

James L. Holly, M.D.

Universal Values and Muslim Democracy Part II

**By Anwar Ibrahim
Your Life Your Health
The Examiner
July 12, 2007**

This is the conclusion to a discussion started last week by the examination of an article written by Anwar Ibrahim, who is currently a Distinguished Visiting Professor in the School of Foreign Service at Georgetown University,

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. 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 judiciary 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.

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.