

ISLAM, DEMOCRACY AND THE 21ST CENTURY

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The twentieth century witnessed a major overhaul in political and constitutional structures throughout the globe against the backdrop of two great wars, the demise of colonialism, the emergence of nation-states, the rise and fall of communism and the establishment of a unipolar world. A less recognized and much misunderstood part of this upheaval is the evolving image of the “Islamic Republic” and the status of democracy within the Islamic constitutional framework. This paper highlights the basic features of the Islamic theory of governance, analyzes its consonance with the Western concept of democracy and attempts to identify the form of government best suited to Islamic countries as we stand at the threshold of the 21st century.

Background: The Basic Framework

Before embarking on any analysis of Islamic political thought, it is essential to recognize the extensive and all encompassing nature of the Islamic religion: it does not merely present a set of personal beliefs, it presents an entire scheme of personal and communal life. Resultantly, examining the concept of governance in Islam requires a view against the background of the “whole Islamic system of life covering the economic, social, political and educational spheres of activity”.²

In addition, there are at least two fundamental points of contrast between the Islamic system of governance and the modern Western democratic model, and an effective

² Sayyid Abul A’la Maududi, *Islamic Law and Constitution*. trans. Khurshid Ahmed, Lahore: Islamic Publications Limited, 1960, p. 53.

appraisal of the concept of democracy and its status in the Islamic system would necessitate prior recognition of these points of contrast.

The first point of contrast is the relationship between Church and State. The Western democratic model hinges on the separation of Church and State, with the former exercising authority over religious matters and the latter controlling matters of civil administration. Not only that, the State also has the obligation to remain neutral in matters of religion and culture. The Western model, therefore, is tailored more towards secular 'Church' societies having an institutionalized ecclesiastical structure and is not necessarily the most suitable system for 'organic' societies where religion cannot be effectively separated from the State. On the other hand, Islamic societies are, by definition, organic with a low ecclesiastical institutionalization of authority and hinge on the concept of a Divinely ordained Muslim *Ummāh* (Community), making the separation of 'Church' and State impossible.

Historically, religion and politics have been closely intertwined in most Islamic societies and, whilst religious scholars – the *ulama* – have often furnished interpretations and applications of Islamic law, the apparatus of its enforcement has always been the political structure. The prevalent political philosophy is summed up most aptly by Asad:

No nation and community can know happiness unless and until it is truly united from within; and no nation or community can be truly united from within unless it achieves a large degree of unanimity as to what is right and what is wrong in the affairs of men; and no such unanimity is possible unless the nation or community agrees on a moral obligation arising from a permanent, absolute moral law. Obviously, it is *religion* alone that can provide

such a law and, with it, the basis for an agreement, within any one group, on a moral obligation binding on all members of that group.³

The second point of contrast is the notion of sovereignty. The modern Western democratic model is built upon the concept of ‘sovereignty of the people’. By contrast, the Islamic system is predicated on the core concept of *Tawhid* (Oneness), defined as witnessing and bearing testament that ‘there is no God but *Allāh*’. Consequently, *Allāh* holds a unique position in Islamic politics, His will provides the commands and guidelines that shape the lives of all members of the *Ummāh*, and, in essence, sovereignty can be vested in Him alone:

Say: “O *Allāh*, Lord of all dominion! Thou grantest dominion unto whom Thou willest, and takest away dominion from whom thou willest . . . Verily, Thou hast the power to will anything.”⁴

Western critics and conservative Muslim scholars contend that this concept collides head-on with the notion of democracy since Islam does not accept the Western view of ‘sovereignty of the people’. It is, however, noteworthy that while Islam may not provide comprehensive Western-style sovereignty to the people, it furnishes them full authority and control of worldly affairs – *muamalāt* as opposed to *ibadāt* (matters of belief and worship) – and merely asks them to remain conscious of *Allāh*’s omnipotence during their conduct. In addition, ‘democracy’ itself is a multi-dimensional term and embodies a concept which, in practice, is employed in many different forms (including those advocating representative

³ Muhammad Asad, *The Principles of State and Government in Islam*, Gibraltar: Dar al-Andalus, 1980, p.6.

⁴ Qur’ān 3:26.

government and some forms of guardianship) that do not necessarily vest sovereignty in the entire populace.

From this point on, the most compelling case for democracy and its compatibility with the Islamic system of governance can be found in the heart of Islamic jurisprudence – the principal sources of Islamic law – the Qur’ān and the *Sunnah* (practice of the Prophet): “[in] fact, Islamic jurisprudence resembles an immense ocean on whose bottom one has to search, at the price of very great efforts, for the pearls that are hidden there”.⁵

A Brief Historical Perspective

The central theoretical structure of Islamic government has been clouded to a large degree by the checkered course of history followed by different Islamic regimes. After 661 A.D. – the end of the era of the first four “Righteous” Caliphs, three of whom were assassinated – and the first of numerous civil wars, the office of caliph started to pass – right through 13th century A.D. in the centralized Umayyad and Abbasid Caliphates – not to persons selected for their piety and accomplishments, but according to dynastic principles:

⁵ J.N.D. Anderson, “Codification in the Muslim World”, as cited in Herbert J. Liebesny, *The Law of the Near and Middle East: Readings, Cases and Materials*, Albany: State University of New York Press, 1975.

Less than three decades after the Prophet's death, the caliphate had decayed to kingship in all but name. From then on the conception of the caliphate seemed to draw more on theories of kingship from prior civilizations than from Islam. Such an outcome was hard school for naive piety. And further humiliations were in store when, in the course of time, power passed from the caliphate altogether to usurpers whose only claim to power was their success in seizing it, and then, in 1256 A.D., the Mongol invasions destroyed the caliphate itself.⁶

The post-caliphal period lasted until the rise of the Ottoman and Mughal Empires in 15th Century A.D. and, yet again, dynastic rule became the order of the day until 19th Century A.D. when Mughals lost control of the Subcontinent to the British, and the seat of the Ottoman Empire became 'the sick man of Europe' trying to resist the encroachments of the Western powers. Incidentally, it was in 1839 that the legal reform movement began under the Ottomans – the *Tanzimat* reforms – which marked the first time in Islamic history that principles derived from the Divine, uncoded Islamic law – the *Shar'ah* – were enacted as codified law by the authority of the state. Finally, in 1924, the government of Kemal Atatürk abolished *Shar'ah* law altogether and established a secular system of governance.

Presently, in the fifty Muslim countries worldwide, the systems of government in place include absolute monarchies, constitutional monarchies with titular heads and elected governments, power sharing between military and civilian leaderships, authoritarian or autocratic civilian regimes, democracies with theocratic characteristics and 'Westminster' style democracies tinged with certain Islamic institutions. On the whole, the influence of

⁶ Frank E. Vogel, *Islamic Law and Legal System: Studies in Saudi Arabia*, (unpublished paper) Chapter Three, Part Two, draft, March 1993, p. 3.

Islam is significant (and the strength of Islamic resurgence is visible) throughout the fifty-state spectrum – although Islamic political parties are not equally successful in every country – and Turkey, which is today the only Muslim majority country that calls itself a secular state, is facing a resurgent wave of Islamic revivalism.

Scholars of Islamic political theory argue, however, that there is no extensive history of any Islamic regime that held sway over the *Ummah* after the death of the Prophet that has followed the Islamic model of governance in its truest, most democratic form.

Democracy: The Islamic Paradigm

Islam reached this world as a revelation to the Prophet Mohammed in present-day Saudi Arabia more than 1400 years ago. As the Muslim Empire expanded, the Prophet not only became the spiritual head but also the political leader of the *Ummah*. The earliest structures of Islamic government correctly drew on the principles laid down in the Qur'_n and the *Sunnah*. Notwithstanding the rules of government that developed in the centuries after the Prophet's death, it is the community, not the individual, that is the rightful final arbiter in matters of governance. The central role of the community has been set forth and recognized in the most preliminary and fundamental Islamic teachings:

You are indeed the best community that has ever been brought forth for [the good of] mankind; you enjoin the doing of what is right [lit., the “recognized,” *al-ma'r_f*] and forbid the doing of what is wrong [lit., the “rejected,” *al-munkar*], and you believe in *All_h*.⁷

⁷ Qur'_n 3:110.

And this is the message that resonates throughout *All_h*'s revelation as a cornerstone of Islamic political ideology:

And (as for) the believers, both men and women – they are close unto one another: they (all) enjoin the doing of what is right and forbid the doing of what is wrong, and are constant in prayer, and render the purifying dues, and pay heed unto *All_h* and the Prophet.⁸

And hold fast, all together, unto the bond with *All_h*, and do not draw apart from one another. And remember the blessings which *All_h* has bestowed upon you . . . *All_h* makes clear his messages unto you, . . . that there may grow out of you a community who invite unto all that is good, and enjoin the doing of what is right and forbid the doing of what is wrong: and it is they, they who shall attain to a happy state!⁹

In essence, the concept of the *Ummah* is similar to the concept of the Greek demos, and is constructed on the pillars of liberty, equality and brotherhood as laid down by Islam. According to Rahman:

The State organization in Islam receives its mandate directly from the people *i.e.* the Muslim community and is therefore necessarily democratic. The Islamic theory is that there exists a group of people which has accepted to implement the will of God as revealed in the Quran and whose model in history was created by the Prophet. By this acceptance, such a group is constituted into the Muslim *Ummah*. The State is the organization to which the *Ummah* entrusts the task of executing its will. There is no doubt, therefore, that the Islamic state obtains its warrant from the people.¹⁰

⁸ Qur'_n 9:71.

⁹ Qur'_n 3:103-4.

¹⁰ Fazlur Rahman, *The Islamic Concept of State. Islamic Studies*, Vol. 6, 1967, p. 205.

It is important to understand, however, that while it is the *Ummah* which is ultimately responsible for the enforcement of right and prohibition of wrong, there is nevertheless a chain of command that has to be followed in order to make this possible. Hence, the *Ummah* owes its allegiance – and its obedience – to a specific command structure, the pillars of which (in order of importance) are the Qur’_n, the *Sunnah* and, derivatively, the ordinary mortals who hold authority. This command structure forms another cornerstone of Islamic political ideology:

O you who have attained to faith! Obey *All_h*, obey the Prophet and those from among you who have been entrusted with authority; and if you are at variance over any matter, refer it to *All_h* and the Prophet, if you believe in *All_h* and the day of judgment. This is the best [for you] and the best in the end.¹¹

As already noted, this command structure emanates from the concept of *Tawhid* meaning, among other things, the sovereignty of *All_h* and to that extent is a distinct departure from the Western notion of democracy which has ‘sovereignty of the people’ as its basis. Yet, if one concedes that ‘democracy’ is a multi-faceted term with no uniform, singular meaning, and if one accepts in a more general sense that ‘democracy’ alludes to an extensive, inclusive process that is based on the participation and involvement of the common man in the governance of the state, an elaboration of the Islamic command structure in effect becomes the enunciation of the concept of Islamic democracy.

¹¹ Qur’_n 4:59.

In this respect, the writings of Sayyid Abul A'la Maududi¹² present an eloquent analysis of this command structure and how it relates to the democratic and theocratic models defined by contemporary Western ideologues. Maududi's central argument rests on the affirmation of the premise that, in the Islamic system, every Muslim who is capable and qualified to soundly opine on matters of Islamic law, is entitled to interpret (and accordingly, to enforce) the law of God when such action is necessary. To that extent, the system is a democracy. But it is a theocracy to the extent that no one, not even the entire *Ummah* can change the fundamentals of Islam:

A more apt name for the Islamic polity would be 'kingdom of God' which is described in English as a 'theocracy'. But Islamic democracy is something altogether different from the theocracy with which Europe has had a bad experience. The theocracy built up by Islam is not ruled by any particular religious class but by the whole community of Muslims including the rank and file. The entire Muslim population runs the state in accordance with the Book of God and the practice of His Prophet. If I were permitted to coin a new term, I would describe this system of governance as a 'theo-democracy'; a divine democratic government, under which Muslims have been given limited popular sovereignty under the suzerainty of God. The executive under this system of government is constituted by the general will of the Muslims, who also have the right to depose it.¹³

This analysis essentially begs the question of how the day-to-day executive and legislative functions of the state are to be handled. The answer lies in four inter-related Islamic concepts – *Khil_fah* (agency or vicegerency), *Majlis ash-Sh_r_* (consultative

¹² Maududi was the founder of the *Jamaat-i Islami* in the Indo-Pak Subcontinent. Beginning in the 1930s, Maududi, along with Hasan al-Banna – the founder in Egypt of the Muslim Brotherhood – introduced a new ideological movement that endeavored to define Islam primarily as a political system.

¹³ Sayyid Abul A'la Maududi, "Political Theory of Islam", in Khurshid Ahmed ed. *Islam: Its Meaning and Message*, London: Islamic Council of Europe, 1976, pp. 159-60.

assembly), *Ijm_‘* (consensus of the community) and *Ijtih_d* (exercise of independent reasoning) – which help us complete the analysis of the Islamic concept of democracy.

The concept of *Khil_fah* relates to the issue of political leadership of the *Ummah*. After the Prophet’s death, the leader of the *Ummah* was designated as *Khal_fah* (successor). In this context, the broader concept of *Khil_fah* prevailed in Islamic political systems from time to time until Kemal Atatürk abolished it in 1924. While *Khil_fah* has been viewed by many Western scholars as an authoritarian and monarchical institution (and this is largely due to its historical connotation, as outlined in the preceding section), the true Islamic connotation of *Khal_fah* is not just ‘successor’ but also a deputy, representative and agent of the people. The *Khal_fah* exercises authority in the name of *All_h* and is selected by the *Majlis ash-Sh_r_* by majority vote.¹⁴ He is to possess an exemplary character in the religious, moral and social sense, has to be fully conversant in Islamic law and has to be a respected member of the community – a ‘Fard-e-Kamil’ or Perfect Man as labeled by Allama Muhammad Iqbal, a noted Muslim scholar from the Sub-continent – or, more aptly, *primus inter pares* – first among equals.

In advocating rule by a *Khal_fah*, Islam favors some form of guardianship. Certain sections of the Qur’_n identify human beings as *All_h*’s agents (*Khal_fahs*) on earth and human stewardship over *All_h*’s creation as the more general meaning of *Khil_fah* (vicegerency):

¹⁴ The ‘election’ of the *Majlis ash-Sh_r_* and the concept of majority vote is discussed – particularly in light of Asad’s analysis thereof – later in this paper.

[W]hen thy Lord said to the angels, ‘I am setting in the earth a viceroy.’¹⁵

A broad interpretation of this concept suggests that each of *All_h*’s agents (each member of the *Ummah*) is a ‘trustee’ of *All_h*, entrusted with the responsibility of governing in accordance with the principles of Islam. While some ‘trustees’ may eventually possess greater qualifications to govern, it does not clash with the inherent equality of all members of the *Ummah*, who should be active participants in the system of governance, as argued by Maududi:

¹⁵ Qur’_n 2:30.

The real position and place of man, according to Islam, is that of the representative of God on earth, His vicegerent; that is to say . . . he is required to exercise Divine authority on this earth within the limits prescribed by God. The specific implications of this for the political system are that the authority of the caliphate is bestowed upon the entire community as a whole and each of its individuals ‘shares the Divine caliphate’.¹⁶

This concept of vicegerency not only forms the basis of human responsibility and of rebellion against systems of individual supremacy, but also highlights the contrast between the Western and Islamic notions of democracy. In the words of Khurshid Ahmed:

[S]ecular democracy as it has evolved in the post-Enlightenment era, is based upon the principle of sovereignty of Man, conceptually speaking. Islam, on the other hand, believes in the sovereignty of God and vicegerency of man, the difference being that man is God’s *Khal_fah*, or vicegerent on Earth.¹⁷

Closely linked to the concept of vicegerency is the notion of consultation or *Sh_r_* – hence, the term *Majlis ash-Sh_r_* or consultative assembly:

[C]onsult with them [, O Mohammed,] upon the conduct of affairs. And when thou are resolved, then put thy trust in *All_h*.¹⁸

¹⁶ Maududi, “Political Theory of Islam”, in Khurshid Ahmed ed., *Islam: Its Meaning and Message*, p. 42.

¹⁷ Ibrahim M. Abu-Rabi’, ed. *Islamic Resurgence: Challenges, Directions and Future Perspectives - A Round Table with Khurshid Ahmad*, Tampa FL: World and Islam Studies Enterprise, 1994, p. 62.

¹⁸ Qur’_n 3:159.

[Heavenly reward] (shall be given) to all who attain to faith . . . , and who . . . , whenever they are moved to anger readily forgive; and . . . whose communal business [*amr*] is [transacted in] consultation [*sh_r_*] among themselves . . . and who, whenever tyranny afflicts them, defend themselves. . . . [B]lame attaches but to those who oppress people and behave outrageously on earth, offending against all right: for them there is grievous suffering in store! But withal if one is patient in adversity and forgiveness – this, behold, is indeed something to set one’s heart upon!¹⁹

This nexus, within the Islamic framework of governance, between vicegerency and consultation is equally acknowledged by Western scholars:

Popular vicegerency in an Islamic State is reflected especially in the doctrine of mutual consultation (*sh_r_*). Because all adult Muslims, male and female, are vicegerents (agents of God), it is they who delegate their authority to the ruler and whose opinion must be sought in the conduct of the state.²⁰

Under the Western democratic conception, this notion closely resembles the idea of representative government in which the electorate places its trust in elected representatives. Not only that, the electorate, by vesting its trust in the ruler, plays the role of an active participant in the day to day affairs of the state through the formation of the *Majlis ash-Sh_r_*. The existence of such an assembly is, in essence, participatory democracy.

In this regard, in Asad’s discussion of the application of the *Sh_r_* principle to the modern Islamic state – the election of such assembly and the performance of its

¹⁹ Qur’_n 42:36-43.

²⁰ John L. Esposito, *Islam and Politics*, 3d ed. Syracuse, NY: Syracuse University Press, 1991, p. 149.

legislative functions – one can find the most significant modern day parallels between the Islamic conception of democracy and Western democratic ideals.²¹

In Asad's view, the *Majlis ash-Sh_r_* should be armed with the mandate of the entire community – both men and women – and such representative character can only be attained through free and general elections. Hence, the members of the *Majlis ash-Sh_r_* should be elected through the widest possible suffrage. Asad proposes that since the *Shar_ 'a* does not specify the method of election, it becomes a matter for communal decision. Therefore, the election may be direct or indirect, transferable or non-transferable vote, regional or proportional representation and so on. The legislative functions of the *Majlis ash-Sh_r_* are to be guided by principles of the *Shar_ 'a* and are to cover only those matters of public concern that have not been specifically regulated by the Qur'_n and the *Sunnah*.

²¹ Muhammad Asad, *The Principles of State and Government in Islam*, Gibraltar: Dar al-Andalus, 1980.

Departing, to some extent, from the traditional concept of *Ijm_‘* (consensus, suggesting legislation by unanimous vote), Asad emphasizes that enactment by majority vote would be the ideal form of legislation because difference of opinion is the fountainhead of progress. To this end, he relies on some well documented sayings of the Prophet (*Ah_d_th*): “[t]he differences of opinion among the learned within my community are [a sign of] *All_h*’s grace”.²² “Follow the largest group”.²³ And “[it] is your duty to stand by the united community and the majority [*al-‘_mmah*]”.²⁴ Expanding upon the majority principle, Asad specifies that it would be preferable to have a simple majority for the passage of ordinary legislation, and possibly a two-thirds majority for matters of extraordinary importance like declaration of war, removal of governments or amendments to the constitution.

The final concept to be addressed in the present discussion is *Ijtih_d*, or the exercise of independent interpretive judgment. Many Muslim scholars consider *Ijtih_d* to be the key to the implementation of *All_h*’s will at any given time or place. The practice of this concept through different eras of Muslim governance has been limited because independent judgment (by ordinary mortals) on matters of law and governance has been perceived as a threat by political regimes rooted in authoritarianism. Many conservative regimes have discouraged *Ijtih_d* based on the fear that it would introduce a kind of dynamism into Islam that would detract from the legitimacy of rulers who prefer Islamic law to remain static.

²² As-Suy_t_, *Al-J_mi‘ as-saghir*.

²³ Ibn M_jah, on the authority of ‘Abd All_h ibn ‘Umar.

²⁴ Ahmad ibn Hanbal, on the authority of Mu‘_dh ibn Jabal.

Yet, modern day scholars continue to advocate the necessity of *Ijtih_d*, emphasizing the need to break the shackles of intellectual stagnation and to enter an era of innovation:

It is possible for a secular leader to suggest that power flows out of the barrel of the gun. In Islam, power flows out of the framework of the Qur'_n and from no other source. It is for Muslim scholars to initiate *Ijtih_d* at all levels. The faith is fresh, it is the Muslim mind which is befogged. The principles of Islam are dynamic, it is our approach which has become static. Let there be fundamental rethinking to open avenues for exploration, innovation and creativity.²⁵

This is the message that resonates throughout the writings of Iqbal – an ardent supporter *Ijtih_d* as early as the 1930s – which also depict a close relationship between consensus, democratization and *Ijtih_d*:

²⁵ Altaf Gauhar, “Islam and Secularism”, in Altaf Gauhar ed. *The Challenge of Islam*, London: Islamic Council of Europe, 1978, p. 307.

The growth of republican spirit and the gradual formation of legislative assemblies in Muslim lands constitutes a great step in advance. The transfer of power of *Ijtih_d* from individual representatives of schools to a Muslim legislative assembly, which, in view of the growth of opposing sects, is the only form *Ijm_* ‘can take in modern times, will secure contributions to legal discussion from laymen who happen to possess a keen insight into affairs. In this way alone, can we stir into activity the dormant spirit of life in our legal system.’²⁶

Iqbal’s view of representative government is unequivocal that, “not only is the republican form of government thoroughly consistent with Islam, but has also become a necessity in view of the new forces set free in the world of Islam.”²⁷

Conclusion and Perspectives for the 21st Century

The foregoing analysis demonstrates that the principles of Islamic jurisprudence are coincident with the basic features of democracy – perhaps not ‘democracy’ in the purest Western sense – but one with discernable theocratic attributes. By designating the entire *Ummah*, not the individual, as the final arbiter in matters of governance, it incorporates the fundamental characteristics of ancient Greek democracy. By highlighting the concept of vicegerency, it emphasizes on the notion of guardianship (with the *Khal_fah* playing the part of *primus inter pares*). By declaring *Sh_r_* an essential element of governance, and by recognizing the *Majlis ash-Sh_r_* as the central participant in the executive and legislative functions of the state, it embraces the basic ideals of representative government and participatory democracy.

²⁶ Allama Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam*, Lahore: Sheikh Muhammad Ashraf, 1968, reprint, pp. 173-4.

²⁷ *Ibid.*, p. 157.

In addition, while the Islamic paradigm limits sovereignty of the people in the religious sense, it vests in the people – through the concept of *Khil_fah* – an expansive form of sovereignty in the political sense, and upholds the ideals of liberty, equality and social justice when the *Khal_fah* is chosen by consensus and rules in consultation with the *Majlis ash-Sh_r_*.

Hence, if the detractors of Islam would admit that ‘democracy’ is a multi-faceted term whose singular, uniform meaning across different political systems is an extensive, inclusive process that is based on the participation and involvement of the common man in the governance of the state, then the elaboration of the Islamic command structure is an enunciation of such singular, uniform meaning of democracy.

And for those detractors of Islam who perceive it to be the embodiment of a rigid and static political setup, let it be known that the dynamic concept of *Ijtih_d* exists, through which the forward-looking proponents of Islam are equipped to face the challenges of the new millennium and are ready to embark on a journey into creativity and innovation.

For the Muslim countries poised at the threshold of the 21st century, the greatest asset would be a realization, upon examination of their histories, of how their political systems have departed from the truest form of Islamic democracy and what steps can be taken to return to such democracy. Given the basic tenets of Islam, and the demands of the present day, the best system of governance would be one where, under the suzerainty of *All_h*, authoritarianism and individual supremacy is shunned, the exercise of power is decentralized, and the key functions of the state are performed through majority opinion by a

body of representatives elected in a free and general election, through the widest possible suffrage.

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