

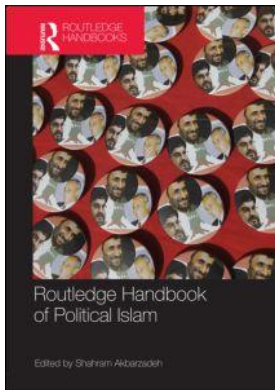
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Three dimensions of the emerging political philosophy of Islam

M.A. Muqtedar Khan

For nearly a century, Islamic political theorists have been trying to argue that not only is Islam compatible with modernity and democracy, but indeed the advent of Islam was the essential beginning of modern enlightenment. Muslim political theorists are a rare commodity but, nevertheless, a few of them who did exist and wrote have tried to demonstrate the antecedents of modern polities within Islamic experience. However, much of their contribution has remained out of the mainstream of Islamic discourse and Muslim conceptions of Islamic scholarship. The political concepts that pervade Muslim discourses today have mostly been crafted by Islamists like Maulana Maududi and Sayyid Qutb, who were Islamic political theorists in some sense, but their approach was too ideological and polemical (Khan 2001a). Nevertheless, while there are rich sources of Islamic thought on democracy, an Islamic democratic theory has yet to emerge.

As the Muslim world became independent from colonial occupation and began searching for authentic models for their newly independent polities, Muslims were faced with the choice of either imitating the contemporary West, often their former colonizer, or trying to reproduce the political and legal structures that preceded the colonial era. Muslim secularists, most prominently Ataturk in Turkey, opted to adopt Western models of secular democracy and some Arab states chose to reproduce medieval models of kingships based on tribal loyalties (Lapidus 1988). It was only when Pakistan emerged as an independent nation that Muslims at that time chose to invent a model of Muslim democracy that recognized the compatibility of Islam and democracy. The debates that shaped the writing of Pakistan's constitution brought out interesting issues about how Islam would shape politics and political structures in the modern era (Choudhury 1969; Hayes 1984; Esposito and Voll 1996).

The promise of the debate about the authenticity of democracy and the challenge of accommodating religion in a multi-religious modern state of Pakistan was unfortunately never realized. Two mutually reinforcing trends within the Muslim world marginalized the importance of this emerging political theory of democracy in Pakistan. The two trends still dominate the Muslim political landscape and they are political Islam and its highly politicized interpretation of Islam and their call for an 'Islamic State'. The other trend is secular authoritarianism, which emerged from Arab socialism. Muslim discourses and Muslim politics in the last 50-odd years have been a debilitating assertion of either secular authoritarianism with military repression or radical Islamism with frequent frenzies of terror and civil strife. One of the casualties of this civil

war in the Muslim world was the emerging democratic theory of an Islamic polity in modern times (Moaddel and Talattof 2000; Moussalli 1999).¹

The juxtaposition of Islamic state or secular democracy, the Iranian model versus the Turkish model, as the only two alternatives for a Muslim polity not only undermined the development of Islamic democratic discourse but also marginalized liberal Muslims and intellectuals (Taspinar 2003; Esposito 1990).² However, recent developments in global politics and the most surprising emergence of President George W. Bush as an advocate of the compatibility of Islam and democracy and his determination to facilitate the establishment of such a polity in Iraq gave vitality and centrality to the incipient theory of Islamic democracy (Khan 2003b).³ One is now witnessing a plethora of academic journals publishing special issues on Islam and democracy, think tanks conducting debates and symposia on Islam and democracy, and even newspapers are now exploring the nuances of faith and freedom. Recently we have also witnessed a series of books that seek to address the issue from both political as well as theoretical perspectives (Khan 2002; Feldman 2003).

Theologians, jurists and political philosophers

The new interest in Islam and democracy will certainly revive old ideas and generate new interpretations; however, the contemporary momentum is driven by theologians, jurists and activists and not by political theorists. The activists are convinced that democratization is the panacea for all Muslim problems and they are happy to run with the slogan that Islam and democracy are compatible and hence we should hasten the process of democratizing the Muslim world. From a political perspective their zeal and enthusiasm is advantageous but they do not really contribute much to the theoretical content of the claim that there is a strong convergence in Islamic values and democratic principles except for the rhetorical equation of democracy with *Shura*. *Shura* is the Qur'anic term for consultation and Muslim advocates of democracy find a theological vindication for their quest in this Qur'anic injunction to consult: 'And their affairs are conducted through mutual consultation' (Al Qur'an 42:38). However, a democratic theory cannot emerge by itself from part of a verse.

The theologians do approach the issue in a comprehensive and systematic way. They go to Islamic roots and identify and exemplify those elements that correspond to liberal democratic principles. An excellent example is the recent work of Abdulaziz Sachedina who shows, relying essentially on Qur'anic sources and eschewing other socially constructed discourses, how Islam strongly advocates pluralism (Sachedina 2001). Sachedina's work is not a treatise in political theory and he does not intend it as such. He envisages his work as a preventative diplomacy tool for Muslim and non-Muslim politicians seeking to advance the cause of pluralism (Sachedina 2001: 13). One of the most important limitations of *The Islamic Roots of Democratic Pluralism* is its treatment of pluralism and democracy as stable, uncontested ideas enjoying widespread consensus.

The work also focuses on religious pluralism without actually distinguishing between religious and political pluralism. For example, while one can find in it excellent resources to argue for religious tolerance and equality of all from a purely Islamic standpoint, one cannot, however, justify the toleration of competing political ideologies such as capitalism and communism. Will an Islamic state allow political parties to exist and compete for power that are ideologically opposed to state ideology? Can communists share power or even come to power in an Islamic democracy? While people of different faiths enjoy equal rights under Islamic pluralism, does the system also tolerate political pluralism? As a theologian, Sachedina focuses on theological differences and offers a theological solution to religious differences but he does not offer a

theological or a political solution to political differences. Can a political theorist treat Sachedina's work as a resource to build an Islamic theory of political pluralism? Possibly. Sachedina's work is not only path-breaking but also points to new paths and underscores the necessity for the full-blown development of Muslim/Islamic democratic theory.

All arguments that advocate Islamic democracies or the compatibility of Islam and democracy take the Qur'an as a revealed document, the text of which is absolute but meanings are open to alternative interpretations. There is even a Qur'anic basis to claim the absoluteness of text and relativity of meanings (Al Qur'an 3:7). The Qur'an acts as the anchor, the absolute point from which Muslim thinkers begin and end their thinking. Therefore, when we talk of pluralism and democracy it is important to clarify which democracy – liberal, radical, socialist, deliberative – and which pluralism – religious, epistemological, cultural or political. While arguing the compatibility of Islam with pluralism, modernity or democracy, the merit of these notions cannot be taken for granted. They must be unpacked and their virtues examined from the moral and ethical perspective of the Qur'an (Mahmood 2003). This is the responsibility of Muslim political theorists (Soroush 2000).⁴

While theologians and their work can become a fundamental resource for Islamic political theorists, the fatwa (religious edict) (Esposito 2003: 85) wielded by Islamic jurists, who with one stroke can make democracy *Halal* (permissible in Islam) and political philosophy *Haram* (forbidden in Islam), remain an important barrier to the development of Islamic political theory. An illustrative example of how even well-meaning Islamic legal scholars unable to escape their juristic outlook can undermine the Islamic roots of democracy while actually advocating Islamic democracy is the recent article on the subject by Khalid Abou El Fadl. In this article El Fadl combines an ethical, philosophical outlook to identify various sources of compassion, tolerance, equality and justice in Islamic sources, and unlike Sachedina he does not limit himself to essentially the Qur'an but explores secondary sources too. In the conclusion of the article, though, he allows the colonial tendency of Islamic legalism to subvert his quest for an Islamic democracy (Abou El Fadl 2003).

Islamic intellectual tradition, which includes Islamic legal thought (*usul al-fiqh* and *fiqh*), theology (*kalam*), mysticism (*tasawwuf*) and philosophy (*falsafa*), is easily one of the most developed and profound traditions of human knowledge. However, for various historical reasons, this intellectual heritage of Islam remains strikingly underdeveloped in the area of political philosophy. One of the reasons for this lacuna in Islamic thought is the colonial tendency of Islamic legal thought. Many Islamic jurists equate Islam with Islamic law and privilege the study and exploration of the shari'a over and above all else, thereby colonizing Islamic thought and marginalizing other fields of inquiry. This dominance of legal studies has allowed only episodic exploration of the idea of a polity in Islam. Today, all over the Muslim world there are hundreds of Islamic schools and universities that produce hundreds of thousands of Islamic legal scholars, but hardly any traditional school produces political theorists or philosophers. Excluding the rare exceptions, this intellectual poverty has reduced Islamic thought to the status of a medieval legal tradition (Rahman 1966).⁵

In spite of the intellectual imperialism of the Islamic jurists, Islamic political theory has managed to survive in some form. In the twentieth century we have witnessed the emergence of two distinct approaches to Islamic political theory (Moussalli 1999; Khan 2004). The Islamists who advocate the establishment of an Islamic state, an authoritarian and ideological entity the central concepts of which are *al-Hakimiyya* (the sovereignty of God) and shari'a (the law of God) (Maududi 1955; Martin 2000; Engineer 1996), and the liberal Muslim political theorists who advocate an Islamic democracy, the central themes of which are shura and *mashaf al Madinah* (constitutionalism *a la* Compact of Medina) (Khan 2001a).

Political Islamists on Islam and democracy

Political Islamists do posit the principle of shura as an important element of their Islamic state, but their concept of shura is limited and essentially pays lip-service to the idea of consultation. For them consultative governance is not necessary for legitimacy, since legitimacy comes from the enforcement of the shari'a regardless of the will of the people. Thus if shura contradicts their notion of what constitutes the shari'a their Islamic state will immediately abandon its consultative status and become a totalitarian ideological entity ready to wage jihad to enforce their view of the law of God, even against the will of the people. It is exactly here that political theorists of the Islamist tendency become as authoritative as the jurist, whose understanding of what is God's will is law and always above the will of the people. Needless to say, for the liberal Muslim theorists, shura is paramount and shari'a too must be arrived at through consultative processes and not taken as given (Kurzman 1998).⁶

There is a marked difference between what individual thinkers in the political Islamist school write about Islam and democracy, and how their followers then interpret these writings and try to realize them in the political arena. In principle, all major thinkers such as Maulana Maududi of Pakistan, who advocated the notion of 'theo-democracy', Sayyid Qutb, Ayatollah Khomeini and even Hassan Turabi are all advocates of procedural democracy. They believe in the democratic method for electing leaders. They accept the idea of a parliament as *Majlis-Ashura*, which will act as a legislative body that interprets the divine shari'a for contemporary times, and they accept the notion of democratic accountability and even constitutionalism. The only democratic notion to which they are opposed is the idea that the divine constitution can be reformed or amended in accordance with the popular will. Thus popular will plays a role only in legitimizing the divinely ordained constitution and in procedural aspects of governance, but the determination of norms and values is solely the prerogative of God and above democratic scrutiny (Maududi 1955; Esposito and Voll 1996; Martin 2000). It is a pity that the Islamists fail to acknowledge that given the vast extant diversity of the interpretation of shari'a, reinterpreting Islamic sources is relatively easier than, say, amending the US constitution, which requires a very high degree of consensus building in a very diverse society.

Jurists and democracy

The extraordinary influence of the idea of 'Islam as shari'a' has made law take precedence over state/polity. Because law comes first and then the political community, the structure and the form of the polity become subservient to the application of law. Polity derives legitimacy from its ability to implement shari'a rather than the very idea of law/shari'a emerging to serve the need of the polity. This philosophical error, which amounts to placing the cart in front of the horse, also underpins El Fadl's otherwise erudite discussion of the compatibility of Islam and democracy. This is particularly striking in his conclusion. One expected his treatise to end with some kind of delineation of an Islamic democracy. On the contrary, he concludes by imposing, *a priori*, shari'a-based limitations on democracy. He clearly states that a case for democracy from within Islam should not substitute popular sovereignty for divine sovereignty and should recognize that democratic lawmaking respects that *a priori* nature of the shari'a. He begins his essay as a political philosopher and ends it as an Ayatollah laying down the edict – you can have democracy but only as long as people are not sovereign and shari'a is not violated.

Professor El Fadl's essay is brilliant in its discussion of the moral and ethical principles within Islam that can help make a case for democracy from within Islam. He nevertheless reinforces traditional barriers rather than deconstructing them. One of the most prominent Islamic

theologians, Sheikh Ibn Taymiyyah (1263–1328 AD), who in many ways is a source of great inspiration to conservative Muslims who advocate authoritarianism, argued for an Islamic leviathan that would defend the Islamic world from external military threats and Islamic doctrines from internal heresies (Khan 1982; Khan 2004). He claimed that the object of an Islamic state was to impose the shari'a. El Fadl argues similarly that an Islamic democracy should recognize the centrality of shari'a in Muslim life. It raises several questions. Who gets to articulate what constitutes the shari'a? Islamic jurists? Who determines who is an Islamic jurist? Who determines which schools can provide the education that will produce jurists? Who determines when a specific democratically passed law is in violation of the shari'a? Who determines the issues on which people will have freedom of thought and action and the issues on which the so-called shari'a will be unquestionable? The answer to all of these questions is the same – the Muslim jurist. A close reading of El Fadl's arguments suggests that an Islamic democracy as envisioned by jurists amounts to a dictatorship of the Muslim jurists.

There will be no democracy unless jurists are willing to let go and allow the *democratization of interpretation*. Let every citizen be a jurist and let her interpret Islam and shari'a when she votes. In a democracy the vote/opinion/fatwa of every individual must be considered as equal since ontologically all humans are equals. An essentialization of the shari'a with a concomitant assertion of its uncontested centrality is a recipe for authoritarianism. It is eminently apparent that El Fadl is interpretively more liberal than his traditional colleagues and his vision of what constitutes the shari'a is definitely more inclusive, but until we dismantle the authoritative authority of the jurists and democratize *ijtihad*, there can be no Islamic democracy. The moral quality of this Islamic democracy will depend on the extent of Islamic knowledge of the citizens and their commitment to Islam; we have to accept that and live with it. Any attempts to guarantee 'Islamic outcomes' through any other provisions such as 'the essential shari'a must be applied' will necessarily entail the subversion of democracy. Also the Prophet of Islam, peace and blessing be upon him, reportedly said that 'My *umma* will never unite upon error'.⁷ There is no such endorsement available about the infallibility of the opinions of the jurists, which clearly suggests that Islam only privileges the overall will of the people.

The point is simple: even what shari'a is and what Islamic law is should be a democratically negotiated conclusion emerging in a democratic society. In the absence of this free and open negotiation, Islamic democracy will be a procedural sham that uses voting mechanisms selectively in non-crucial matters. Clearly until political philosophers and theorists have developed a cumulative, substantive discourse on democratic theory in Islam, the less the jurists intervene the better it will be. Indeed the quest for democracy in the Muslim world is a twin project: it seeks to free the human conscience from the political tyranny of the dictators and also free the human soul and intellect from the legalist tyranny of the Islamic jurist. Islamic jurists, by monopolizing the right to understand and interpret Islam, are depriving all other Muslims of their basic humanity – the right to exercise their reason and be free Muslims (Khan 2003b).⁸

While the theologian's approach is useful and the jurist's approach is counterproductive, political philosophers produce a rich discourse on democracy and, if allowed to flower and develop, this tradition can advance a progressive, ongoing Islamic democratic theory that can help establish and develop Islamic polities facilitating the causes of both faith and freedom. In this discussion I shall explore the work of the Iranian philosopher Soroush, but before that I will review the work of the greatest Islamic political philosopher Al Farabi, who was also the first Muslim to systematically evaluate the merits and limits of democratic polities.

Al Farabi places democracy in the category of ignorant cities. Ignorant cities are those cities that collectively are unaware of God (The First Cause). They also do not have a singular purpose. He recognizes that since democracies are free societies there will be multiple objectives

that the citizens of a democracy will seek. He also suggests interestingly that if people who seek security dominate the polity a democracy can become a national security state (Al Farabi talks in terms of cities of war and peace). However, he also makes a very interesting observation which is perhaps the most important lesson that contemporary Muslim thinkers can take from him. Al Farabi suggests that because democracies are free and non-homogeneous societies, there will be some who will excel in good as well as some who will excel in evil. Since one can find the pursuit of perfection present within a democracy, a democracy has the best chance of all ignorant cities of becoming a virtuous city. This is a cautionary but powerful endorsement of democracy especially at a time when the options available to Muslim societies largely fall in the ignorant category (monarchies, dictatorships etc.) (Mahdi 1987, 2001; Khan 2004).

Soroush's approach to the compatibility of Islam and democracy is very different from Sachedina's and El Fadl's. He neither treats Islam as a stable, unproblematic concept nor does he treat modernity or democracy as settled issues. In true philosophical spirit he considers all concepts and all assertions of values as open to negotiation, reflection and understanding. For El Fadl, Islamic law or shari'a is the ultimate criterion, as is the Qur'an, the indisputable word of God, for Sachedina. For Soroush the only thing that is given is the human capacity to understand what is moral, what is reasonable, what is ethical and what is worthy of upholding as a value. For Soroush the ultimate criterion is his reason and his understanding of even God's will and words are essentially the outcome of the interaction of reason (*aq̄l*) and revelation (*wahī*). Therefore, before there is either Islam or democracy, for Abdul Karim Soroush there is reason.

All Muslim intellectuals start with a stated or unstated assumption that Islamic principles or Islamic laws are absolute truths revealed by God and hence cannot be at fault. If there is any seeming deficiency it must necessarily be in the interpretations and hence we need to reinterpret or revive the tradition of *ijtihād* – independent interpretive thinking. However, Soroush starts his arguments essentially by asserting reason as a defining characteristic of humanity and freedom as a necessary existential condition for that humanity to thrive. For the philosopher what is primary is the human agency as a 'thinking being', whereas for the theologian and the jurists human agency is a 'submissive being'. The theologian asserts: here is the Truth, understand it. The jurist commands: this is the Truth, obey! The philosopher says: you can think and if you are free to think, think and you may know the Truth. Soroush articulates this philosophical position clearly. Thus the fulfillment of humanity depends upon the fruition of reason, and reason cannot thrive, grow or be exercised without freedom. If anything, by linking reason and freedom, Soroush makes this very clear: freedom is necessary for reason and reason leads to faith and truth.⁹

Having established the necessity of freedom for reason to thrive, Soroush then argues that it is incorrect to assume or even consider that reason [*aq̄l*] and revelation [*wahī*] are in some way antithetical to each other. He argues (and this has been the position for a long time in Islamic philosophical tradition) that revelation is essentially accessed through reason. Reason is the instrument that enables the apprehension of revelation. One cannot understand the will of God without possessing the faculty of understanding (Khan 1999). Thus he seeks to subvert the widely touted tensions between faith and freedom and reason and religion. If Islam is compatible with freedom and reason – the constitutive elements of democracy – then Islam should be compatible with democracy. Soroush further argues that democracies are basically means to an end and, as long as Islam is understood as a reasoned justification of God's rights over humanity, a religious society should have no problems in establishing a democracy as means to good and just governance.

Soroush's ideas are highly provocative given the cultural context from which they are emerging; nevertheless, they remain at a very high level of abstraction and need to be translated

into political theoretical concepts that can be operationalized. How do we integrate reason into general understanding of religion? How do we operationalize freedom as prior condition to faith and government? How do we deal with the existing corpus of Islamic law that is not easily amenable to criticism that will circumscribe its scope and the power of those who wield it? Democracy is not just freedom from the tyranny of political power but also the tyranny of traditional authority. How do we deconstruct the stifling effect of 'shari'a-obsessive Islam' on reason?

Conclusion

In the discussion thus far, we have reflected on the prospects of an Islamic democratic theory in the context of three genres of discourse – theological, jurisprudential and philosophical. My conclusions are that while theological understanding is necessary but not sufficient, philosophical illumination is the answer but needs much more development, and jurisprudence is a challenge rather than an ally of Islamic democratic theory. In this chapter my goal was to underscore the importance of political philosophy and theory. I am afraid that quick-fix solutions as being attempted in Afghanistan and Iraq will not give birth to an authentic Islamic democracy. Neither will the mere reinterpretation of Islam by emphasizing those elements that facilitate and marginalizing those that subvert democracy produce the necessary result.

The barriers to democracy in the Muslim world are both ideational and material. While political activism and even revolutionary change may become necessary to establish democracy, Islamic democratic theory must precede political change in order to remove ideational barriers first. If an authentic Islamic democracy has to emerge, then it must first become an aspiration in Muslim minds and must dominate their discourse. Then, once the idea exists, the form can follow. This is the challenge for Islamic political theory.

Notes

- 1 While political theory debates involving the democratic elements of Islam became marginal in the Muslim world as the Islamism–Secularism debate occupied center stage, the debate between radical and moderate Muslims continued over the nature of an Islamic polity.
- 2 For a long time now the West in general and the US in particular have been advocating the Turkish experience as a desired model for democracy in the Muslim world. Turkey's membership of the North Atlantic Treaty Organization (NATO), its close alliance with Israel and its radical secularism that has often used undemocratic means to marginalize Islam from the public sphere, was the preferred alternative to the Iranian or Pakistani style of Islamic state. For Islamists the Islamic Revolution of Iran was a major inspiration and they hoped that similar revolutions in key Muslim states, such as Saudi Arabia, Pakistan, Egypt and Algeria, would duplicate the Shi'a miracle in the Sunni world.
- 3 While there are several instances when President Bush asserted the compatibility of Islam and democracy, the most outstanding occasion was at the National Endowment for Democracy on 3 November 2003. He asserted that '[a] religion that demands individual moral accountability, and encourages the encounter of the individual with God, is fully compatible with the rights and responsibilities of self-government'.
- 4 Abdul Karim Soroush, a contemporary Iranian philosopher and political theorist, attempts to answer some of these questions. See Soroush 2000.
- 5 I am not alone in making this argument about the dominance of legal thought. Fazlur Rahman (1966: 100–16) anticipates it in his analysis of Islamic legal thought and the development of the shari'a.
- 6 For a review of the ideas of Islamic liberalism as pertaining to democracy, see Kurzman 1998. See also the special issue of *Journal of Democracy* (2003, vol. 14 no. 2) on the theme of liberal Islam.
- 7 An authentic (*sahih*) tradition of Prophet Muhammad reported in *al Tirmidhi* (4/2167). Also reported in *Hakim* (1/116).

- 8 My discussion and criticism of Khaled About El Fadl's work relies primarily on my response to his article *Islam and the Challenge of Democracy* (2003).
9 See Soroush 2000: 88–104.

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