

СОЦИОЛОГИЯ УПРАВЛЕНИЯ И СОЦИАЛЬНЫЕ ТЕХНОЛОГИИ
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Original article

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**Religious Theodemocracy: Sharia democracy
as a unique Islamic model**

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Abstract. The following paper deals with an issue that transcends the ongoing controversy over the compatibility between political Islam and democracy. This work raises this issue to a higher level by entering into the nature of the models of democracy themselves and their relation to a political ideology that is widespread in the Muslim world. Hence the intention of the author, through the methods of induction, deduction and comparison, is to present the theoretical, philosophical and empirical dimensions of sharia democracy as an important model of eventual democratic order in some of the Muslim societies. Thus, the general orientation in this study is to determine three aspects in the relation of Islamic ideology and subjects with the indicated form of religious theodemocracy. First, the format of election of citizens' representatives, i.e. the representative form of government. Second, the manner of decision-making and the type of decisions that could be made in a democratic setting of Islamic discourse. And finally, the degree of influence and role of religion, ie Islam in the process of shaping democratic principles, norms and value components relevant to Muslim societies. Such benchmarks signify a coherent whole and represent the qualitative and quantitative content in the ideology of political Islam, on the one hand, and on the other hand, they reflect the democratic possibilities in sharia as the desired Islamic legal order.

Keywords: Political Islam; Ideology; Models of Democracy; Sharia democracy

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Оригинальная статья

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**Религиозная теодемократия: Шариатская демократия
как уникальная исламская модель**

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Аннотация. В данной статье рассматривается вопрос, который выходит за рамки продолжающегося спора о совместимости политического ислама и демократии. Данная работа поднимает этот вопрос на более высокий уровень, вникая

в природу самих моделей демократии и их связь с политической идеологией, широко распространенной в мусульманском мире. Таким образом, автор намерен с помощью методов индукции, дедукции и сравнения представить теоретические, философские и эмпирические аспекты шариатской демократии как важной модели возможного демократического порядка в некоторых мусульманских обществах. Таким образом, общая направленность данного исследования заключается в определении трех аспектов в соотношении исламской идеологии и субъектов с указанной формой религиозной теодемократии. Во-первых, формат избрания представителей граждан, то есть представительная форма правления. Во-вторых, способ принятия решений и тип решений, которые могут быть приняты в демократических условиях исламского дискурса. И, наконец, степень влияния и роль религии, то есть ислама, в процессе формирования демократических принципов, норм и ценностных компонентов, актуальных для мусульманских обществ. Такие ориентиры представляют собой единое целое и отражают качественное и количественное содержание в идеологии политического ислама, с одной стороны, а с другой стороны, отражают демократические возможности в шариате как желаемом исламском правопорядке.

Ключевые слова: политический ислам; идеология; модели демократии; шариатская демократия

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Introduction. The debate on the political and philosophical basis for establishing a theodemocratic form of government, i.e. a specific form of sharia democracy, as a unique Islamic model, primarily aims at several elementary achievements in the realization of this form. First, to avoid the establishment and application of non-Sharia laws, norms, rules and social behavior in the system (such as bank interest rates, narcotics, legalization of same-sex marriage, legalization and stimulation of abortion, murder, etc.). Second, to find an appropriate form of connection between modern democratic postulates and Islamic values, legal and spiritual dimensions. And finally, to penetrate a model of systemic management and governance in modern countries that will adequately meet the above criteria.

At the same time, the idea of sharia rule is as old as the Islamic political scene itself. In other words, the determination and commitment of Islamic political entities, regardless of their organizational form, were essentially directed towards a political system based on the application of Sharia and its full affirmation

among the population of a particular area. In the recent period, a series of authors have emphasized that support for some theocratic principles and elements of governance has a strong ground, and not only in Muslim countries. Countries such as India, Israel, Malaysia, Nigeria allow certain aspects such as personal status, family relationships, etc., to be regulated by religious communities. Gilles Kepel acutely describes this situation of revival of religion in state politics as “revenge on God”, while other authors such as Jose Casanova conclude that this process is the result of a return to support for religious figures and institutions, as well as the belief that religion should play a major social role, and even have the authority to dictate directions in the public sphere (Falaah, 2016: 66).

Several key questions determine the research framework in this paper. First, what is religious theodemocracy, who are its founders and what are its value orientations? Second, how and to what extent does religious theodemocracy convert to sharia democracy, i.e. on which postulates is it based? Finally, what is

the political-philosophical basis of the idea of sharia democracy and to what extent is it applicable in today's conditions? Simplified, what are the possibilities, obstacles and remarks of this model?

Methodology and methods. *Embodiment of ideas for god's justice: religious theodemocracy.* The concept of religious theodemocracy owes its origin not to the Islamic or Jewish tradition, but to the American Mormon Christian denomination, whose founders and representatives theoretically developed a system of symbiosis between theocracy and forms of republican and democratic government. Although as a system there is a modest theoretical explosion, and even less empirical experience, theodemocracy as a democratic model is increasingly receiving attention in religiously oriented political ideologies and circles with democratic inclinations.

Theocracy and theodemocracy. The concept of theocracy was conceived by the Jewish historian Flavius Josephus (38-100 CE) who, in Gentile, tried to explain the organization and politics of the former Jewish Commonwealth by comparing theocracy with other forms of government such as monarchy, oligarchy, and republic. He emphasizes that the Jewish legislator (Moses) had nothing to do with these forms of government, but established the Jewish government to be what could strictly be termed a theocracy, attributing authority and power to God and assuring all people to have respect for Him, as the author of all good things (Abbas & Asim, 2015: 39). The state of Israel led by the prophets before the era of the kings, the Vatican, Prince – Bishopric of Montenegro (1516-1852) are considered typical examples of theocratic states. Hence, the modern notion of theocracy denotes the form of government in which the religious institution is the source from which authority derives, and the Oxford Dictionary defines it as: a) A system of government in which priests rule in the name of God; and b) The Commonwealth of Israel from the appearance of Moses to the election of Saul as king (Oxford English Dictionary, 2015).

Theodemocracy, or democratic theocracy, as noted by some authors, is a political

system proclaimed by Joseph Smith, the leader and founder of the Last Days movement. The description of Smith, the founder of the Mormon movement, or denomination in Christianity, contains a fusion of traditional republican and democratic principles of government with a theocratic understanding of political governance. Joseph Smith characterizes such rule as a system in which God and the people hold power in order to rule righteously, that is, to embody God's justice. Smith believed that such governance would be a form of government that would be established in the world after the Second Coming of Christ. This policy will represent the "Kingdom of God" that the prophet Daniel foretold in the Old Testament of the Bible. As Marvin Hill notes, the first "Witnesses of the Last Day" (Mormons) were supporters of Jackson's democracy and were involved in representative Republican politics. But later Mormons saw the vortex of competitive denominations and social institutions in the early 19th century as evidence of the social turmoil and confirmation of the unrest and violence that characterized America under President Jackson. Thus in 1842 Smith wrote that earthly governments had failed in their attempts to promote eternal peace and happiness, and that even the United States was characterized by partisan conflicts, political intrigue, and the interests of individuals (Hill, 1989: 59).

Patrick Q. Mason notes that nineteenth-century Mormons also protested against the spiritual disharmony they face in increasingly crowded American religious landscapes, as well as against the early processes of what they called "excessive secularization". Proclaiming their devotion to God in all human affairs on the one hand, and their sincere belief in American republicanism on the other, Joseph Smith and his followers sought to establish a sociopolitical order dedicated to combine the virtues of power with God (theocracy) and the power of the people (democracy). Instead of perceiving these systems as competing or contradictory, Smith and his followers treated them as complementary. Many adherents claim that they are inseparable and can not be fully adopted and accomplished without each other,

that theos and demos are in fact part of an organic system of government that permeates not only the “earthly” events but also the “kingdom of God”. (Mason, 2011: 350).

Research Results and Discussion. *Features.* First, the supermacy of religious “revelations”. Religious revelations that explicitly contain a qualified system of rules, principles, and religious principles, both spiritually and socially, are superior to secular laws. In other words, no legal provision enacted by the legislature can be in conflict with religious norms. Religious values and principles in this model are the starting point for making decisions that govern daily life. According to John Taylor, the appropriate model of governance in this regard would be the following: “God speaks first, and then men have their action”. What gives additional impulse is that people keep their activities, because they have “perfect freedom” in choosing whether to accept God's dictates. Because of this, Taylor warns that there is an exact purpose in which wisdom and knowledge come from God through the medium of the sacred priesthood (Mason, 2011: 360).

From a constitutive point of view, two types of supermacy of religious texts can be differentiated in relation to constitutional norms. First, for religion and its norms to be the source of legislation and interpretation of laws, whereby any law contrary to the first principles would be abolished; and second, the authority of religious authorities to issue legal opinions and rulings on the jurisprudential status of the system, on an identical or higher line than civil courts (Hirschl, 2008: 1185). These categories would ensure the implementation of religious postulates in the system.

Second, the competitiveness of the religiously-educated elite and civic participation. Theodemocracy according to theoretical conceptions allows citizens to elect leaders with higher religious education, but also to participate in decision-making of local importance for their community. A distinction needs to be made between the clergy and religiously educated citizens for two reasons. First, in a theodemocracy it is possible for any citizen who

has a high knowledge of religious norms to be a participant in government, whether or not he or she has a priestly rank. Second, in the Islamic world where religious theocracy is significantly observed, there is no clergy in terms of an organized and structured religious hierarchy as in other religions, especially Christianity.

One of the protagonists of theodemocracy during its initial affirmation and creation, Wilford Woodruff, in his speeches tried not to qualify such a system as autocratic or theocratic. Instead, he said, the theodemocratic government relied on “the voice of God and the sanction of the people”. Opposing the anti-Mormon protagonists who proclaimed that the church was based on anti-democratic postulates, he set out the elementary assumption of theodemocracy that advocated and identified Taylor, noting that God has a voice and that the task of the people is to accept (Mason, 2011: 361). On the other hand, George Smith wrote in 1865: “Our system should be theocracy – the voice of people who agree with the voice of God”. Mason emphasizes that this very view has remained consistent throughout the history of theodemocracy, that is, the common relationship between God and man, while never endorsing a complete theocracy in which priests or religious jurists would rule completely under subjugated people. (Mason, 2011: 361). The Islamic doctrine of theodemocracy, as reported by Shamsul Falaah, goes a step further. Comparing it with classical theocracy, as well as the postulates of the nineteenth-century Mormons, according to the theodemocracy of the Islamic expert Mawdudi, all powers are not given to Islamic jurists, but to political institutions stipulated in constitutions. In such institutions, powers are given to all Muslims (everyone can participate), i.e. of all Islamic community (Ummah) that follow Islamic law as a guide in policy making (Falaah, 2016: 68).

Third, the republic government. Theodemocracy recognizes the Republican organization of government as an important element that can be perceived from two aspects. First, the rulers are elected, as we have seen in the

previous paragraph, and second, the guarantee of the freedoms and rights that are typical of republicanism as a protective conception of democracy. In that sense, according to the bearers of the concept of theodemocracy, the religious, i.e. the ethical and moral postulates of religion provide the public good, as etymologically dimensioned by the republic in its own credo.

The early Mormons, from the position of the founders of the theoretical model of theodemocracy, considered themselves to have fused the best aspects of all previous systems of government: they rejected and surpassed monarchies because theodemocracy did not rest on the divine right of kings, but on the true direction of God. They also surpasses and rejects traditional aristocracies because leadership is not based on privileges based on wealth or origin. Finally, accepts but also surpasses the liberal republics, because it is not based on natural wisdom and human rights, but on the wisdom, faith and obedience of those who have responded to the call of God and to whom He has entrusted His authority for their work, church and organization. Also, the theodemocratic components of Mormons imply that non-Mormons would be active participants in political life and even play a leading role in government institutions (Mason, 2011: 372). As such, theodemocracy would mean the preservation and realization of the interests of citizens of another religious orientation.

Many modern Western theorists are inclined to equate theocracy with corruption, abuse of power, and violence, and propose liberal secularism as a cure for religious exclusivity and militancy. In contrast, Smith conceived of theodemocracy as the solution to political tyranny, equating God's rule with "Puritan liberty", sincerely believing in the stage of their realization. According to him, theodocracy should bring peace, stability and freedom, while the (secular) nation-states still carry blood, confusion and repression. (Mason, 2011: 357). That's why Brigham Young convinced his listeners and supporters that in every sense of the word, theodemocracy is a republican government that differs little from the cur-

rent republics in the United States. The essential difference is the moment that in theodemocracy citizens recognize the will and diction of the Most High. The "kingdom of God" conditions and describes the general right of citizens in relation to their external authority, including the Holy Gospel and the New Testament, through which people can be saved. Instead of competing and colliding, civil law and the Scriptures complement each other and both are an integral part of the "kingdom of God". According to the theodemocrats, democracy (liberal democracy) failed due to the fact that citizens refused to heed God's will, so a common sovereignty between God and the people should be sought (Mason, 2011: 360).

Islamic aspects of key democratic elements: Islamic domain of the rule of law, possibilities for representative government and separation of powers. The idea of the rule of law has gained wide popularity in liberal political thought because of its ability to protect the rights of the individual from the unlimited and arbitrary power of the king and his executives. From a westernist perspective, the rule of law is a concept that limits government. The theoretical postulate of the concept of the rule of law is well summarized by Cant who argues that laws should be universal, i.e. general (not dealing with a particular case), open (not prescribing specific behavior) and certain (their implementation being predictable). Lon Fuller outlines another well-known framework that encompasses the content of the rule of law paradigm. All the components cited by Fuller may be qualified as necessary properties that the laws should contain. Thus he lists several characteristics of laws: a) Generality; b) Public promotion; c) Prospectiveness (not retroactivity); d) Clarity; e) Consistency (ie without contradictions); f) Practicality (ie not seeking the impossible); g) Constancy with time; h) Congruence with the activity of public servants. (Fuller, 1969: 45-50).

Sharia compatibility. Taking into account such predispositions, it means that in this domain we primarily consider the essential domain of the rule of law. In this respect, several

elements are contained in the sharia that, according to Fuller's criteria, would be compatible with the theoretical matrix of the rule of law concept. Jerg Gutmann and Stefan Voigt note several parameters of the correlation of sharia characteristics with Fuller's frame. So, above all, sharia complies with many of Fuller's features. The Shari'ah (or the Qur'an) is publicly announced, and its prominence and revelation are remarkable. In addition, sharia is the clearest in terms of one of Fuller's criteria – its durability over time. For some apologists of Islamic provenance, sharia is very important because the fact that it is perceived as divine law makes it difficult for the government to ignore its compliance or implementation, or the ability to modify it according to its own political options. Consequently, Islamic law connects and applies to all Muslims including rulers. Therefore, its generality is argued in accordance with Fuller's cumulative list of criteria. (Gutmann & Voigt, 2018: 5).

Divergent liberal positions and debates.

From a liberal democratic conception of the rule of law, sharia has certain divergences with this principle. It is thus noted that one key feature of the rule of law is the equal treatment of all individuals (Isonimia). As liberals have observed since the founding of Islam, three social inequalities were not only sanctioned but also “illuminated by the sacred text”. These inequalities included the relation between master and slave, man and woman, and Muslims and non-Muslims (Kafir). Differential treatment between men and women is still a practice in many Muslim countries, where women's rights, including the right to vote, imply different treatment than men. Inequality between Muslims and non-Muslims also has deleterious consequences, so historically non-Muslims have specific legal treatment qualified as Dhimmi (protected), as well as specific clothing identification and exclusion from court testimony. (Gutmann & Voigt, 2018: 5). A few remarks should be made in this regard. First, the master-slave relations, which the Islam categorically seeks to abolish, that is, one duty for Muslims is to “free the slaves” for deliverance

from some sin. (Karic, 2018). Second, inequalities between men and women should be seen in the light of the pre-Islamic position of women and their social status, which is greatly enhanced by the emergence of Islam and Muhammad. Third, through the prism of expediency, the general purpose of Islam, including the protagonists of political Islam, is not equality but justice. Hence many categories of citizens (such as non-Muslims, women, children) have special status in order to implement justice. And finally, from the praxeological discourse, improving the rights and status of women, minorities and social welfare mark the rise of the features of the Islamic political party's platform such as the AKP, El-Wasad, Ennahda, etc.

However, what is of additional importance to the liberal discourse of the rule of law is its dynamism, the possibility of revision and the extension of a set of rights to certain categories of individuals or groups. Due to the divine nature of sharia, according to the liberal discourse, it becomes an obstacle to the realization of the concept of the rule of law. It is because of the divine origin of Sharia that cannot simply be changed. This is a problem as Gutmann and Voigt note about all religions (and from our discourse expressed on political Islam as a subject with religious ideology), but especially on some central provisions of Islam because of the belief that after the revelations of Prophet Muhammad (the Qur'an and his Sunnah, observed through the hadiths) and their interpretations by the first generation of Muslims (the companions and the second generation Muslims), the door to a new interpretation of the Qur'an is closed. This idea is called Ijtihad. (Gutmann & Voigt, 2018: 6). These positions, too, come up with remarks, primarily through the prism of the character of the position of Islamic law, comparing it to other systems and secondly to the political discourse of modern Islamic parties. In this respect, it is true that according to the majority of Islamic political spectrum sharia regulations cannot be changed by human laws. But for example, some historic constitutional documents of the British system like the Magna Carta or the Bill

of Rights have also not been changed to this day. Fatwa (the legal determinations of Islamic experts) play the role of thoughtful interpretation in Islamic law and adapting certain human relations to Shari'ah. Second, the praxisological discourse of the Islamic parties concludes that many of them do not address issues that in the modern age would have a negative connotation with the liberal masses, and certain sanctions such as the Hudud (rigid punishments) would only have a secondary meaning if justice was not implemented. Third, many contemporary Islamic intellectuals re-actualize the issue of *ijtihad* as relevant because of the new socio-political circumstances. And finally, a distinction should be drawn between the *Wasatiyyah* (moderate) and the *Salafi* (conservative) branch of political Islam. The first one would agree to the implementation of modern liberal postulates in the field of human rights and freedoms, while the second would remain strictly in the Islamic context prescribed by the Prophet and interpreted by the most imposing representatives of the Islamic *ulama*. For example, the Turkish *AKP* stipulates that standards in the field of human rights and freedoms are an integral part of the international treaties to which Turkey is a signatory, with particular respect for the Universal Declaration of Human Rights and Freedoms, the European Convention on Human Rights and Fundamental Freedoms, the Paris Charter and the Helsinki Final Act. (Demiri, 2009: 131).

However, what is crucial to the rule of law in political Islam is the syntagm that the legislature would respect the principle of the rule of law unless it makes decisions contrary to the *Qur'an* or the *Sunnah* and the legal teachings of prominent Islamic experts.

On the other hand, representative government and separation of powers are domains for which Islamic political thought has a modest elaboration. This is due to the fact that the caliphates and sultans were known during the rise of Islam, and the liberal discourse emerged at a time when the Islamic world was experiencing a political and economic crisis. The aspects of representative government, that is, a

representative body of citizens and the separation of powers, which were accepted as a general determinant of all models of democracy, are more recent in Islamic political thought. We have to bear in mind the fact that for many of the Islamic leaders in the Middle Ages this concept was completely unknown, hence their ambivalence on the issue. The representativeness of the citizens is leveled by the principle of *Shura* (consultations) in Islamic legal and political discourse, and the separation of powers with certain hadiths of the Prophet concerning the judges, which we will consider in the following.

Allusion to the principle of Shura (consultation). Abdulkadir Mubarak rightly observes that certain Islamic circles proclaim all decisions in Islamic states to be made through consultation, or *shura*. In this respect, the concept of *shura* with representative government is alluded to. For some Islamic activists, the concept of *shura* demands a representative democracy. Through the *Qur'anic* provisions of the *Shura*, as well as the traditions of the Prophet (peace and blessings be upon him), this implies that Muslims are obliged to consult each other when deciding their issues. Contemporary Islamic thinkers such as Mubarak, transmit ranging from the relatively conservative (*Salafist* branch according to our qualifications of political Islam) to the liberal (moderate – *Wasatiyyah* Branch) to *Shia* activists emphasizing the importance of *shura* in the political arena. In this regard, the *Shia* Islamic political activist who was executed by Saddam Hussein's regime in Iraq, Bakir al-Sadr, stated: "People have a general right to dispose of their powers based on the principle of *Shura*" (Mubarak, 2016: 10).

Many modern, but also traditional Islamic jurists and activists believe that the government should be a form of consultation or *Majlis el-Shura* (Consultative Assembly). Al Mawardi, as a prominent Islamic scholar inspired by many contemporary Islamist activists, says *Majli* (Parliament) members must meet three criteria: they must be fair, they must have sufficient knowledge to distinguish right-

eous and good from bad Caliph (head of the Islamic State) and to be distinguished by the wisdom of selecting the best caliph. In addition, Mawardi points out that in case there is no caliphate or Majlis, the citizens, i.e. the Islamic Ummah (communities, have to create a Majlis (Parliament) with their own representatives, compile a list of candidates for a caliph, and then the Majlis to choose from the submitted list, a caliph of the Islamic State from the submitted list. (Nabhani, 2002: 6). Mubarak's answer to such questions would lead to the answer of the question of what is Shura? It basically involves three assumptions: first, all people in society are equal in civil and political rights; second, public affairs should be decided by a majority; third the principles of justice, equality and human dignity in accordance with the Islamic moral code are best realized through the principle of shura, i.e. consultation. (Mubarak, 2016: 12). It is also notable that non-Muslims may participate in the representative consultative body, but with one exception- they cannot participate in the election of a Caliph, according to the archetypal Islamic construction and cannot perform some functions, but may therefore react to the unlawful and unjust actions committed against them by the government. (Mubarak, 2016: 12).

But not all Islamic activists agree that the principle of shura is a parliamentary representative government. This is especially true for some circles of the Salafist branch or neo-Khawarij. Sayyid Qutb, for example, points out that the Qur'an does not prescribe how a ruler should be elected (through consultation or universal suffrage), nor by whom he should be advised, and whether all people are equally entitled to vote. Qutb dismissed representative liberal democracy as a Western product foreign to the Islamic world. (Mubarak, 2016: 13).

Yet almost all Islamic activists and theorists today agree, at least from the praxisological point of view, that modern living imposes the need for legal regulation on numerous public sector categories such as traffic, irrigation, transport, industry, economy, currencies, im-

ports, exports, public health, education etc. Fathi Othman states that all these aspects should be regulated through representative bodies, with due regard for the public interest and the principles and objectives of sharia. It is also noted that the Prophet (peace and blessings be upon him) had foreseen in his lifetime that some aspects would not be regulated by the Qur'an, so he asked the people performing judicial functions (Qadi) to judge according to their own judgment (ijtihad) which is completely natural and guided by the spirit of Sharia and its general principles (Othman, 1994: 97).

Different positions about separation of powers. This point also implicitly reveals the assumption of the separation of powers in Islamic political thought. Islamic political activists from different provinces have a different view on the issue. According to some scholars, in Islam there is no separation of powers because there was a fusion of power (legislative, executive and judicial) during the Prophet's time. But yet another group with a stronger argument argues that such assumptions are invalid because it only applies to the Prophet. Second, there are several Quranic verses and hadiths that suggest to the judiciary (Qadi) that they have been assigned a role to perform that function. For example in the Surah Al Ma'idah (The Table) the Allah warns those entrusted with judging: "... And those who do not judge according to what Allah has revealed, they are unbelievers!" (Kuran na makedonski 5:14). Third, it also cites the vast empirical experience of the Islamic states (Caliphates and Sultanates) in which the institution of judiciary or Qadi was known. Second Rashidun Caliph Omar was the first Islamic leader to start appointing Qadi to eliminate the obligation of personal arbitration in any dispute. After that, the Islamic State adopted the custom where the ruler had to appoint Qadi in order to ensure the administration of justice. And finally, for Muhammad Hamidullah the ruler of the Islamic State (Caliph, i.e. the executive) can never be a judge in his own dispute, except in the case of Prophet Muhammad. If in Western medieval

thought there was a conviction of the “kinglessness of the king”, in Islam this is not the case, so there are cases where personal accusations were made against the Prophet and He did not rule in his favor. (Velic, 2009: 644).

Sharia Democracy as a unique model.

Sharia democracy, i.e. Islamic religious theocracy, is primarily related to the categories of Islamic government and Islamic constitutionalism. Syed Abbas and Muhammad Asim classify the Islamic government as a cumulative or alternative form of the following categories: a) The supreme legislative authority is in accordance with the Islamic Sharia and is entrusted to Islamic scholars (experts) who make laws, i.e. explain Islamic regulations in proportion to social needs and as a guide for judges; b) The head of state is the leader of the executive, assigned for the purpose of enforcing sharia law; c) Political power is given to the citizens, ie the Muslim people (Ummah) who should adopt the form of shura (consultation) as a mandatory form of government; d) Thinkers like Sadek Suleiman believe that this method of shura includes the basic elements of democracy. In this regard, it is argued that the shura as a concept and principle is no different from democracy. Both shura and democracy stem from the central consideration that collective deliberation will lead to a fair and just outcome for the social good of individual preferences (Abbas & Asim, 2015: 392).

Islamic constitutionalism, pluralism and human rights. The constitutive discourse of shariocracy, and some authors refer to it as “Constitutive Islamization” (Dawud Ahmed and Tom Ginsburg), “Islamic constitutionalism” (Intisar Rabb), “Constituent Theocracy” or “Theocracy” (Sayed Abul Mawdudi), “Clauses on Islamic Superiority” (Mohammed Guda), and “Clauses on Distractedness” are intended to prevent laws or legal provisions that would be contrary to Islam (Falaah, 2016: 66).

These constitutionalizations of Islamic law, ie sharia, vary to the extent that Islamic law is included with other sources and norms in the constitutions of countries. Emphasizing this constellation, Intisar Rabb makes a classification of sharia democracy in a constituent

framework in the following categories: a) Dominant constitutionalization – in this type of constitutionalization, the constitution declares Islamic law as the supreme law in the country; b) Delegated constitutionalization - in this model the constitution includes Islamic law as a source of law, but still the statement, clarification and elaboration are delegated to Islamic experts; c) Coordinated constitutionalization – the constitution includes Islamic law (sharia), as well as democracy and liberal norms (political aspect such as human rights and freedoms) on the same level (Rabb, 2008: 531).

The domain of voting and political pluralism in sharia democracy, i.e. Islamic theocracy is the next postulate on which the political and philosophical basis rests. Some thinkers would find it difficult to agree that the fiqh dimension of sharia may be subject to a vote (i.e. approval or disapproval) by a legislature. Yet many of them support political opposition, pluralism, competitiveness and voting as an act on some aspects. For example, one of the most prominent scholars Yusuf al-Qardawi will note:

“There are really things that are not subject to voting, because they are the basis of Islam and that are not subject to change, as long as the society is Muslim. Voting can be allowed for matters that are subject to dissent and different interpretation (ijtihad), because they contain more than one opinion and people usually differ, such as the choice of candidates, etc.” (Alibasic, 1999: 90).

Finally, the last dilemma that arises from the aspect of democratic conditionality and fulfillment in this section concerns the issue of human rights and freedoms. For Ali Yakub, Islam and democracy have commonalities in justice, freedom of expression, justice and fair trial, which are among the foundations of civil and political rights (Yakub, 2005: 270). Ali Saddiqui in this context adds human dignity and divine (natural) justice (Saddiqui, 1997: 41). In general, both the Wasatiyyah (moderate) branch of political Islam and the Salafists (conservatives) hold similar positions regarding the treatment of human rights in Sharia. It is important to note two documents that give

additional impetus in this direction. First, the Universal Islamic Declaration of Human Rights of 1981 at the UNESCO meeting in Paris. Second, the Cairo Declaration of Human Rights, adopted at the 19th meeting of the Organization of Islamic Cooperation (OIC) in 1990. (Gjorshoski, 2018: 82-83).

Obstacles and remarks. As an exposed topic in the field of modern political science, Sharia democracy finds on several remarks by the apologists of the liberal discourse, ie liberal democracy and the socialist and leftist secularist circles. But it should also be noted that the model of sharia democracy on empirical experience has not shown solid results when it comes to the Islamic Republic of Iran in several areas such as the protection of human rights and freedoms (from an Islamic perspective), the protection of minorities (Sunni minority), as well as the competitive nature of the political system, due to the excessive rejection of candidacies for head of state in the last and penultimate elections.

The theoretical paradigm of observations moves through several points that have serious solidity in terms of the modern understanding of democracy. The question of the democratic participation of the citizens in the system is primarily raised, i.e. the manner of electing representatives of the citizens in government. Islamic political narrative and subjects are often vague on this issue. What is quite certain are the competencies of the representatives in the scope of their work, ie the limit of the nature of the legal solutions that would be adopted. The electoral model, the social representation, the minority guaranteed seats in the parliament remain issues that need to be further answered. Also the issue of local self-government for categories that are of immediate importance to the citizens in the Islamic order should also be resolved in the next period. Would the model of representation be applied here as well, what would be the democratic participation on a direct level, etc. Abbas and Asim rightly note that the concept of consultation (shura) in the Qur'anic text is silent about its form. Hence, perhaps the Islamic political system should focus on determining the constitutive approach

of the shura, which would define its status, certainly under Islamic frameworks and not confronting the Islamic religion (Abbas & Asim, 2015: 394).

The second aspect that the critics refer to is the decisive influence of the religious authorities, ie the prominent lawyers in the field of Sharia law. What will be their control mechanism, ie expressed in Plato's vocabulary: "who will guard the guards"? What is the approach to checks and balances, even through the prism of Islam is still unknown and a field of further elaboration for Islamic theodemocracy. Consequently, another significant obstacle and empirical remark that casts doubt on the democratic model of sharia democracy is the absence of well-functioning political parties, as well as the absence of free, energetic and independent media with a strong commitment to professional ethics. There is also a lack of an independent and animated civil society capable of following government policies and providing alternative forms of participation (Abbas & Asim, 2015: 395).

The issue of political participation of actors who are opposed to Islamic values, i.e. are categorically against Islamic sharia democracy, is also a matter of disagreement. Indeed, a certain wing in political Islam supports their participation and right to affirmation in the theodemocratic system, but certain circles are categorically against it, especially from the Salafist branch. The Islamic protagonist Huwaydi, for example, points out that for those who oppose the Islamic religion and creed, there is no place in the Islamic political system, so stopping their work and action is not only a political, but also a religious duty (Alibasic, 1999: 90). The absence of other ideological capacities in the system, even secular, communist, liberal, as Alibasic points out, resembles rigid constitutionalism. As a shaped opposition, these elements are certainly problematic, even given the fact that sharia democracy would be established because of the affirmative majority and consensus of Islamic community (Ummah). Yet no system can legally predict the forces aimed at its destruction. Such a consensus would be the only legitimacy and

would not be subject to further revision once it has been established (Alibasic, 1999: 90).

The dilemma faced by modeled sharia democracy is not based on its viability or functionality as a political system. As such it can survive and degenerate into an authoritarian or theocratic regime in the classical sense of the political definition. The question or dilemma is aimed at its democratic structure and capacity to adapt to the needs and challenges of modern Muslim countries. Certainly theoretically based, such a model does not appear in pure form except in the Islamic Republic of Iran, with serious remarks that we have seen before. But since Islamic political thought is seriously considering developing and further constructing such a model, then some indicators must be pointed out in the further development of this issue, which would strengthen democratic capacities and maintain its Islamic character.

Bejtula Demiri, commenting on the only sharia-theocratic democracy of the Islamic Republic of Iran, said that the new and young generations will be the ones who will make effective changes in the Iranian system. Democracy will gain momentum because Iranians do not want conflicts. According to Demiri, the current political system is not an autocracy, but over time, civil discontent would grow, and the results of the election process would be in favor of the reformists. Such reforms of the modeled sharia would be evolutionary and internal, as they represent a moderation of Islamic state institutions that would occur without external intervention. As such, they would be in line with the political will and determination of the citizens. It should be clearly underlined that the reformists will not attack Velayat-e-Faqih (the official name of the Shariocracy, ie the government of Islamic experts in Iran), but will only liberalize it and adapt it to the new political conditions in the world (Demiri, 2009: 278).

Opportunities for development. Arguing and replying to criticisms of Islamic sharia in terms of rigid punishments (hudud), personal status and status of women, the need to establish an Islamic state, and other aspects, Paul Robinson proposes an accommodation technique to reduce tensions between Sharia and

international and human rights standards. These proposals are being seriously considered and can serve as an indicator for the further development of this model of democracy. Political Islam from the Wasatiyyah branch incorporates them in its axiological opus, while Salafis and conservative Shiites can adapt to them through a praxiological dimension. In this regard, he proposes finding common ground, .ie: giving a symbolic dimension to Sharia punishments, limiting the scope and reducing Sharia punishments, replacing Sharia practice with evidentiary presumption, preserving the symbolic value, retaining the violations, but without retaining the effect and symbolic dimension of sharia offenses but without prosecution. (Robinson, 2007: 17-25). A similar view of little punishment and amnesty was given by the Prophet Muhammad.

Finally, perhaps the best indication of the direction in which the sharia model of democracy should move, having in mind Islamization of constitutions in Muslim countries, is given by Dawood Ahmed and Tom Ginsburg. They argue that such a process of constitutive Islamization (i.e. religious theodemocracy) should not take place by imposing theocracy, but by carefully negotiated treaty provisions, which will allow constitutions to be consistent with democracy and not treat Islamic doctrine and democracy as unstoppable source of tension. At the same time, they emphasize that any case of Islamization (incorporation of Islamic principles or value articulations) should be accompanied by the expansion of rights contained in the constitutional design and order (Ahmed & Ginsburg, 2014: 81).

Appreciating such a suggestion, it should be emphasized that Shamsul Falaah is right when he claims that the harmonization approach is not possible only by simply redefining Sharia texts. Moreover, deterrence clauses (which prevent anti-Islamic categories) if they can not be removed, should at least be revised in interpretation and given a plural dimension, and sharia as a living matter can certainly be adapted in some concepts where which itself leaves room for ijihad, such as the principles

of *siyasa sharia* (legitimate government policy), *darurah* (necessity) and *maslaha* (public good) (Falaah, 2016: 75).

Conclusion. In the direction of the criteria and goals of our paper that we set in the introductory part, which are related to the unique religious theocratic model specific to Islamic climates, called *sharia democracy*, we can draw some relevant conclusions. *First*, religious theodemocracy occupies a significant place in contemporary Islamic political research. Although theodemocracy itself owes its origins to Mormon Christian teaching, it is still being studied and its attempts to implement it in regions with a strong religious influence, such as Islam, are evident.

Second, religious theodemocracy in Islamic regions is being converted to *sharia democracy*. It is a new system of political engineering that involves the interconnection of some democratic moments and the *sharia* framework. Although the modalities may vary in intensity and degree of compliance, it is important to emphasize the attempt of many Islamic-oriented circles to implement such a form which has yet to show its results, having in mind the unstable political and security situation in the regions with a predominantly Muslim population.

Third, the political-philosophical basis of this Islamic model of democracy seems to have the model of the Islamic Republic of Iran as its empirical inspiration. Hence, several essential features are important for this desired democratic model in a theoretically ideal sense, namely: the constitutionalization of Islamic texts, the Islamic domain of government and the participation of the Islamic population in it, the limited domain of Islamic pluralism, and the Islamic dimension of human rights and freedoms.

Finally, *sharia democracy* is still a field for future thinking. True (ideological) pluralism, multiparty elections, the realm of rigid punishments (*hudud*), control, checks and balances of power, the stretch of *sharia* in relation to contemporary issues and challenges are moments that the scientific and political spheres

have yet to elaborate and profile. The specificity of the political ambience and the political culture of the Muslim population in different parts of the world should also be taken into account in such conceptions.

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