Islam and Democracy: Malaysia in Comparative Perspective

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I begin by making some bold assertions. We, as in we all, regardless whether it is the Muslim world or the West or Asia, are facing great challenges. This is no time for equivocation.

So, let me first state firmly: Islam and democracy are fully compatible. The contention that they are diametrically opposed to each other is without foundation.

Secondly, Boko Haram, al-Shabab, ISIS and all other terrorist organizations that resort to killing innocent people, raping, kidnapping and forced conversions have no legitimacy whatsoever and the term Islam or Islamic state cannot be ascribed to them. Period.

Thirdly, the ulema, Muslim clerics, influential Muslim organizations and all eminent Muslim democrats must condemn not just these extreme and violent groups but also the dictatorships and autocratic regimes in the Muslim world that have persistently denied democratic rights to their citizens, and whose human rights record could put even North Korea to shame.

Fourthly, even as the tentacles of ISIS appear to be spreading across Syria and Iraq, Islamophobia is spreading at an even faster pace all around the world. In consequence, bona fide Muslim organizations and Muslim democrats become targets even as ordinary Muslims fall prey to ‘hate crimes’.
Islam and freedom
It is true that there is no democracy without freedom. And detractors are quick to point out that on this alone, Islam is left at the starting blocks when measured against democracy. According to them, this is because there is no freedom in religion.

This is simply not true. Within Islam, freedom of faith is one of the five higher objectives of the divine law, the *maqasid al-sharia*, together with the protection of life, family and lineage, intellectual well-being, and property rights.

All persons must rely on their convictions about what is right and what is wrong – freely, without any form of duress, intimidation or compulsion. The Holy Qur’an is explicitly unequivocal about this:

”There shall be no compulsion in religion.” Al-Baqara:256

That means you cannot force a person to become a Muslim. Freedom of faith is allowed.

That is why the same elements in a constitutional democracy become moral imperatives in Islam - freedom of conscience, freedom to speak out against tyranny, a call for reform and the right to property.

In Islam, freedom must go together with justice, hence the doctrine of *al-Hurriya wa-l-Adala*. This doctrine is fundamental for moral and social reform in as much as it is a cornerstone in the Western concept of democracy.

Equity and justice is ordained in Surat al-Ma’idah: 8:

”O believers, be you securers of justice, witnesses for God. Let not detestation for a people move you not to be equitable; be equitable-that is nearer to being God-fearing. And fear Allah; surely Allah is aware of the things you do”.

And in Sura al-An’am:115
“And the word of your Lord has been fulfilled in truth and in justice.”

The Rule of Law
Islam enjoins rule of law. Firstly, the expropriation of an individual right by the state constitutes an infringement. Secondly, a judge must exercise caution and discretion in his pronouncements and not allow personal prejudices or animosity to come in the way. And thirdly, and perhaps most significantly, is the principle that all men are equal before the law and that society has rights even as against the state.

In Two Treatises of Government, John Locke sums up the consequences of a breakdown in the rule of law: “Wherever law ends, tyranny begins, if the law be transgressed to another’s harm; and whosoever in authority exceeds the power given him by the law...(he) may be opposed...”\(^1\)

Joseph Raz adds that laws should be prospective, stable and not subject to frequent changes, that the discretionary power in law enforcement agencies should not be allowed to pervert the law and most significantly that the independence of the judiciary must be guaranteed.\(^2\)

I submit these are totally in line with Islam. The idea that the whole of Islamic law can be reduced to the application of criminal laws and penalties is an aberrant approach that has proliferated in the modern period. The great Muslim scholars from Ibn al-Muqaffa to al-Mawardi to ibn Taymiyyah and al-Ghazzali have spilled much ink on the topic of siyasa, what the Arabic language calls the “Art of Governance” and what we refer to more colloquially as public policy. Interestingly, the most intense debates on siyasa took place at times when the Muslim world was in crisis – and such a debate is of critical importance in the current period.

Islam and governance

\(^1\) Two Treatises of Government, edited by Peter Laslett, New York: Mentor, 1965, Ch. XVIII

In Islam, power is trust and those who have power to rule must be held accountable for their actions and decisions.

Elected representatives, particularly those in power, must therefore answer for decisions made. This is an essential element in good governance.

Governance therefore must go beyond mere democracy and accountability here must go beyond mere electoral accountability.

It is not surprising therefore that we hear that the specter that is haunting democracy in the world today is bad governance.³

That means governance that serves only the interests of cronies and relatives and the political elite. It means patronage and the lack of transparency in the dispensation of government funds and projects. It means governance that turns a deaf ear to the demands for social justice. It means abuse of power and corruption.

But seriously, solving a country’s governance is therefore the key to attaining quality democracy and this takes precedence over the economy. This is because economic growth will not be sustainable without significant improvements in governance. Again, to quote a prominent Stanford professor, “for democratic structures to endure…they must listen to their citizens’ voices, engage their participation, tolerate their protests, protect their freedoms, and respond to their needs.”⁴

Overlapping consensus and dialogue with the ruling party

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³ Larry Diamond’s address of the National Endowment for Democracy’s 25 years of operations, 2007

In advancing our constitutional rights and other legitimate demands and expectations, we should remember that there are competing claims from different segments of society. Rawls reminds us that despite “considerable differences in citizens' conceptions of justice there can still be consensus provided that these conceptions lead to similar political judgments.”

This doctrine of overlapping consensus is of particular significance in practical terms for a society like Malaysia’s that is multiracial and multi-religious. But the consensus can only be realized by the respective contending parties refraining from cantankerous and open disputes regarding religion and philosophy.

Rawls does not suggest that society can or should do away with its diversity in religion and philosophy but the overlapping consensus on principles of justice is the common platform founded on morality that will cement the multiplicity of groups with diverse doctrines.

It is true that democracy requires compromise and groups with different agendas and views must be prepared to enter into dialogue setting aside immediate differences.

**The humane economy**

Drawing inspiration from the principles of Islam, social justice can only be realized through a ‘humane economy’. From the standpoint of such an economy, there is no clash between the pursuit of wealth and the dispensation of social justice: the right to ownership of property endures and while Islam encourages wealthy individuals to contribute to society there is no compulsion apart from the obligatory taxation on wealth imposed across the board.

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The Islamic position on charity, however, is that it is supererogatory, i.e. one is not enjoined to do it but to do it is part of a higher calling to please God and to earn greater merit in the Hereafter. But the Islamic imperative on the State’s administration of pubic wealth is clear: The redistribution of this wealth is to be undertaken by the State with the condition precedent that it is done in a transparent way with officials being held completely accountable.

But this is not to say that since charity is not obligatory social justice can be done away with. In the context of democracy and governance, in the Islamic conception, social justice is an imperative to be followed by the state. Again, the maqasid al-Shari’ah enjoin those in charge of the state to ensure society’s sustained well-being. Gross inequalities of wealth, poverty, and the deprivation of fundamental social necessities such as health care, education and housing cannot constitute society’s sustained well-being.

**Islam and the Arab Spring**
The euphoria many felt in the wake of the Arab Spring seems like such a distant memory that some of us are left scratching our heads. Did that even happen?

Watching on television as thousands of Egyptians took over Tahrir Square and in doing so literally took back their country. But it was not long before thousands more marched in the streets of Cairo in a stunning, almost baffling reversal of fortune. They fought tooth and nail not for freedom per se but to hand the reins of power right back to the military – where it will most likely rest for generations to come. The regime in power in Egypt today is demonstrably more repressive than anything we saw under Mubarak.
The Arab revolutions have largely unraveled – if one can even call them revolutions at all. Some countries have imposed severe authoritarian strictures in hopes of stuffing back into Pandora’s Box what was unleashed in December 2010 by the Tunisian street vendor Muhammad Bouazizi. Other countries have literally crumbled in the wake of protest, uprising and civil war.

As if democracy was simply a thing that happens to good people when the time is right, there are those who look at the past few years and conclude that the Muslim world is simply not ready for a democratic change.

Is this really the lesson we should draw: that democracy is not worth the price one must pay in hopes of achieving it. I would argue emphatically to the contrary.

I have tabulated the essential values enjoined in Islam that are fully compatible with democracy. Unfortunately, between what ought to be and what is lies a deep chasm. Or as T.S. Eliot has so eloquently put it:

“Between the idea
And the reality
Between the motion
And the act
Falls the shadow.”

Thus, freedom of religion and conscience, freedom of speech, the fundamental liberties, sanctity of property, dignity of man, justice and rule of law – the things that ought to be are just so sorely lacking in Muslim societies that while the theory is right the reality bites hard.

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6 The Hollow Men
The authoritarians that have survived this latest bout of democratic fury are generally speaking more clever and cunning. The brutality of their rule is carefully masked by expensive public relations exercises and carefully scripted appearances in the international media.

General Sisi knows that to scuttle the democratic aspirations of a nation of 80 million requires careful strategy that has world leaders lining up to praise his coup as a triumph of democracy in the Middle East. The irony is so implausible I can only think of Malcolm X who said that “if you’re not careful, the newspapers will have you hating the people who are being oppressed and loving the people who are doing the oppressing.”

In the recent period Malaysia has seen a rise in exclusivist politics. What has been a relatively peaceful and multi ethnic nation is being fractured by competing voices of intolerance suggesting that citizenship is no longer based on the belief in a nation but rather in the absolute supremacy of a single religious or ethnic group. We no longer live in a world where rights are to be shared harmoniously.

This is in part due to ignorance. But it does not take a doctoral degree in Islamic law or history to demonstrate the religion’s pluralistic outlook – and Muslim teachers well versed in the tradition should be at the forefront of debunking this racist agenda.

So what is at play in places like Malaysia where bigotry is sanctioned in the name of Islam? Why else are some religious authorities playing this dangerous game other than to kow-tow to political masters who cling to power through diabolical tactics of divide-and-rule.
This should be deeply distressing for everyone. Certainly the nation remains relatively at peace. But religious and racial bigotry are a slippery slope. In America Islamophobia starts with a few isolated incidents of discrimination and violence; then - a gradual sense of fear and mistrust; followed by full blown institutionalized racism. If the NYPD can legally pursue a policy of surveillance of an entire community based on their ethnic or religious belief without any reasonable cause, then the possibility of suspending other Constitutional provisions becomes much easier.

These actions sow the seeds for mistrust and discord, tearing away at the fabric of a nation. If those chauvinists and bigots are not taken to task for undermining what are constitutional guarantees then the entire system of rights and responsibilities decays by this cancer. The selective application of laws to protect just a few – those who support the government - leads to violence and empowers those who would seek to take the laws into their own hands. You project this to its eventual conclusion and you have disasters such as that which is unfolding in Syria and Iraq. I hope Malaysia can correct its course. The antidote to this disease is a version of statehood that is inclusive and accountable to the hopes and aspirations of its own people.

Conclusion
Some great heroes have emerged in recent years. People whose sacrifice gives truth to adage “Give me liberty or give me death.” Their work – frequently highlighted by this Center – is worth noting. These weighty concepts of freedom, justice, rule of law are not just theoretical concepts to be discussed in the halls of academia. For many around the world – they are quite literally the difference between life and death. In closing I offer to you a few lines from Abu al-Qasim al-Shabbi, a colonial-era Tunisian poet whose verses inspired men to move mountains in search of freedom.

If the people will to live
Providence is destined to favorably respond
And night is destined to fold
And the chains are certain to be broken
And he who has not embraced the love of life
Will evaporate in its atmosphere and disappear\(^7\)

Thank you.

\(^7\) From “The Will to Live” by Abu al-Qassim al-Shabbi