ph.D.—with a dissertation on the laws relating to zakat, one of the five "pillars of the faith" in Islam—a decade or so after these reforms had come into effect. Though he has no formal exposure to the Western sciences and he does not speak any Western languages, he has remained receptive to, and largely supportive of, the Azhar's expansion in the direction of the modern sciences. And none among the graduates of the Azhar has been more adept at forging ties with college- and university-educated Islamists, in Egypt and elsewhere, than Qaradawi.

A major theme in Qaradawi's discourses is what he characterizes as moderation or, more precisely, "centrism"—the teachings of "the centrist school" (*al-madrasa al-wasatiyya*) (Qaradawi 2000b, 243–307; 2006, 137–217; cf. Zaman 2004, 136, 144–46).[2] In matters of education, a

bridge some of the perceived distance between Islamists and the 'ulama by incorporating a key Islamist figure into the 'ulama's discursive tradition.

[2] "Moderation" is one of the characteristics of Qaradawi's centrism. The centrist school, he says, "views matters of religion and of life in a balanced and moderate way [*nazra mu-*

self-conscious path of moderation signifies the willingness of Muslims to be schooled in modern forms of knowledge even as they remain firmly anchored in the teachings of the Islamic foundational texts. (One of Qaradawi's daughters is a nuclear physicist: Bunting 2005.) So far as the Islamic intellectual heritage and especially the legal tradition is concerned, the path of moderation requires that people neither reject this tradition out of hand nor hold on to it in "blind imitation" of earlier authorities. The need for moderation, Qaradawi insists, ought to extend to politics as well. He has been severely critical of militant Islamist groups in Egypt and elsewhere, characterizing them as latter-day Kharijis in a reference to a sectarian orientation in early Islam, many of whose adherents branded other Muslims as unbelievers and resorted to indiscriminate violence against them. Like Muhammad Husayn Fadlallah of Lebanon, Qaradawi was among the most prominent of Muslim scholars condemning the terrorist attacks of September 11, 2001 (cf. Bunting 2005; also see chapter 16 on Fadlallah).

Qaradawi has also charted a self-consciously moderate path in rejecting Islamist contentions that democracy as a system of government is antithetical to Islam. Qaradawi has insisted, furthermore, that there is considerable scope for human legislation *within* the larger parameters laid down by God (cf. Qaradawi 1997, 64–65). People do not have the right to tamper with matters of ritual or render permissible things forbidden by God or vice versa. But in the broad arena where the foundational texts provide no explicit or detailed rules, it is for Muslims to devise specific laws. The broad "purposes of the shari'a" (*maqasid al-shari'a*) are discernible from the foundational texts, and these ought to guide Muslim conduct in all matters. But to put them into effect in particular situations again requires legislation, and this is the work not of God but of human beings (cf. Qaradawi 1997, 64–65). Though Qaradawi does not name either Mawdudi or Qutb in the context of his discussion of legislation by human beings, the contrast with their views is unmistakable. Neither

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tawazina mu'tadila], without excess or deficiency. . . . It is at the center in its view of religion, of the universe … and of the individual and the community" (Qaradawi 2006, 149–50). Qaradawi has also been one of the key intellectual influences on Egypt's Wasat (Center) Party (founded in 1996). Though an offshoot of the Muslim Brotherhood, those associated with the Wasat have insisted on their intellectual independence. They have professed strong commitment to women's rights, to democracy, and to pluralism (the founding members included not just Muslims but also some Coptic Christians); and they have been critical of the Muslim Brotherhood leadership and of many of what they see as their outmoded policies. These self-proclaimed "centrists" have faced considerable hostility from the leaders of the Muslim Brotherhood, but also from the Egyptian government, which has suspected it of simply being a new face of the outlawed Muslim Brotherhood (on the Wasat Party, see Norton 2006; Hatina 2007). Quite apart from such suspicions, there seems to be some uncertainty on the precise implications of the Wasat's centrism; and ambiguities in the discourse of centrist Islamists like Qaradawi have not helped clarify these implications (cf. Hatina 2007, 166–67).

Qutb nor Mawdudi envisaged much role for a legislative assembly. The proper role of a parliament in an Islamic state is, according to Mawdudi, not law making but only "finding" the law that God has already enunciated in the form of the shari'a. Beyond that, the parliament is meant only to be a consultative assembly, whose counsel the head of the Islamic state might choose to accept or reject. Qaradawi, for his part, not only sees the parliament as the legitimate arena for legislation; he also views it as a potentially effective check on the despotic tendencies of the rulers. Unlike many a fellow Islamist, he remains unconvinced that the Islamic commitment of the governing elites make them immune to the temptations of despotism, and this, to him, makes it necessary that the head of the state not merely "consult" the parliament but also be bound by its advice (cf. Qaradawi 2000b, 105).

A dexterous employment of modern technologies—print, satellite television, the Internet—has done much to enhance Qaradawi's visibility and influence in the contemporary Muslim world. It is not only the medium, however, but also the content of Qaradawi's discourses and the language in which they are articulated that underlie their broad resonance. A rhetoric of moderation and an insistence that varied Muslim groups and orientations share much more among themselves than they usually recognize, which accordingly ought to be the basis of an overarching unity against shared challenges, have also enabled Qaradawi to self-consciously speak to different audiences, including the 'ulama, the Islamists, and still others with a modern, Western education. In doing so, he has relied heavily on his credentials as one of the 'ulama to speak with authority on all matters Islamic. But in thinly veiled allusions to his own example, he has also insisted that the 'ulama's own authority depends not only on their grounding in the Islamic scholarly tradition but also on their ability to speak to people "in the language of the age."

There are significant ambiguities in Qaradawi's discourses, however. Nowhere are they more palpable than when it comes to the question of resorting to violence in pursuit of particular ends. For instance, even as he has continued to insist on moderation, in politics as in other areas of life, Qaradawi has endorsed Palestinian suicide bombings or, as he characterizes them, "martyrdom operations" (Qaradawi 2002). These are the new weapons of "those deemed weak" (*al-mustad'afun*)[3] against the haughty and the tyrannical, he says, and they constitute martyrdom rather than suicide, which Islamic law forbids. Indeed, they are the highest form of jihad (Qaradawi 2002, 6–7). Qaradawi quotes some medieval exegetes in suggesting that the Qur'anic injunction "not to contribute to your destruction with your own hands" (Q 2:195) need not be understood as an admonition against what might amount to suicidal attempts

[3]On this Qur'anic expression, see *Encyclopedia of the Qur'an*, s.v. "Oppressed on Earth."

to confront an enemy far superior to oneself. Laying down one's life would be abhorrent only if no benefit whatsoever is to come out of it. But if some harm can thereby be inflicted on the enemy forces, if they can be intimidated, or if other Muslims might be encouraged by one's own example to also challenge the enemy, then even the certain loss of one's life in the face of impossible odds is not a waste (cf. Qaradawi 2002, 11–13, citing, inter alia, the Hanafi exegete al-Jassas [d. 982]; see al-Jassas 1971, 1:262–63). That Palestinian suicide bombers kill Israeli civilians is justified, Qaradawi says, because Israel is "a military society whose men and women are soldiers in the army; they can be summoned at any moment" (Qaradawi 2002, 8). What distinguishes Palestinian suicide bombings from the terrorist attacks of September 11, 2001, is that the latter, according to Qaradawi, were not in self-defense. Further, the 9/11 hijackers "didn't just use their own bodies but those of all the others in the planes"; and their attacks killed numerous noncombatants, including many Muslims (Bunting 2005).

Other ambiguities lead to less strident pronouncements but are no less significant. Qaradawi's seemingly resounding endorsement of the compatibility between Islam and democracy is predicated, for instance, on the assumption that the citizens of the state are, in fact, predominantly Muslim and that, as such, they would not wish to legislate in ways that contravene God's commands. But if this is meant to reassure Islamist critics of democracy, it seems to suggest that Qaradawi would share some of their misgivings in cases where Muslims are a minority in a democratic polity. Yet so far as Muslims living as a minority in Europe are concerned, Qaradawi has urged them to participate in the political process in order to protect and promote their interests. There is no alternative to political mobilization for, as he puts it, "even if we leave politics alone, politics doesn't leave us alone" (Qaradawi 2007, 234). Western Muslims, he says, ought to preserve their distinct communal identity, as a society within the larger, non-Muslim society. At the same time, they ought to employ whatever political means might be available—for example, forming their own political organizations, joining parties attentive to their interests, or otherwise exerting their political influence—to ensure that their voice is heard and their demands heeded (ibid., 231–39). How his endorsement of Muslim political participation in Western democracies is to be reconciled with his suspicion of democratic polities in which non-Muslims outnumber Muslims remains unclear.

Qaradawi has also argued that Islam, properly understood, does not prevent women from participating in public and political affairs. Yet, he does not believe that a woman ought to serve as the head of the government, and this on grounds that Islam reserves supreme political authority for men. It is at this point that his exchange with his (unnamed) Islamist interlocutors is telling. As he reports it, those opposed to women's political participation argue that, if women are allowed entry into a legislative

assembly, they would exert authority over men inasmuch as the legislative assembly represents a check on the executive branch of the government; restricting the highest political offices to men does not offer enough reassurance that men rather than women would ultimately be in charge. Qaradawi counters this objection by noting that the authority to check the conduct of the executive belongs not to any particular member of the legislative assembly but to the assembly as a whole, and most members of the assembly would, he assumes, continue to be men (Qaradawi 1997, 165, 168). This sort of reasoning again suggests that Qaradawi would share his critics' misgivings if women were, in fact, to outnumber men in a legislative assembly. It is in terms of the same logic that he favors, against other Islamists, the participation of non-Muslims in the electoral process and their membership in the legislative assemblies: such participation and membership is unproblematic as long as the Muslim majority continues to have a decisive voice (Qaradawi 1997, 193–98, esp. 194–95).

Qaradawi's commitment to democracy turns out to be less robust and more ambivalent than his rhetoric would suggest. His endorsement of its compatibility with Islam is nonetheless stronger than that of many fellow Islamists, and he is eager to put this difference on display. Even as he has sought to bridge the distance between Islamists and the 'ulama, as well as those within the ranks of each, it is in his public *disagreements* with them that he has sought to articulate his own authority in the transnational Muslim public sphere. Unlike many among them, a self-conscious commitment to centrism and moderation and a much vaunted ability to "speak the language of the age" have enabled him to reach audiences not only schooled in modern institutions of learning but also wary of secular *and* religious authoritarianism. Yet there are other audiences to keep and cultivate as well. The very stringency of some of his positions not only serves, paradoxically, to underscore his moderation in other areas but also helps enhance his appeal for those who might otherwise be insufficiently receptive to him precisely for what they deem to be an excessive moderation.

ISLAM AND DEMOCRACY

Question: You are aware of my astonishment, Your Excellency, on hearing certain religious zealots—some of whom are associated with Islamic groups—assert that democracy is incompatible with Islam. One of them even invoked some religious scholars as claiming that democracy is unbelief. His argument was that democracy signifies the rule of the people by the people, whereas in Islam it is not the populace but God who is the ruler: "Judgment [*al-hukm*] is for God alone" (Q 6:57). This is similar to what the Kharijis had said, to which 'Ali ibn Abi Talib [the fourth caliph, r. 656–61] had responded, "A truthful statement, albeit one through which falsehood is sought." People of liberal leanings (*al-liberaliyyin*) and advocates of freedom have come to believe that the Islamists (*al-Islamiyyin*) are the opponents of democracy and supporters of dictatorship and despotism. Is it true, then, that Islam is opposed to democracy and that democracy is a form of unbelief or something reprehensible, as some claim? Or is this rather a false accusation of which Islam is innocent?

This is an issue in need of a decisive clarification from scholars of the centrist school, those inclining neither toward extremism nor toward permissiveness, so that the matter is settled and Islam is not saddled with false interpretations. Even if it is religious scholars who have expressed these [incorrect views about democracy], they are only human and, as such, prone as much to being wrong as to being right. We pray that God helps you clarify the truth with textual evidence, so that you can demonstrate what is correct in this matter, answer doubts concerning it, provide decisive proof, and be rewarded [by God]. From "M.S.," a Muslim admirer from Algeria.

Answer: I am very sad that matters have all become so confused, with falsehood being mistaken for truth by pious people in general, and by some of those who speak for religion, in particular. The extent to which this has happened is indicated by the question of this inquiring brother: people easily accuse others of unbelief and sinfulness, as though this in itself is not a grave sin in Islamic law. Indeed, such accusations [of unbelief] rebound to the one who directs them at others, as is suggested by an authentic hadith report.

The question that has been put forward is not new to me. I have been asked this many times by brothers from Algeria, and very bluntly: "Is democracy unbelief?" I was in Sidon, in Lebanon, to give a lecture some weeks ago. Afterward, I was asked about whether it was legitimate for Turkey's Islamic party, Refah, to be part of a secular, democratic government.[4] To the questioner, I had said: "The judgment in this matter ought to be based on a 'jurisprudence of comparing [pros and cons].' If the interests of Islam and Muslims require such participation, it becomes permissible." To this the questioner retorted: "How can participation in a democratic government be permissible when democracy is unbelief!" He had also given me a tract on this topic.[5]

1

It is strange that some people condemn democracy as obviously sinful, even as unbelief, without any sophisticated knowledge or understanding of it, other than [an acquaintance with] its name and appearance. Yet, it is a well-established principle of our earlier scholars that the judgment on something flows from its concept: the judgment is erroneous if one is ignorant of what one is judging, even if one happens to arrive at the cor-rect decision. For that would be like shooting in the dark. Thus, as es-tablished by a hadith report, a judge who judges in ignorance will go to hell, as would one who knows the truth but does not judge according to it.

People around the world call for democracy. Countless multitudes have struggled for it in the East and the West. Some have attained it only after bitter struggle against tyrants, in which much blood has been spilled, and thousands—nay millions—have laid down their lives, as in Eastern Europe and elsewhere. Many among the Islamists see in democracy the preferred means for restraining the sort of individual, arbitrary rule and political despotism that afflicts our Arab and Muslim peoples. Is this democracy reprehensible, a matter of unbelief, as some rash and shallow people repeatedly assert?

[4]The Refah Party, a political organization founded in 1983 with conspicuous Islamic leanings, came to power as part of a coalition in 1996. But the government, headed by Necmettin Erbakan, did not survive for more than a year, falling in the face of opposition from the Turkish secular establishment, which feared that the Islamist Refah was seeking to undermine the fundamental norms of the Turkish Republic. The party was outlawed by the Turkish Constitutional Court in early 1998.

[5]The subheadings in the original Arabic text have been removed in this translation and replaced with consecutively numbered sections. Some of the paragraphs in the original have also been consolidated in the interest of clarity and coherence. The overall organization of the chapter remains faithful to the Arabic original, however.

2

The essence of democracy—regardless of academic definitions and terminology—is that people choose who rules over them and manages their affairs; that no ruler or regime they dislike is forced upon them; that they have the right to call the ruler to account if he errs and to remove him from office in case of misconduct; and that people are not forced in economic, social, cultural, or political directions that they neither recognize nor accept, such that if someone were to protest or oppose this, he would be punished or frightened off, tortured, even killed. This is the essence of real democracy, for which humanity has found such forms and practical approaches as elections and referenda, majority rule, multiparty systems, the right of the minority to express its opposition, the freedom of the press, and the independence of the judiciary. Does such democracy contradict Islam? Where does the contradiction come from? And what evidence from the Qur'an and the *sunna* supports claims regarding any such contradiction?

3

In fact, whoever contemplates the essence of democracy finds that it accords with the essence of Islam. Islam rejects the idea that people be led in prayer by someone they do not accept and, indeed, despise. As a hadith report says, "The prayer of three sorts of people does not rise even the span of one hand above their heads . . . ," the first of whom is "an imam who leads people in prayer even though they despise him." If this is the case with ritual prayers, it is all the more so in matters of life and politics. As another hadith report puts it: "The best of your imams—that is, rulers—are those who love you and whom you love, those who pray for you and you for them. The worst of your rulers are those you hate and who hate you, those you curse and who curse you."

4

The Qur'an launches an intense attack on "divine" rulers on earth, those who take the slaves of God as their own slaves. An example of these is Nimrod, who is mentioned in the Qur'an with reference to his stance toward Abraham and Abraham's stance toward him: "[Prophet], have you not thought about the man who disputed with Abraham about his Lord, because God had given him power to rule? When Abraham said, 'It is my Lord who gives life and death,' he said, 'I too give life and death.' So Abraham said, 'God brings the sun from the east; so bring it from the west.' The disbeliever was dumbfounded: God does not guide those who do evil" (Q 2:258). This tyrant claimed that

he gave life and caused death—just like the Lord of Abraham, the Lord of all the worlds—so that people should submit to him just as they did to the Lord of Abraham! His insolence was such that he picked two passers-by, condemned them both to death for no crime, executed one of them and pardoned the other. "Here," he said, ". . . don't I give life and death?" Nimrod was like the Pharaoh, who declared to his people: "'I am your supreme lord'" (Q 79:24), and bragged: "Counsellors, you have no other god that I know of except me" (Q 28:38).

The Qur'an draws attention to an unholy alliance among three evil parties: first, the divine ruler oppressing God's lands, as represented by the Pharaoh; second, the upstart politician, who puts his intelligence and experience at the service of the tyrant to strengthen his rule and to make people submit to him (this [party] is typified by Haman); finally, the capitalist or the feudal lord who benefits from the regime of the tyrant and supports it with some of his wealth in order to extract more money from the sweat and blood of the people (this is represented by Korah). The Qur'an mentions this triad as allied in its evil and aggression and as standing in opposition to the prophethood of Moses, until God seized them with His power: "We sent Moses with Our signs and clear authority to Pharaoh, Haman, and Korah, and they said, 'Sorcerer! Liar!'" (Q 40: 23). "[Remember] Korah and Pharaoh and Haman: Moses brought them clear signs, but they behaved arrogantly on earth. They could not escape Us" (Q 29:39). Remarkably, Korah belonged to the people of Moses rather than to those of the Pharaoh. Yet he rebelled against his own people to join hands with their enemy, the Pharaoh, who accepted him. This shows that, for all the differences of lineage and race, it was material interests that united them.

5

One of the marvels of the Qur'an is the link it suggests between tyranny and the spread of corruption, which, in turn, is the reason behind the ruin and destruction of nations. As God says: "Have you [Prophet] considered how your Lord dealt with the people of 'Ad, of Iram, the city of lofty pillars, whose like has never been built in any land, and the Thamud, who hewed into the rocks in the valley, and the mighty and powerful Pharaoh? All of them committed excesses in their lands, and spread corruption there: your Lord let a scourge of punishment loose on them. Your Lord is always watchful" (Q 89:6–14). The Qur'an seems to refer to tyranny with the term *'uluww* (grandeur) in the sense of arrogance and domination over God's creatures through their humiliation and oppression. It is in this vein that God says of Pharaoh: "he was a tyrant [*'aliyan*] who exceeded all bounds" (Q 44:31); "Pharaoh made himself high and mighty [*'ala*] in the land and divided the people into different groups: one group he oppressed, slaughtering their

sons and sparing their women—he was one of those who spread corruption" (Q 28:4). We see, then, that tyranny and corruption go hand in hand.

6

The Qur'an does not limit its attack to "divine" tyrants alone. It extends [its criticism] to the people and nations that follow them, obey their commands, and submit to them; and it holds them responsible alongside [the rulers]. As God says concerning the people of Noah: "Noah said, 'My Lord, they have disobeyed me and followed those whose riches and children only increase their losses" (Q 71:21). Regarding 'Ad, the people of Hud, God says: "These were the 'Ad: they rejected the Lord's signs, disobeyed His messengers, and followed the command of every obstinate tyrant" (Q 11:59). And as regards the people of the Pharaoh, God says: "In this way he persuaded his people and they obeyed him—they were perverse people" (Q 43:54); ". . . they followed Pharaoh's orders, and Pharaoh's orders were misguided. He will be at the forefront of his people on the Day of Resurrection, leading them down towards the Fire. What a foul drinking place to be led to!" (Q 11:97–98). God holds the people wholly or partly responsible, for they are the ones who "make" the Pharaohs and tyrants. This is what is meant by the following saying: "The Pharaoh was asked, 'What made you the Pharaoh?' He responded: 'I found no one trying to resist me.'"

7

Those who are most culpable for the tyrants' misconduct are, however, the "instruments of his power." The Qur'an refers to these as "the armies," that is, as military prowess: these are the teeth and claws of political power, the whip that burns the backs of the people if they rebel, or even think of rebelling. The Qur'an says: "Pharaoh, Haman, and their armies were wrongdoers" (Q 28:8); "So We seized him and his armies and threw them into the sea. See what became of the wrongdoers!" (Q 28:40).

8

The teachings of the Prophet likewise condemn the unjust and oppressive rulers who lead the people by force, allowing no one to contradict or question them. These rulers will plunge into hellfire like moths. The Prophet, too, condemns those who associate with and assist these unjust

rulers. He criticizes the people who become so fearful that no one among them can call an unjust ruler "unjust." According to a hadith report narrated by Abu Musa, the Prophet said, "There is a valley in hell with a well named Habhab. God will surely lodge every obstinate tyrant in it." According to a hadith report narrated by Mu'awiya, the Prophet said, "After me, there will be rulers who are never contradicted. They [that is, such rulers, and those submitting to them?] will plunge into hell like monkeys." According to a hadith reported by Jabir, the Prophet said to Ka'b ibn 'Ujra: "May God save you from the rule of the foolish, O Ka'b." Ka'b asked: "What does the 'rule of the foolish' mean?" The Prophet answered: "There will be rulers after me who do not guide others according to my guidance and who do not follow my example. Those who affirm their lies and assist them in their injustice will have nothing to do with me, nor I with them. They will not alight at my river [in Paradise]. As for those who do not affirm their lies and do not assist them in their injustice, they belong to me and I to them, and they will alight at my river [in Paradise]." According to a hadith report narrated by Mu'awiya, "God does not sanctify a people among whom matters are not judged rightfully and among whom the weak cannot secure his rights against the strong without difficulty." And a hadith report narrated by 'Abdallah ibn 'Amr says, "When you see my community too afraid to call an unjust [ruler] 'unjust,' bid farewell to them."

9

Islam has established the principle of consultation as one of the basic principles of an Islamic [way of] life. It has obligated the ruler to consult others and obligated the community to offer advice, making [the rendering of] advice [equivalent to following] the religion itself. The advice is for the imams of the Muslims, that is, for their notables and their rulers. Islam has likewise made "commanding right and forbidding wrong" an obligation. Indeed, it deems speaking the truth to the oppressive ruler to be the most meritorious form of jihad. This means that Islam considers resistance against domestic tyranny and corruption to have priority over resisting foreign aggression, for the former is frequently the cause of the latter.

10

The ruler, as viewed by Islam, is the representative of the community and thus its employee. It is a basic right [of the community] to hold its representative accountable or to divest him of this position whenever it wishes and especially if the representative fails in his obligations. In Islam, the ruler is not an infallible authority. He is, rather, a human

being whose actions might be right or wrong, who might be just or unjust. Among the rights of the Muslims is to show him the right way when he errs, to set him straight when he deviates. This is what the greatest of Muslim rulers after the Prophet have declared, namely, the Rightly Guided caliphs whose example the Prophet has ordered us to assiduously follow inasmuch as it is an extension of the normative example of the First Teacher, Muhammad himself. In his first address, Abu Bakr, the first caliph [r. 632–34], said: "O people! I have been appointed over you though I am not the best of you. If you see me in the right, assist me. If you see me in error, guide me to the right way. . . . Obey me as long as I obey God in your matters. If I disobey Him, you have no obligation to obey me." The second caliph, 'Umar [r. 634–44], said: "May God have mercy on the person who points me to my faults." And he said, "O people, whosoever sees any crookedness in me ought to set me straight." Someone from among the people responded: "By God, O son of al-Khattab, if we see any crookedness in you, we will set it straight with the sharp edge of our swords!" A woman once contradicted him while he was speaking at the pulpit. He took no offense at this, but rather said: "The woman is right and 'Umar is wrong!" 'Ali ibn Abi Talib [likewise] said to a man remonstrating with him about something, "You are right, and I am wrong. 'Above everyone who has knowledge there is the One who is all knowing'" (Q 12:76).

11

Islam antedates democracy in establishing the basic principles on which the essence of democracy rests, but it has left the details to be worked out by Muslims through their independent reasoning (ijtihad) and in accordance with the principles of their religion, their worldly interests, the evolving circumstances of their lives in terms of time and place, and changing human conditions.

12

The virtue of democracy is that it has found—in the course of its long struggle against unjust and oppressive rulers—forms and means that still comprise the best guarantees for protecting people from tyrants. It is not free of faults, but the same is true of all human activities. There is nothing to stop people—and their thinkers and leaders—from seeking other forms and procedures that might be better. Until such procedures are found, however, it is necessary to adopt those of democracy, for they are indispensable to the application of justice, for consultation, respect for human rights, and resistance against exalted rulers on earth.

It is a well-established principle of the shari'a that anything that serves as an indispensable means toward fulfilling an obligation is itself to be deemed obligatory. When the desired goals of the shari'a (*al-maqasid al-shar'iyya*) can be attained only through particular means, such means have the same legal effect as the goals themselves. There is no Islamic legal impediment to acquiring an idea or a practical solution from non-Muslims. At the time of the Battle of the Joint Forces, the Prophet dug a trench [around his town, Medina], which was a tactic he took from the Persians. He had also benefited from polytheists taken prisoner at the Battle of Badr who could read and write, as he had them teach writing to Muslim children even though they were unbelievers.[6] Wisdom, after all, is the lost property of the believer; he has the most rightful claim to it, wherever he finds it.

In some of my books, I have noted that we have the right to borrow from others whatever ideas, methods, and systems might be beneficial to us as long as they do not contradict the clear dictates of the foundational texts or the established principles of the shari'a. We should be able, however, to modify what we borrow, to add to it, and to wrap it in our spirit so that it becomes a part of us and loses its original character. Thus, we ought to adopt the procedures of democracy, its mechanisms and its guarantees as they suit us, retaining the right to make alterations and modifications. But we are not to adopt its [underlying] philosophy, which can turn the forbidden (*al-haram)* into the permissible (*al-halal*) and vice versa, or invalidate things made obligatory by religion.

13

If we look at a system like that of elections or voting, we find that, from an Islamic point of view, voting is [the equivalent of] legal testimony for a candidate's abilities. Consequently, it is necessary for a voter to have the qualifications of a legal witness, namely, probity and good character. As God says, "Call two just witnesses from your people" (Q 65:2), "of those you approve as witnesses" (Q 2:282). It is possible to ease the proviso of probity and its conditions in a way that suits the situation, so that most of the citizens can "bear witness" and only those convicted for a dishonorable crime are excluded. If someone testifies that a bad person is actually good, he commits a grave sin, namely,

[6]The Battle of the Joint Forces, also known as the Battle of the Trench (627), was fought between the Muslims of Medina and the Meccan polytheists, the latter accompanied by a substantial number of their allies; hence its designation as the Battle of the Joint Forces. Chapter 33 of the Qur'an refers to this battle and takes its name from it. The Battle of Badr, fought between Muslims and the Meccan polytheists in 624, was the first major military encounter between them, following Muslim emigration (*hijra*) from Mecca to Medina in 622.

bearing false witness, which the Qur'an links to associating partners with God: "Shun the filth of idolatrous beliefs and practices and shun false utterances" (Q 22:30). If someone testifies to a candidate's qualifications merely on the ground that the candidate is a relative of his or is from the same town, or in hopes of some personal gain, he disobeys God's command to "establish witness for the sake of God" (Q 65:2). If someone avoids his electoral obligation, with the result that the competent and trustworthy candidate loses and the undeserving candidate—one not "strong and trustworthy" (Q 28:26)—wins a majority, he has thereby disobeyed God's command to bear witness when called to it, and he has concealed the sort of testimony of which the community is most in need. As God says, "Let the witnesses not refuse when they are summoned" (Q 28:26) and "Do not conceal evidence: anyone who does so has a sinful heart" (Q 2:283). The same is true, indeed all the more so, of the qualifications of the candidate. With the addition of such rules and guidelines to the electoral system, we can make it an Islamic system even though it is originally borrowed from others.

14

What I want to focus on here is what I alluded to at the beginning, namely, the essence of democracy. This is, most definitely, in agreement with the essence of Islam, provided we go back to the original sources—the Qur'an, the sunna, and the actions of the Rightly Guided caliphs—and derive it from them rather than from the history of unjust leaders and evil kings; from the fatwas of damned scholars of the throne; or from those who are sincere but hasty [in judgment] and lack any firm foundation in knowledge.

The assertion that democracy signifies the rule of the people by the people, and that this entails a rejection of the principle that sovereignty belongs to God, is not an acceptable view. For the principle of popular rule, which is the foundation of democracy, stands in opposition not to God's rule—the basis of Islamic law—but rather to the rule of the individual, which is the basis of dictatorship. A call for democracy does not necessitate a rejection of God's sovereignty over human beings. Indeed, this does not even occur to most people calling for democracy. What they do seek [in calling for democracy] is rather the rejection of dictatorship, a refusal to accept oppressive and tyrannical rulers—the sort characterized in hadith reports as "the lethal ruler" and "coercive government." Indeed, all they mean by democracy is that the people elect their rulers as they please, that they hold them accountable for their actions, that they refuse their orders when these violate the nation's constitution—that is, in Islamic terms, when the rulers command that which is sinful—and that the people have the right to remove

the rulers when they deviate and act unjustly and when they don't listen to advice or warning.

15

I would like to emphasize here that the principle of God's sovereignty (*al-hakimiyya li'llah*) is a genuine Islamic principle, affirmed by all jurists in their discourses on Islamic government and on the [position of] the ruler. They are agreed that the ruler is [ultimately] God Himself, with the Prophet being our source of information about Him, and that it is God who decrees and proscribes, who makes things permissible and forbidden, who lays down the law and who judges.

The Khariji statement, "Judgment belongs to God alone," is true and correct in itself, but what they were criticized for was their placing it in the wrong context and arguing from it to deny human arbitration in situations of conflict. Such a conclusion contradicts the Qur'an, which recognizes arbitration on more than one occasion, most famously in case of spouses should there be discord between them. It is for this reason that 'Ali had responded to the Kharijis by saying, "[Theirs is] a truthful statement, albeit one through which falsehood is sought." He did acknowledge the truth of their words, but criticized them for misunderstanding it. It could not but be a true statement, after all, for it was derived from the clear words of the Qur'an: "All command belongs to God alone" (Q 12:40; Q 6:57).

The sovereignty of God over all creatures is indisputable, then. This sovereignty is of two kinds. The first is "universal" and "determinative" (*hakimiyya kawniyya qadariyya*), in the sense that God governs all existence, directing it with His commands and His unchanging practices, some of which we know and others remain unknown. This [kind of sovereignty] is referred to in God's statement: "Do they not see how We come to [their] land and shrink its borders? God decides [*yahkum*]—no one can reverse His decision [*hukmihi*]—and He is swift in reckoning" (Q 13:41). God's rule here evidently means a determinative sovereignty over the cosmos rather than a legislative sovereignty.

The second kind of sovereignty relates to legislation and commands (*hakimiyya tashri'iyya amriyya*), that is, the authority to impose legal obligations, to command and to forbid, to make things binding or a matter of choice. This sort of sovereignty manifests itself in what God has sent with the Messengers and in the Books He has revealed, whereby He has set forth the law, instituted legal obligations, and made things permissible and forbidden. No Muslim who accepts God as his Lord, Islam as his religion, and Muhammad as a messenger and prophet denies this.

The Muslim who calls for democracy seeks it as a form of governance that embodies the political principles of Islam regarding the choice of

the ruler, consultation and advice, commanding right and forbidding wrong, resisting oppression and rejecting sinfulness, especially when the latter reaches the point of "open unbelief" (a matter on which God has provided clear proof). This is [to be] confirmed by the constitution's stipulation, even as it upholds democracy, that Islam is the religion of the state and that the shari'a is the source of law. This would affirm the sovereignty of God, that is, the sovereignty of His law and the fact that that law is supreme. By way of further emphasis, unambiguous articles could be added to the constitution to the effect that any law or system that violates the absolutely certain norms of the shari'a will be null and void. The call for democracy does not, then, entail the rule by the people as a *substitute* for God's rule, for there is no contradiction between the two. Even if this [substitution] was inherent in democracy, the correct view, according to Muslim scholars, is that what is unavoidable (*lazim*) as part of a legal doctrine (madhhab) is not to be reckoned as the standard doctrine [of a school of law], and that people should not be deemed infidels or sinners simply because, in adhering to the standard doctrines, they might also abide by their unavoidable corollaries. For it may well be that they do not really adhere to such corollaries and do not even think about them.

16

Among the arguments advanced by Islamists (*al-Islamiyyun*) who view democracy as an imported ideology with no relation to Islam is that democracy rests on majority opinion. This majority is always correct, be it in the appointment of the rulers, in the management of affairs, or in resolving disagreements. The vote is the source of all judgment and authority: whichever opinion wins an absolute or even a relative majority is implemented, even if it happens to be wrong. Islam, in the view of such critics, does not accept this procedure. It does not privilege one opinion over others simply because of the majority principle. Rather, Islam weighs the opinion in question to determine whether it is, in fact, correct or incorrect. If it is correct, it is implemented even if it has a single voice in support, indeed, even if no one supports it. And if the opinion in question is wrong, it is rejected even if it has the support of ninety-nine percent [of the voters].

[According to this view], Qur'anic passages themselves show that the majority is always with falsehood and on the side of the "idol" (taghut). God says, for instance: "If you obeyed most of those on earth, they would lead you away from the path of God" (Q 6:116); and "However eagerly you may want them to, most men will not believe" (Q 12:103). Qur'anic verses often end with phrases such as: ". . . though most

people do not realize it" (Q 7:187); ". . . truly, most of them do not use their reason" (Q 29:63); ". . . though most people do not believe so" (Q 11:17); ". . . but most of them are ungrateful" (Q 2:243). The Qur'an likewise suggests that good people are few in number. As God says: ". . . few of my servants are truly thankful" (Q 34:13); and ". . . those who sincerely believe and do good deeds do not do this, but these are very few" (Q 38:24).

Such views, however, only undermine those who hold them, because they are based on error and confusion. For our discussion of democracy assumes a *Muslim* society, most of whose members "do realize," "do use their reason," "do believe," and "are grateful." We are not talking about a society comprising those who renounce the truth and go astray from the path of God.

17

There are things that do not belong to the realm of voting, for they are firmly established matters not subject to any change—except if the very nature of society changes in a way that it can no longer be considered a Muslim society. Thus, there is no scope for voting concerning the absolute certainties (*qat'iyyat*) of the shari'a, the fundamentals of the faith, and in matters of "necessary" religious knowledge. There can be voting only on matters of human judgment (*al-umur al-ijtihadiyya*), which are open to more than one opinion and about which people normally differ. These might include the choice of one among many candidates for a particular office, including that of the head of the state; traffic regulations; the organization of commercial and industrial complexes and hospitals; things referred to by the jurists as matters of the common good; the declaration of war and its cessation; the imposition or removal of taxes; the question of whether to declare a state of emergency; limiting or renewing the president's term of office; and so forth. If opinions differ on such matters, are they to be left unresolved? Should an opinion be preferred without any basis at all? Or should there be some grounds for doing so?

18

Reason, the sacred law, and the [demands of the] real world all affirm that some criterion is necessary to tip the balance in circumstances of disagreement. This criterion is the principle of numerical majority: the opinion of two is more likely to be correct than the view of a single person. As a hadith report puts it: "The devil accompanies the single

person, but he is farther from two." The Prophet is also reported to have said to Abu Bakr and 'Umar: "If you had both agreed on a matter, I would not have opposed you." This means that two voices have preference over a single one even if the latter is that of the Prophet himself—as long as this does not concern the sacred law or the delivering of God's message [in which no one else has any say]. We likewise see the Prophet following the majority opinion on the occasion of the Battle of Uhud [624] and going out of Medina to confront the polytheists rather than staying within the town to fight in its streets, as had been his own opinion and that of his leading companions.

An even clearer proof [of the majority principle] comes from 'Umar's stance as regards the six members of the consultative council he had nominated [on his deathbed] for the caliphal office: they were to choose one of them by majority vote and all others were to obey the one chosen. If the council was evenly split, they were to take a tie-breaker from outside their ranks, namely, 'Abdallah ibn 'Umar. If they did not accept even his verdict, then they were to follow the decision of the three members that included 'Abd al-Rahman ibn 'Awf among them.

There is clear praise in hadith reports for "the great multitude" and the obligation to follow it. The "great multitude" means the generality of the people, their preponderant number. This is a hadith report that has been narrated through various chains of transmission, some of which are highly reliable. The idea of this hadith is supported by the scholars' reliance on the views of "the generality" in matters of disagreement and by their seeing in this—other things being equal—the basis for preferring [one opinion over another]. In some of his writings, Abu Hamid al-Ghazali [d. 1111] has also affirmed the principle of deciding by the majority in case the viewpoints [between which a decision is being made] are otherwise equivalent.

The statement that preference should be given to what is correct even if it has no support, and that what is wrong should be rejected even though ninety-nine percent of the voters support it, holds only for matters definitively settled by the sacred law, so that there is no scope for disputation or disagreement in them. But such matters are very few. They are the sort of things about which it is said: "The 'community' is that which agrees with the truth, even if it is a community of one." As for matters pertaining to considered human judgment, which are not regulated by the foundational texts, or the textual indications concerning them that are open to more than one interpretation, or such indications that are contradicted by others of equal or greater weight, there is no alternative to a means through which the disagreement is resolved. Voting is such a means. People are familiar with it; the wise, including Muslims, accept it; and there is no impediment to it in the shari'a—indeed, there are textual and historical indications to support it.

19

The first thing to afflict the Muslim community in its history was the neglect of the principle of consultation and the transformation of the Rightly Guided caliphate into a "grasping kingdom," referred to by some companions of the Prophet as the kingdom of the Caesar or of the Persian kings. The contagion of despotism came to be transferred to Muslims from the lands God had given them. They ought to have learned from the example [of the conquered people] and to have avoided the sins and vices that had become the cause of the decline of those kingdoms. But alas, the Muslims transferred the worst of what they found in the political life of the earlier kingdoms—namely, despotism and arrogance—to their own state, a state that ought to have been led by people who did not seek grandeur on earth and who were not corrupt.

Whatever has come to afflict Islam and Muslims in the present age has come from despotism, imposed on people with the carrot and the stick. It is only through coercion and tyranny, the resort to fire and sword, that the shari'a has been suspended, secularism imposed, and people forced to westernize. It is only through the power of despotism—sometimes brazen, at other times concealed in spurious democratic claims; sometimes openly controlled by anti-Islamic forces, at other times from behind the scenes—that the call to Islam and the Islamic movement have been suppressed and those associated with it tortured and banished.

20

The resurgence of Islam owes itself to whatever little freedom has been available to it. It is through this freedom that Islam has been able to raise its voice and spread its message, to demonstrate its harmony with the innate human dispositions awaiting it, so that eager ears can hear its message and starved intellects can be satiated with it. The very first battle confronting the call to Islam, the Islamic awakening, and the Islamic movement is the battle for freedom. It is therefore imperative on all those with an Islamic zeal to stand together in calling for this freedom and in defending it, for there is no alternative to it.

I am not fond of using foreign terms, such as democracy, to express Islamic ideas. I prefer to use Islamic terms to express Islamic values and concepts, for this is more appropriate in expressing our distinct identity. Yet, if a particular term becomes widespread in popular usage, we can hardly shut our ears to it. Rather, we ought to understand how it is used so we don't misunderstand it, or take it to mean something other than

what those using it mean by that term. In doing so, our view of the term in question would be sound, irrespective of its foreign origins. After all, one's judgment must depend not on a thing's names and titles but rather on its contents. Many writers and preachers have, moreover, used the term "democracy" in their writings without finding anything wrong with it. For instance, the late Professor 'Abbas al-'Aqqad wrote a book titled "Islamic Democracy." And Khalid Muhammad Khalid has gone so far as to characterize democracy as Islam itself! (I have commented on the latter in my *Islamic Revival and the Concerns of the Arabs and the Muslims*.) Numerous Islamists have also called for democracy as a form of government, as a safeguard for freedom, and as a protection against the tyranny of the ruler, on the understanding that real democracy represents the interests of the people, not those of the ruler and his entourage. Yet simply raising the flag of democracy is hardly enough when its spirit is being eviscerated with prisons and flogging; when military tribunals mete out prison sentences, take away livelihoods, and execute people; and when emergency laws hound anyone who might have an independent opinion, anyone who dares to say "why," let alone "no," to the ruler.

I am one of those who call for democracy [not simply as a slogan but] because it is a feasible and disciplined means to an honorable life, one in which we can call others to God and to Islam according to our beliefs and without being thrown into dungeons or executed. This democracy would also be the means to a free and honorable life for our people, in which they enjoy the right to choose their rulers, to hold them accountable, and to change them if they go astray without having to resort to revolutions or assassinations.

21

It remains for me to comment on the assertion of some scholars that consultation is only for informational purposes rather than something binding, that the ruler ought to consult but that he is not bound to follow the advice of those he consults, [traditionally called] the People who Loosen and Bind. I have refuted this claim elsewhere, making it clear that consultation has no meaning if the ruler consults but then does as he and his retinue please. How can those referred to in our tradition as the People who Loosen and Bind be characterized as such when, in fact, they do not "loosen" or "bind" anything?

In his exegesis of the Qur'an, Ibn Kathir [d. 1373] quotes Ibn Mardawayh as reporting that 'Ali was asked about the meaning of "deciding [on a course of action]" in God's statement: "Consult with them about matters, then, when you have decided on a course of action, put your

trust in God" (Q 3:159). 'Ali said that it meant consulting with people of considered opinion and then following them.

Even if there are two [different] opinions on this matter, the view that affirms the [ruler's] *obligation* to follow advice should be preferred in view of the history of despotism in our community. Whatever disagreement there might be on this matter, once the community—or a group in it—decides to opt for the view that consultation ought to be binding, then all disagreement ends and adherence to what has been agreed upon becomes religiously binding. Muslims are bound by their stipulations. Consequently, if the ruler is elected in accordance with *this* stipulation [regarding the binding character of the results of consultation], he cannot violate it in favor of anything else. Muslims—as I have said, and as a hadith report affirms—are bound by their stipulations; and fulfilling the contract is obligatory. "Fulfill any pledge you make in God's name and do not break oaths after you have sworn them, for you have made God your surety" (Q 16: 91).

When 'Abd al-Rahman ibn 'Awf offered to 'Ali that people would pledge allegiance to him on the stipulation that he adhere to the Book of God, the normative example of the Prophet, and the practice of his two predecessors, Abu Bakr and 'Umar, he refused the last stipulation, that is, adherence to the practice of his predecessors. For to accept it would have meant that he would be bound by it. He rejected this because he was a religious leader (*imam*) in his own right, with his own considered judgment independent of those of his predecessors; the times and circumstances, too, had changed. 'Uthman, for his part, did accept this stipulation and, accordingly, he was rendered the oath of allegiance on its basis. This testifies to the fact that the ruler must, as far as possible, adhere to the stipulations according to which people have pledged allegiance to him. This is how the Islamic principle of consultation is close to the spirit of democracy or, rather, how the essence of democracy comes to accord with the spirit of Islamic consultation. All praise belongs to God, the Lord of all worlds.