

UNIVERSAL VALUES AND MUSLIM DEMOCRACY

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At this pivotal moment in history, when East and West are growing increasingly alienated from one another over issues of freedom and justice, I am reminded of our upbringing in multicultural and multiethnic Malaysia. It was this upbringing that infused the Malaysian psyche with what Nobel laureate Amartya Sen has described as a plurality of identities.¹ By nature we Malaysians are an inquisitive people, interested in other faiths and cultures. We studied the Koran and the traditions of the Prophet Muhammad at the same time that we devoured the works of Dante, Shakespeare, and T.S. Eliot. For me, there has never been any doubt that our world and the West are compatible, and that this spirit of inclusiveness and pluralism will continue to be a source of inspiration in bridging the gaps between cultures and civilizations.

Yet there are some who persist in arguing vehemently that the great civilizations are destined for confrontation if not outright conflict. While the end of the Cold War gave a great boost to the spread of freedom and gave rise to a prevailing sense of optimism, in many corners of the earth these values have yet to take root. On the contrary, we see fundamental liberties being trampled upon and abused, fueling discord among nations and civilizations. My own struggle against those who seek to keep humanity shrouded in tyranny led to my incarceration for six years, a time during which I realized with blinding clarity that freedom is the

very essence of being which unlocks the full potential of the human spirit.

There are many who believe that democracy is a construct of the West, molded in response to the peculiar historical circumstances that shaped it. Others argue that freedom and democracy, while suitable in some parts of the world, are by no means universal goods. They say that other nations ought not to adopt the ways of freedom and democracy without due regard to their own political, cultural, and social traditions.

It is true that the founding principles of constitutional democracy, as we know it today, have their antecedents in the political philosophy of John Locke, which through the writings of Voltaire entered France and then deeply influenced the framers of the U.S. constitution. But the fact that these principles of political freedom and democracy were first articulated in the West does not preclude them from universal application, nor can it be asserted that they have not been expressed in other contexts.

It has been argued, for example, that “Asian values” developed in clear opposition to democratic values. Confucian ethics is cited in this respect as stressing the importance of filial piety, and, by extension, submission to state authority. But this argument completely ignores another central precept of Confucian ethics, which, as Tu Wei-Ming correctly asserts, also emphasizes the primacy of the self and the importance of self-cultivation in realizing human potential and guarding against exploitation by the powers that be.

Amartya Sen and another Nobel laureate, former South Korean president Kim Dae Jung, have effectively debunked the Asian-values thesis.² The experiences of South Korea and Taiwan, two states with a clearly Confucian ethical heritage, further lay waste to the notion that Western concepts of democracy are incompatible with Asian civilization. Thailand, a state with a largely Buddhist population, and Indonesia, with the largest Muslim population in the world, have also succeeded in building democracies. Contrasted with these examples, the false discourse of “Asian values” merely shows how far authoritarian rulers, along with their cronies and apologists, will go in order to justify and preserve their rule. Although autocrats remain entrenched in some places, their influence over the masses is waning, and it is undeniable that Asian peoples have demonstrated not only their desire to promote democratic principles, but also their ability to sustain democratic institutions and freedoms.

Harrowing theories have also been concocted claiming an inherent contradiction between Islam and democratic values, in an attempt to drive a wedge between two great civilizations. It is said, for example, that whereas liberal democracy places sovereignty in the hands of the individual, in Islam sovereignty belongs solely to God, thereby reducing the individual to a mere agent with little concern for the exercise of creativity and personal freedom. This view is a misreading of the sources of religion and represents a capitulation to extremist discourse. The

proper view is that freedom is the fundamental objective of the divine law. Islam has always expressed the primacy of *'adl*, or justice, which is a close approximation of what the West defines as freedom. Justice entails ruling according to the dictates of Islamic law, which emphasize consultation and condemn despotism and tyranny.

As articulated by the great jurist al-Shatibi (d. 790 C.E.), the *maqasid al-shari'a* (higher objectives of the *shari'a*) sanctify the preservation of religion, life, intellect, family, and wealth, objectives that bear striking resemblance to Lockean ideals that would be expounded centuries later. Many scholars have further explained that laws which contravene the *maqasid* must be revised or amended to bring them into line with the higher objectives and to ensure that they contribute to the safety and development of the individual and society. Notwithstanding the current malaise of authoritarianism plaguing the Muslim world, there can be no question that several crucial elements of constitutional democracy and civil society are also moral imperatives in Islam—freedom of conscience, freedom of expression, and the sanctity of life and property—as demonstrated very clearly by the Koran, as well as by the teachings of the Prophet Muhammad, perhaps most succinctly and eloquently in his farewell address.

There is an ongoing debate over these issues in the Muslim world. The extremist view, by conflating the exercise of state power with the sovereignty of God, confers on tyranny the mantle of legitimacy. On the other hand, the secular elite espouses a vision that purports to eliminate the role of religion within the public sphere. The current assertions about Islam's hostility to democracy hold no more water than did the discredited Asian-values thesis.

A Muslim Wave of Democracy?

The quest for democracy among Muslims today is one of the most prominent and transformative features of our time. An earlier democratic wave brought down the Berlin Wall, liberated Eastern Europe from communism, and triggered the implosion of the Soviet Empire. Almost a decade later, Indonesia, the largest Muslim country in the world, broke free from the yoke of military-based authoritarian rule and plunged headlong into democracy after more than thirty years of oppression and dictatorship. Indonesia is the world's largest Muslim-majority nation; its successful transition is the single most significant development in the recent history of democracy. The press in Indonesia is free, and the fairness of Indonesian elections is unsurpassed. Fundamental liberties are enshrined in the constitution and fully recognized and respected by the powers that be. The people may gather to protest government decisions and policies without fear of reprisal.

Still, efforts to bolster democratic institutions must be pursued relentlessly. Economic progress through free-market reforms must remain

high on the list of priorities, with a concomitant program for socioeconomic justice. The fight against corruption must continue with full conviction. It is true that Indonesia still has significant steps to take, particularly toward fulfilling the socioeconomic objectives of democracy, but it undoubtedly remains a beacon for Muslim nations aspiring to attain democracy and freedom.

What happened in Indonesia in 1997 stands as one of the decisive moments in Islam's modern history. What is happening in Turkey in the current decade is no less remarkable. If Indonesia enjoys the prestige of being the largest Muslim country, Turkey is remembered among Muslims as the seat of their last great empire, as well as of the caliphate. The Turkish Republic came into being after the First World War as a modern state with an avowedly secular character under Mustafa Kemal. Until recently, however, Turkish democracy was beset by a fundamental contradiction: Its secular character was maintained not by popular consent, but by military force. Moreover, secularism had morphed into a religion of its own. Hopes of joining the European Union have helped to contain the once unrestricted power of the military elite and to open up political space in which parties may operate without fear of reprisal. In this new climate, the current government has a clear democratic mandate from the people. The work that Turkey has done in order to navigate its way to a "new consensus" marks the country as one of the most vibrant and mature Muslim democracies. It is within a democratic framework that this nation aspires to refresh its collective memory of its cultural heritage. Turkey seeks to mature further as a democracy while retaining its Muslim identity.

Turkish prime minister Recep Tayyip Erdoğan, the former "people's mayor" of Istanbul who spent time in jail for his devotion to his political convictions, embodies the qualities needed to advance democratic reforms and social justice. Under his leadership, secularism is no longer seen as "against religion" but rather as a fundamental principle of impartiality and tolerance of religious diversity. To my mind, if a modern democratic Muslim state seeks to set limits on governmental authority in deference to the rights of the individual, this is wholly in line with the requirements of constitutional democracy.

Though the relevance of the Turkish experience to the rest of the Muslim world may seem self-evident, there is considerable dispute over the lessons to be drawn from it. According to some interpretations, for example, the primary lesson of the Turkish case is that a secular political order is a prerequisite for constitutional democracy. But the experiences of Egypt and Iraq under Nasserism and Baathism, respectively, clearly reveal that secularism, far from being a guarantee of constitutional democracy, may become a formula for tyranny. Indonesia under Suharto was explicitly secular, but it certainly was not a constitutional democracy. It is more correct to say that constitutional democracy cannot take root in a society, whether secular or Islamic,

without a firm and profound commitment on the part of the political elites to protect the fundamental rights of all.

The Desire to Be Free

The current trend in the Muslim world does not lack historical antecedents. British historian Eric Hobsbawm has rightly called the twentieth century “the age of extremes,” highlighting the disastrous outcome of communism and fascism and also of the illusion that free-market capitalism would spread wealth and prosperity to the poorer nations of the world.³ Despite the fear and prejudices directed at fundamentalists of all religious persuasions today, the worst crimes against humanity were all committed by godless fanatics: Hitler, Stalin, Mao, and Pol Pot. For Muslims, the twentieth century was a century of great hopes. Unfortunately, it was also a century of great betrayal. The attainment of national liberation raised expectations high as one Muslim country after another freed itself from colonial tutelage. The battle cry of freedom fighters and the founding fathers of many of these movements was democracy, freedom, and justice. Their sacred oath to their people was to establish an independent and democratic nation.

Muhammad Ali Jinnah (1876–1948), the founder of Pakistan, was at that time perhaps the most revered foreign leader among Muslims in Southeast Asia. The affection was well placed given Jinnah’s commitment to democracy, his abhorrence of corruption, and his stern warning that the army should never leave the barracks. In 1947, he told the Constituent Assembly of Pakistan that “the first duty of a government is to maintain law and order, so that the life, property and religious beliefs of its subjects are fully protected by the state.” Unfortunately, Jinnah did not live long after Pakistan’s birth as a civilian and democratic state. After his death, Pakistanis unfailingly and deferentially referred to him as “Quaid-e-Azam” (the Great Leader), but his ideal of good governance and democracy has yet to be realized.

In my own country, Malaysia, independence was achieved in 1957. Our Declaration of Independence stated that the new sovereign nation was founded upon the principles of justice and freedom. Unfortunately, the principles of justice and freedom were soon forgotten, and the fundamental liberties enshrined in the constitution were usurped and eroded by the ruling clique and replaced with draconian laws, a restricted media, and a compromised judiciary.

It is an essential element of democracy that the authority of the government be derived from the consent of the people. Does the holding of elections fulfill this requirement, or are there other fundamental issues to be considered? First, elections themselves must be free, fair, and transparent, and there must be a “level playing field.” This requires equal access to independent media, open debate, and election administration

that can stand up to international scrutiny. Opposition parties and candidates must enjoy the freedoms of speech, assembly, and movement necessary to voice their criticisms of the government openly and to bring alternative policies and candidates before the electorate. In Malaysia, the opposition is barred from the airwaves, its rallies are not allowed, and opposition newspapers are forced underground. If democracy involves political participation in its fullest sense, then the existence of a vibrant opposition is essential as a bulwark against the tyranny of absolute power. Similarly, if pluralism is the final test of democracy, as indeed it should be, we will find that many countries today are dismal failures—not just in the Arab world but also in some constitutional democracies that achieved independence half a century ago.

As noted earlier, democracy is also about justice. The idea of justice is so central to what it means to be human that no society is devoid of this conception. Moreover, as a society matures, the people's expectations in terms of justice become even greater. Whole societies have been stirred to action in the pursuit of justice and good governance, overthrowing colonial powers and foreign oppressors. Yet today, long after independence has been achieved, these societies find themselves forced to fight against oppression from within, because there can be no justice under autocracy, a political system characterized by the rule of men and not the rule of law.

The rule of law requires that the rules and procedures which the state enforces be public and explicit, not secret, arbitrary, or subject to political manipulation. We do not want our homes to be broken into and searched by the police without a court order, a court order that must be granted on legitimate grounds, not handed out as a matter of course by pliant magistrates and judges. We do not want anyone to be held under arrest without explicit charges. We do not want confessions extracted through torture, physical or psychological abuse, or any kind of threat or promise. In other words, there must be no extrajudicial procedures, arbitrary arrests, or use of the state apparatus to silence political opposition and dissent.

By the rule of law, we also mean the protection of fundamental rights. To borrow a phrase from the renowned American professor of jurisprudence Ronald Dworkin, these rights must be "taken seriously." They must be protected by an independent judiciary that functions as an effective check and balance against the powers of the executive and the legislative branches of government. The judiciary is the essential safeguard for fundamental liberties. If judges are to be independent of the other branches, their tenure must be protected by the constitution. To ensure their impartiality, their ability to judge without fear or favor, they must be irremovable except for cause and through a formal procedure. Certainly, they must not be removed or even threatened with removal merely because they are bold enough to call a spade a spade.

There will be those who raise the specter of an uncontrollable judi-

ciary riding roughshod over the rights of governments as well as the religious and moral traditions of the people. Yet judicial independence is essential for protecting citizens against arbitrary government and political despotism. Indeed, the travesty of justice that continues to characterize political cases in most countries is a stark reminder that the separation of powers often remains a mirage on the constitutional landscape.

Engagement Based on Universal Principles

For many of us, the debate about democratization is anything but theoretical. It emanates from our innate desire for honor and dignity and the natural human instinct for survival and development. Every day that passes without change means another bleak night for political prisoners languishing in solitude, another death from hunger and disease as a result of neglect and deprivation, and another opportunity for the corrupt to abscond with millions from state coffers.

This debate is about the people's compact with the state, about governance and accountability. We reject the arrogance of power, the machinations of the intelligence apparatus, and the suspension of civil liberties, be it in mature or emerging democracies. We should not apply double standards, condemning Saddam Hussein as the perpetrator of crimes against humanity and turning a blind eye to the current atrocities in Iraq. While we condemn the inhuman treatment of prisoners at Abu Ghraib, we must not ignore the deplorable treatment of political prisoners across the Muslim world. We will not be successful in the struggle for democratic reform unless we are optimistic and have trust in the wisdom of the people.

The future of Muslim democracy is now. The emergence of Muslim democracies is something significant and worthy of our attention. Yet with the clear exceptions of Indonesia and Turkey, the Muslim world today is a place where autocracies and dictatorships of various shades and degrees continue their parasitic hold on the people, gnawing away at their newfound freedoms. While it is true that some positive changes are in evidence in the Middle East, it must be stressed that we are still a long way from realizing our cherished ideals of freedom and democracy, ideals that we find in the Islamic intellectual tradition, where unjust and corrupt leaders are held to account—a tradition illustrated by the allegorical tales found in the twelfth-century *Sulwan* (a guidebook for just rulers) of Zafar al-Siqilli.⁴

If democracy is about nurturing a “spirit of dissent,” then it has indeed been part and parcel of Muslim cultural history, founded on a tradition attributed to the Prophet Muhammad that the divergence of opinions among scholars is a *rahmah* (blessing). The great founding jurists of the major schools of law in Islam adamantly protested against their own school being adopted as the state canon of their time. Many were imprisoned as a result. We are the inheritors of this tradition, which

provides today's Muslims with a storehouse of democratic ideas. But as T.S. Eliot reminds us, between the idea and the reality falls the shadow.

The light that will make this shadow vanish is engagement, to be pursued relentlessly with courage and conviction. We must reject the marginalization of people merely because of their political convictions. We must ensure that democratic institutions are firmly in place to accommodate a broad spectrum of political perspectives, modern or traditional, liberal or Islamist. The West must not view the traditional scholars as being against freedom or democracy. Many have been fighting for freedom and justice, and many have paid a high price for it. It is a mistake to engage only with the liberals while ignoring the leaders who command the support of the majority. Our challenge will be to engage with the broadest spectrum, without compromising our commitment to freedom and democracy.

The conclusion we must draw from these legacies is that the human desire to be free and to lead a dignified life is universal. So is the abhorrence of despotism and oppression. These are passions that motivate not only Muslims but people from all civilizations.

NOTES

1. Amartya Sen, *Identity and Violence: The Illusion of Destiny* (New York: W.W. Norton, 2006).

2. See Amartya Sen, *Development as Freedom* (New York: Oxford University Press, 1999) and Kim Dae Jung, "A Response to Lee Kuan Yew: Is Culture Destiny? The Myth of Asia's Anti-Democratic Values," *Foreign Affairs* 73 (November–December 1994): 189–94.

3. Eric Hobsbawm, *The Age of Extremes: The Short Twentieth Century, 1914–1991* (New York: Pantheon, 2003).

4. A full English translation of al-Siqilli's *Sulwan* may be found in Joseph A. Kechichian and R. Hrair Dekmejian, eds., *The Just Prince: A Manual of Leadership* (London: Saqi Books, 2003).