

Democratizing Islam and Islamizing Democracy: An Inquiry into Hasan al-Turabi's  
Conception of Shura in Light of Western Democratic Theory  
By Liv Tønnessen\*

**Abstract:** This article explores Hasan al-Turabi's conception of democracy with particular focus on the role and rights of non-Muslims. This is done through a qualitative analysis of his writings as well as semi-structured interviews conducted with Turabi in 2006, 2007 and 2008. In contrast to earlier studies which discuss Turabi's ideas in light of Islamic theology and history, I engage with a range of western models of democracy in order to shed a different light on Turabi's ideas, illustrating the elasticity of the democratic concept itself. Shura is part of an ongoing debate about the foundations of democracy. Hence, my analysis attempts to move beyond the Sudanese context into the realm of democratic theory in order to have a critical discussion of Turabi's political thinking. My findings suggest that despite its democratic qualities, some aspects of his religious democracy, particularly with regards to the role and rights of minorities, are problematic from a multicultural perspective. The article claims that Turabi performs an internal exclusion of non-Muslims with regards to political affairs, because Islam exclusively sets the condition for substantive participation.

**Keywords:** Hasan al-Turabi, democracy, Islam, non-Muslims, Sudan

## **A. Introduction**

The contemporary discourse on democracy and human rights throughout the Middle East and North Africa embraces a broad spectrum of positions, including secularists who insist on the separation of religion and politics, moderate Islamist thinkers who reinterpret traditional Islamic concepts in support of representative forms of government and radical Islamists that reject democracy altogether. Although an increasing number of Islamist intellectuals have embraced the notion of democracy, they hold divergent views on its precise meaning. This article considers the case of the Sudanese Islamist thinker Hasan al-Turabi and his attempt to locate democratic principles within an Islamic framework. Although Turabi's political role is widely acknowledged and debated, his political thinking is often reduced to his failure to implement Islamic democracy in Sudan.<sup>1</sup> A great divide separates Turabi "the thinker" from

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<sup>1</sup> Hasan al-Turabi, born in Kasala in eastern Sudan, was brought up by a family with a long tradition of Islamic learning and Sufism. After graduating with a BA in Law from the University of Khartoum in 1955, he obtained an MA in Law from London University in 1957, and a doctorate in Law from the Sorbonne, Paris in 1964. Turabi is controversial as a result of his political activism within Sudan and outside. Described as a soft-spoken revolutionary, Turabi has held central positions in the government since 1964 during both military and civil regimes. On 30 June 1989, Umar al-Bashir seized power and Turabi was considered to be the mastermind behind the Islamist coup d'état. He exerted tremendous influence over the Sudanese government until he fell out of favor with president Bashir in 1999. Since then he has been in and out of prison and house arrest. Turabi is still a

Turabi “the politician”. But his thinking continues to carry influence in and outside Sudan, making his political ideas important topics of investigation. The article is an attempt to move beyond the Sudanese context and al-Turabi’s political activism in order to engage critically with Turabi’s conception of democracy as revealed in his writings. I have approached his Arabic and English texts with an open and curious mind, attempting to take Turabi’s conception of democracy seriously. Yet, with a critical eye, I also analyze the ways in which his Islamic democracy may be problematic.

It is a subject of dispute whether *shura* (consultation) – interpreted by many Islamist thinkers as Islamic democracy – contradicts principles central to western democracy. In contrast to the few studies of Turabi’s political thinking that exist, and which focus on his ideas in light of Islamic theology and history, I consult a range of western democratic models in order to shed a different light on Turabi’s ideas.<sup>2</sup> Although I acknowledge the importance of understanding the selectiveness and elasticity in the process of reinterpreting *shura* in the Islamic texts, I suggest the process simultaneously involves a dialogue with theories of democracy.<sup>3</sup> Most studies of Islam and democracy merely presuppose a vague idea of liberal democracy and ignore heterogeneous western theories of democracy. Western democratic theory comprises a vast range of considerations and debates, and the interpretations differ profoundly. The theoretical debate on democracy is an active one and the issues are complex. To exhaustively examine the ideas of democracy is impossible under the remit of this article. In cutting a path

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key actor in Sudanese politics, but currently he is in opposition to the regime which sees him as playing an active role in the on-going conflict in Darfur where he is the acclaimed mastermind of the rebellious Justice and Equality Movement. See for example Alex de Waal (ed.): *Islamism and its enemies in the Horn of Africa* (Bloomington, Ind.: Indiana University Press 2004); J. Millard Burr and Robert O. Collins: *Revolutionary Sudan: Hasan al-Turabi and the Islamist state, 1989–2000* (Leiden: Brill 2003); Abdel Salam Sidahmed: *Politics and Islam in contemporary Sudan* (New York: St. Martin's Press 1996).

<sup>2</sup> See for example: Scott Morrison: “The Political Thought of Hasan al-Turabi of Sudan” (2001) 12 *Islam and Christian-Muslim Relations* number 2, 153-160; Ahmad Moussalli: “Hasan al-Turabi’s Islamist discourse on democracy and Shura” (1994) 30 *Middle Eastern Studies* issue 1, 52-63; Raghid al-Solh: “Islamist Attitudes towards Democracy: A Review of the Ideas of al-Ghazali, al-Turabi and 'Amara” (1993) 20 *British Journal of Middle Eastern Studies* number 1, 57-63; Abdullahi Ali Ibrahim: “A Theology of Modernity: Hasan al-Turabi and Islamic Renewal in Sudan” (1999) 46 *Africa Today* number 3–4, 195-222.

<sup>3</sup> Contemporary democratic models such as liberal democracy, deliberative democracy and participatory democracy are consulted. References are particularly made to multiculturalism since minority rights is one of the main focuses of the article. For references on liberal democracy see Robert Dahl: *Democracy and its Critics* (New Haven, Conn.: Yale University Press 1989). For an overview of different models of liberal democracy see David Held: *Models of Democracy* (Cambridge Polity 2006). For references on deliberative democracy see scholars such as Amy Gutmann and Dennis Thompson: *Why Deliberative Democracy?* (Princeton, N.J. Princeton University Press 2004); Jürgen Habermas: *The Inclusion of the Other: Studies in Political Theory* (Cambridge: Polity Press 1998) For references on multiculturalism see Will Kymlicka: *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press 1995); Wayne Norman and Will Kymlicka: *Citizenship in Diverse Societies* (Oxford: Oxford University Press 2000); Iris Marion Young: *Inclusion and Democracy* (New York: Oxford University Press 2000).

through the terrain, the discussion is not restricted to a specific democratic model or trend, but rather draws on several democratic notions that are considered relevant to Turabi's conception of *shura* as he continuously converges with well-known and fundamental issues in the contemporary and diverse democracy debate. As he critiques and engages with ideas of western democracy, two incompatible desires come together – the desire to undermine western theories of democracy and the desire to be democratic – or to be seen as being democratic – according to the western democratic paradigm. In my critical analysis, I therefore view Turabi as a democratic scholar, not merely an Islamist thinker. Islamic democracy underpinned by *shura* is subject to an active and ongoing debate about the foundations of democracy, illustrating the elasticity of the concept of democracy itself. The marriage of Islam and democracy by *shura* is not presented as the antithesis to either Islamic or democratic norms but rather its supposed synthesis. The process of democratizing Islam and Islamizing democracy thus takes a dialectic form.

*Firstly*, the article investigates how Turabi democratizes Islam by saying that all Muslims, not only the religious clergy in Islam, have an equal right to participate in political Islamic decision-making. *Secondly*, the article goes on to show how many of Turabi's ideas bear a resemblance with important and fundamental discussions within western democracy theory. Turabi Islamizes democracy and thereby makes the underlying principles of democracy religious and divine instead of secular and human. Islam becomes both a moral and a legal principle that regulates the political system as well as all other spheres of life. *Thirdly*, the article discusses critically the role and rights of non-Muslims in Turabi's Islamic democracy, arguing that Turabi proposes differentiated citizenship for Muslims and non-Muslims. It is the claim of the author that Turabi performs an internal inclusion of non-Muslims with regard to political affairs, because Islam exclusively sets the condition for substantive participation.

## **B. Democratizing Islam**

### **1. Crusading against the traditional authority in Islam**

Turabi democratizes Islam by saying that all Muslims, not only the traditional authorities of Islam, have an equal right to participate in political Islamic decision-making. He does this by crusading against traditional forms of Islamic authority and calling for a thorough *ijtihad*<sup>4</sup>

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<sup>4</sup> The early specialists of Islamic law largely relied in their practice of *ijtihad* (interpretation) on their personal opinion, loosely basing themselves on the guidance provided by the *Shari'a*. In the course of time, however, this freedom of *ijtihad* was progressively restricted. First, it became the norm for every legal ruling should to be

(reinterpretation) of the fundamentals of the *Shari'a*.<sup>5</sup> In this process, he proposes a radical expansion of the traditional method of analysis. Turabi calls for a new jurisprudence that is built on freedom of research without past restrictions set by the traditional law schools in Islam.<sup>6</sup> In a recent interview Turabi emphasized, “I do not belong to any law school; I do not regard myself as shi’a or sunni. There is only one way to God.”<sup>7</sup> Underlying this view is Turabi’s battle against what he pinpoints as the conservatism of the religious clergy (*ulema*) as espoused by the traditional law schools. As Turabi states, “I personally have views which run against all the *madhhabs* (law schools) on the status of women, on the testimony of non-Muslims, on the law on apostasy [...] some people probably think I border on apostasy.”<sup>8</sup>

Turabi justifies reinterpretation (*ijtihad*) by arguing that both the organizing principle and the specifics of religion, which are historically developed, are subject to change in response to community needs.<sup>9</sup> In his view, the historical nature of the religious texts implies that no normative standing inheres in them and that their replacement with new principles and specifics is not a violation of religion. He says:

We are saddened that the majority of Muslim scholars (*ulema*) today are only carriers of the old transmitted texts, and that they view originality which is part of God’s marvelous guidance as something fearful. They fear that this change could cause them new disturbance so they are afraid of the new. And the world is in need of renewal (*tajdid*). The revealed values of

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based on a tradition relating to the *Qur`an* or the *Sunna*. Then, the use of personal opinion was subjected to the increasingly strict discipline of systematic reasoning (*qiyas*). Eventually agreement of the scholars (*ijma*) was required to make the results of individual reasoning authoritative. Contemporary and moderate Islamic thinkers are now reopening the door of *ijtihad*.

<sup>5</sup> The reader should note that when I refer to the interpretations of the *Shari'a* I am actually speaking about Islamic jurisprudence, not Islamic law. I therefore make the distinction between the *Shari'a* as the divine will of God and Islamic jurisprudence (*usul al-fiqh*) as the human endeavor to realize it. God expressed his will in the Revelation. When man formulates systematic legal precepts out of the Revelation, he uses his own intellect in the process. With the human intellect and the following interpretation of the Revelation, the process becomes subject to error. In other words, a Muslim can only follow what is considered to be the best human interpretation of the *Shari'a*, he can never be certain that it is the correct interpretation intended by God in the Revelation. See for example Knut Vikør: *Between God and the Sultan: A History of Islamic Law* (London: Hursts 2005).

<sup>6</sup> The law schools of Islam are each named after a classical jurist (*ulema*). The Sunni schools are the Shafi'i, Hanafi Maliki and Hanbali. The Shi'a school is Jafari.

<sup>7</sup> Interview with Hasan al-Turabi in February 2008 in Khartoum, Sudan.

<sup>8</sup> Hasan al-Turabi in Arthur Lowrie: *Islam, Democracy, the State and the West: A Round Table with Dr. Hasan al-Turabi, May 10, 1992* (Fla, USA: Tampa 1993) 43.

<sup>9</sup> Turabi’s methodological proposal for reforming the *Shari'a* is expounded in his book *The Renewal of Islamic Thinking (Tajdid al-Fikr al-Islami)* (Jedda 1987) [Translation mine].

religion today should deal with the increasing trials of life. There is a requirement for renewal (*tajdid*) and change.<sup>10</sup>

Turabi thus transforms *Shari'a* into political discourse by linking the old Islamic texts to the production of new practical political solutions. Its basis is *shura* (consultation) which has been seen in some periods of Islamic history as a non-obligatory principle and secondary to the issue of political rule:

[A]fter that the old law books did not concern itself with it [shura] much and did not give it its honorable value, because the political implementation of *shura* was not widely used and was not given importance throughout the Islamic history.<sup>11</sup>

Yet Turabi introduces *shura* as the central and legitimizing concept of political rule. *Shura* was (and still is) perceived as merely a supporting principle of political life, but there is no text to limit its interpretation as such, Turabi notes. The limitations are social and political, not textual. As a general method of government, *shura* can be read from and into the texts if they are read in a specific way; the religious texts exhort the community to take responsibility for its own affairs, which would include issues of political rule and organization, Turabi insists.

Turabi thereby places responsibility with the whole community rather than small groups of traditional Islamic clergy (*ulema'*). On this basis, Turabi redefines the *shura*, i.e. what historically was consultation among the learned religious elite (*ulema'*) only. Turabi includes the whole (Muslim) populace in *shura* arguing that “in principle, all believers, rich or poor, noble or humble, learned or ignorant, men or women, are equal before God and they are his vicegerents on earth and the holders of his trust.”<sup>12</sup> Being a doctor of law himself and not *ulema'*, he further states that “because all knowledge is divine and religious, a chemist, an engineer, an economist, or a jurist, are all *ulema'*. So the *ulema'* in this broad sense [...] should enlighten society.”<sup>13</sup>

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<sup>10</sup> “Speech by Hasan al-Turabi” on al-Jazira. (<http://video.aol.com/video-detail/speech-by-hassan-al-turabi/2091509785>) (Visited on November 5 2008).

<sup>11</sup> Hasan al-Turabi: *Shura wa dimuqratiyya* (Shura and democracy) (Khartoum: 1983) 72 [Translation mine].

<sup>12</sup> Hasan al-Turabi in John Esposito: *Voices of Resurgent Islam* (New York: Oxford University Press 1983) 244.

<sup>13</sup> Al-Turabi in Esposito (1983) 245.

Turabi thus democratizes Islam by reinterpreting the oligarchic *shura* of the religious clergy into an inclusive *shura* of the whole people. As such it resembles the history of western democracy where inclusion and composition of the demos were frequently a source of controversy. There have been several attempts to restrict the meaning of the demos in the west to certain groups, such as owners of property, white men, educated men, adult men with particular skills and occupations, white adults and adults in general. The early Athenian democracy was extreme in its exclusivity, but it was nonetheless not unique. From classical Greece to modern times, groups of people have always been excluded.<sup>14</sup> The inclusion/exclusion of certain groups from the decision-making process has characterized the history of western democratic thought. Likewise, it constitutes an inherent imperative of Turabi's democratization of Islam mediated through *shura*. *Shura* is the principle that must govern relations between people: no individual may claim a particular form of power over others, for the text justifies none, Turabi insists. Accordingly, religious scholars cannot claim any special privileges or status. Because of *shura*, they are equal under the principles that must govern economic, social, political, and even religious life. The opinion of a scholar or an academic is equal to that of an ordinary individual, and should have no precedence in society and political life. Turabi disavows exceptional authoritative status for religious scholars and calls for social dissemination of knowledge.

### **C. Islamizing democracy**

Turabi Islamizes democracy by rejecting the western democratic discourse as the only legitimate framework for democratic engineering. A mere imitation of western democracy, Turabi asserts, without proper consideration for Islamic conditions, is undesirable and a sign of foreign hegemony. Whereas Muslims can no longer turn a blind eye to the importance of democratic principles, they must now be reworked into modern Islamic thought, linked to Islamic jurisprudence, and in particular identified with *shura*. This permits him to be critical toward western democracy while simultaneously advocating democratic principles within the framework of Islam. The Islamization of democracy as *shura* needs its linkage to *tawhid* (unity of God) in order to make the underlying principles of democracy religious and divine instead of secular and human, according to Turabi. This makes the ideas behind democracy and *shura* equivalent. Turabi states, "we associate [...] *shura* and the Muslims' tradition of it

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<sup>14</sup> Robert Dahl identifies two necessary attributes in for a viable standard of democracy, namely contestation and inclusion. Each is possible in the absence of the other. Public contestation may increase without inclusiveness and thus produce a competitive oligarchy. If inclusiveness is increased in the absence of contestation, it could lead to an inclusive hegemony. Dahl (1989) 4.

with the practice of contemporary democracy.”<sup>15</sup> Turabi cautions against breaking any fundamental principles of Islam; only if *shura* and democracy are viewed outside their historical, he stresses, conditions can they then be used synonymously to indicate the same idea. If *shura* is deconstructed or liberated from its historical constructions and practices, it might be reconstructed as democracy – or, conversely, democracy as *shura*. Thus, a process of deconstruction and construction makes *shura* and democracy synonymous – identical expressions of the same idea and thereby creating a unifying discourse.<sup>16</sup> Turabi’s reinterpretations of *shura* are thereby neither un-Islamic nor a blind westernization of Islam.

### **1. Shura: Between the individual, the society and the state**

Turabi continuously dialogues with foundational debates in western democratic theory while remaining faithful to the Islamic texts throughout the process. This part of the article will show that many aspects of his political thinking resemble ideas of liberal, deliberative and participatory democracy. But there are important differences. In short, what makes Turabi’s Islamic democracy qualitatively different from western democracy is that Islamism, and not secularism, sets the boundaries for the individual Muslim in the Islamic society vis-à-vis the Islamic state.

The individual Muslim is a moral being with intrinsic rights and obligations, Turabi says. Given each individual’s personal relationship to God, he/she is God’s vicegerent on earth, acts in accordance with Islam and is individually responsible to God.<sup>17</sup> This corresponds well with the views of the liberal scholars Thomas Hobbes and John Locke who claimed the individual was endowed by God with inalienable rights upon birth. In turn, this similarly conforms to Robert Dahl’s argument that historically the idea of intrinsic equality gained much of its strength from religion and that we are equal in the eyes of God.<sup>18</sup> Locke, author of *Two Treatises of Government* (1690), viewed human beings as the servants of God. From this starting point he deduced that we are free and equal, born with natural rights. According to Locke, all human beings possess reason because God inaugurated it. This is the basis for our

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<sup>15</sup> Al-Turabi (1983) 60 [Translation mine].

<sup>16</sup> Ahmad Moussalli: *The Islamic Quest for Democracy, Pluralism, and Human Rights* (Gainesville: University Press of Florida 2001).

<sup>17</sup> Hasan al-Turabi’s individualism, according to which each Muslim is individually responsible to God, forms the basis of Turabi’s defense of the equal political rights of men and women. Women are viewed as capable and responsible beings independent from men. Hasan al-Turabi: *Al-Mara bayna ta’alim al-din wa taqlid al-mujtama’* (Women between the Teachings of Religion and the Customs of Society) (Jeddah: Al-Dar al-Su’udiyya li al-Nashr wa al-Tawzi, 1973) [Translation mine].

<sup>18</sup> Dahl (1989).

liberty to act according to our own will rather than being dictated by the will of others. Locke saw human rationality as the voice of God in human beings. For Turabi, religion necessitates that individuals gather through *shura*, because “the group becomes a result, automatically, from the individual religiosity and the use of the group in progressing toward God is a religious duty of Islam. On the level of political leadership, the group becomes the participation or *shura* (democracy) from the inherent requirements of the religion.”<sup>19</sup> *Shura* is interpreted by Turabi as Muslims’ right to rule over their own affairs, indicating the equality of people before God and their political freedoms. He states, “in this way the political emancipation that necessitates the *shura* order (democracy) materializes so the people become governors for earthly authority and all of them have their rightful share of the power.”<sup>20</sup> Institutionally, Turabi sees *shura* organized as an indirect representative legislative council (*majlis al- shura*). People may participate in the decision-making process indirectly through their representatives, but also directly through referendums.<sup>21</sup> Legislation by plebiscite or by deputies of the people is considered *‘ijma* (consensus), which pays due regard to *Shari’a* and Islamic norms through the consultative process.<sup>22</sup> Guided by the divine texts, human rationality is at work in the process of deliberation indirectly by the representatives of the people and directly through referendums. Turabi thus approximates the deliberative school of thought which requires public decisions to be adopted after a process of collective discussion grounded on a consensual base.<sup>23</sup> The ideal is for the representatives to deliberate and consult, ultimately reaching a consensus and not simply asserting or submitting to a majority opinion. Whereas *shura* and democracy are denotatively similar ideas, both calling for public participation and representation in the making of political affairs, they are connotatively different, Turabi notes. Democracy grounds its ultimate reference in the people, who become sovereign. In contrast, *shura* grounds its reference in God’s revelation, thus making God the supreme sovereign. The difference between *shura* and western democracy is then that the first

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<sup>19</sup> Al-Turabi (1983) 75 [Translation mine].

<sup>20</sup> Al-Turabi (1983) 73–74 [Translation mine].

<sup>21</sup> Interview with Hasan al-Turabi in February 2007 in Khartoum, Sudan.

<sup>22</sup> Hasan al-Turabi: “The Sudan: Religious and Regional Issues” (2003) (Khartoum: unpublished paper) 2–3.

<sup>23</sup> Deliberative democracy can be described as ‘government by discussion’, requiring public decisions to be adopted after a process of collective discussion grounded on a consensual base, shaped through the participation of all the different groups of a society. For this view, the lesser the scope and intensity of deliberation, the weaker the reasons for considering the consensus of the deliberative process impartial. See for example Gutmann and Thompson (2004); James Boham and William Rehg (eds.): *Deliberative Democracy: Essays on Reason and Politics* (The MIT press: Cambridge, Massachusetts and London 1997). According to Habermas, when we speak to each other, we simultaneously perform an action. By communicative action, the agents seek consensus and weigh the statements against the truth. The interests of the individual are tested in a critical discussion and subsequently subordinated to the better argument’s unconstrained constraint. Jürgen Habermas: *Moral Consciousness and Communicative Action* (Polity Press: Cambridge 1990).



is grounded in God's divine rule (*hakimiyya*) and mankind's vicegerency (*istikhlaf*); the latter in human nature.<sup>24</sup>

According to Turabi, participation is viewed as a religious obligation.<sup>25</sup> Politics and religion are thus interwoven, as religious goodness is the basis of political rightness. Turabi regards participation in the decision-making process through *shura* as an intrinsic value that fosters human development and nurtures a concern for the *umma*, which in turn forms a knowledgeable citizenry capable of taking sustained interest in the Islamic decision-making process. This bears a resemblance to ideas from participatory models of democracy and contrasts with the liberal model of democracy that regards participation in functional terms.<sup>26</sup> The idea of the *umma* is, undeniably, deeply rooted in Turabi's political thought, as he views the good Muslim society as composed of good Muslim citizens. Turabi notes that "the collective endeavor is not one of hampering the liberty of an individual but of cooperation," while acknowledging that in order to "promote this cooperation, the freedom of one individual is related to that of the general group."<sup>27</sup> Turabi maintains that there is an inherent connection between the individual Muslim and the Muslim community (*umma*). The individual does not act out of mere self-interest, but for the common good of the Muslim society. Turabi thus postulates an idea of the common good which reminds one of Rousseau and scholars of republicanism.<sup>28</sup>

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<sup>24</sup> Moussalli (1994) 61.

<sup>25</sup> Moussalli (1994) 62.

<sup>26</sup> I am here referring to liberal pluralist democracy building on scholars like Schumpeter (1864–1920) who regarded participation as means of selecting leaders. See Joseph A. Schumpeter: *Capitalism, Socialism and Democracy* (Allen & Unwin: London 1976). This school of thought, whose advocates are often referred to as empirical democratic theorists or pluralists, claimed a commanding position in American political studies in the 1950s and 1960s. Pluralists accepted Schumpeter's broad view that what distinguishes democracies from non-democracies are the ways by which political leaders are elected. They did not think that a concentration of power in the hands of the competing political elite was inevitable. Following Weber (1864–1920), they challenged doctrines that suggested the centrality of fixed groups of elites in political life. Robert Dahl is also regarded as one of the earliest and most prominent exponents of this school of thought. Dahl (1989). Another is Adam Przeworski: *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America, Studies in Rationality and Social Change* (Cambridge University Press: Cambridge 1991).

<sup>27</sup> Al-Turabi in Esposito (1983) 243,247.

<sup>28</sup> Rousseau emphasizes the intrinsic value of political participation for the enhancement of decision-making and the development of the citizenry. "[C]itizens enjoy (...) equal freedom and development in the process of self-determination for the common good". Individual autonomy, he argues, is realized by participating in public life and that the sovereignty of the people is transformed into the autonomy of the state. Held (1996) 61. See also Jean-Jacques Rousseau: *The Social Contract* (Penguin: London, 1968). Other exponents of participatory democracy are Carole Pateman: *Participation and Democratic Theory* (Cambridge University Press: Cambridge 1970).

The state, according to Turabi, is the political expression of the Islamic community of believers (*umma*). The state cannot therefore be secular, but must be based on the principle of *tawhid* (unity of God). The state is thereby “entrusted with sovereign power agreed upon by the believer.”<sup>29</sup> The state hence originates in the form of a social contract between the (Muslim) ruled and the (Muslim) rulers. The demos are granted basic civil and political rights from birth and protected by the *Shari’a*. They include the right to participate in the decision-making process and not to be subjected to arbitrary treatment by the Islamic state. This reflects the distinction first made by Benjamin Constant (1820) and later reinforced by Isaiah Berlin (1969) in his essay “Two Concepts of Liberty” in which he distinguishes positive liberty (who governs me?) from negative liberty (to what extent does the government interfere with my life?). This might be regarded as similar to a Bill of Rights common in the liberal perception of democracy where the ‘rule of the majority’ is restrained by a strong constitution. Turabi does not regard a Bill of Rights as a sufficient safeguard against arbitrary treatment by the state, which reminds one of the American version of liberal constitutionalism from Madison and onward.<sup>30</sup> Power must check power. Representation of the people is counterbalanced by representation through the *Shari’a* in an institution capable of nullifying any conceivable un-Islamic law. The advantage *shura* has over democracy, for Turabi, is that while human thinking is fluid, a divine text is always present and unifies people’s consciousness. Democracy has no text but that of human reason, which leads to the establishment of equal discourses that may be equally full of shortcomings. When *shura* tackles or arrives at, for instance, constitutional, legal, social, and economic principles, it always does so in light of the *Shari’a*. Therefore, the *Shari’a* is important not only in substantive moral terms but also as a regulative legal principle within which the rulers must govern. Turabi argues then that the *Shari’a* is a dynamic concept with room for reinterpretation which sets the framework for a constitution by which the individual Muslims’ rights should be protected. In order to guarantee against the misuse and abuse of the *Shari’a*, the construction and interpretation of the *Shari’a* must take place by political *shura*, he insists. Islam solely sets the condition for substantive participation. So is the role of non-Muslims

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<sup>29</sup> Al-Turabi (1983) 62 [Translation mine].

<sup>30</sup> Drawing on Montesquieu (1689–1755), Madison was at the forefront of the American liberal constitutional tradition, which is classified by Held as a protective liberal democracy where “citizens require protection from the governors, as well as from each other, to ensure that those who govern pursue policies that are commensurate with citizens’ interests as a whole”. In this tradition there is a centrality of constitutionalism in order to guarantee freedom from arbitrary treatment and ‘equality before the law’ in the form of civil and political liberties such as free speech, expression, assembly, belief and so on. The state is restricted to the creation of a framework which allows citizens to pursue their private lives free from risks of violence, unacceptable social behavior and unwanted political interference. Held (1996) 99.

guaranteed in this political *shura*? How does Turabi define the role and rights of non-Muslims in his Islamic democracy?

#### **D. Citizenship and political rights of non-Muslims in an Islamic democracy**

Despite its democratic qualities, the role and rights of minorities in Turabi's religious democracy may be regarded as problematic. Although he allows for alternative and competing interpretations (*ijtihad*) of Islam, his religious democracy is intolerant towards any positions that might challenge the Islamic foundations of the state. In the words of Haydar Ibrahim Ali, Turabi "stresses the religious aspect of any democracy in order to guarantee that personal freedom will not transgress religious prohibitions or any restriction of faith in thought and behavior".<sup>31</sup> So Muslims and non-Muslims can participate as long as they do not violate the Islamic boundaries of political deliberation and decision-making.

#### **1. Internal exclusion**

It is the claim of this article that Turabi performs an internal (not external) exclusion of non-Muslims with regards to political decision-making within the context of an Islamic democracy. In contrast to external exclusion which revolves around individuals or groups that should be included but are deliberately or inadvertently left out of fora for discussion and decision-making, internal exclusion refers to ways that people lack effective opportunities to influence the thinking of others even when they have access to procedures of decision-making. Turabi regards the development of religious law through *ijtihad* as a task for Muslims only, but this does not exclude non-Muslim participation in the political sphere. Thus, Turabi guarantees equal political rights to Muslims and non-Muslims. This corresponds to a range of polities in western societies, where all citizens are granted equal political rights with no quotas for religious or cultural minorities in the national legislature, executive and judiciary. The fundamental principle underpinning Turabi's political thinking is the "obvious religious principle that there should be no compulsion in religion",<sup>32</sup> adding, "It is He who made us free to believe or not believe and if God provides us with freedom we should use it conscientiously."<sup>33</sup> Nonetheless, there seem to be some unclear elements in his political

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<sup>31</sup> Haydar Ibrahim Ali: "Civil Society and Democratization in Arab Countries with Special Reference to the Sudan" (1999) 12 *Islamic Area Studies Working Paper Series*, 11.

<sup>32</sup> Al-Turabi (2003) 4.

<sup>33</sup> Hasan al-Turabi in Muhammad al-Hashimi Hamidi: *The Making of an Islamic Political Leader: Conversations with Hasan al-Turabi* (Boulder, Colo: Westview Press 1998) 103.

thinking on the political role and rights of non-Muslims. *Firstly*, it is seldom clear in his writings (or interviews) when he refers to non-Muslims whether he is merely speaking about *ahl al-kitab* (People of the book; Christians and Jews). This is problematic if we view his political thinking in light of a multi-religious context with minorities of other beliefs than Christianity and Judaism. By merely granting political rights to people of the book, he would externally exclude other minorities from political decision-making. The question of a Christian president illustrates this point.<sup>34</sup> Turabi explicitly allows for the possibility of a Christian president and thus challenges classical Islamic jurisprudence which prohibits minorities from holding strategic positions in government.<sup>35</sup> But here Turabi speaks of what is 'axiomatic'. In practice, "Muslims are in majority and it is very unlikely that a Muslim will vote for a non-Muslim President. In the US you have to be WASP to become a President. The only one who was Catholic, Kennedy, was shot."<sup>36</sup> Nonetheless he puts religiousness and morality as a criterion for the election of the president. "[T]he Coptic Christians are known to be honest people. I would rather vote for an honest Christian than a hypocrite Muslim."<sup>37</sup> But he would always prefer a good Muslim leader. This is interesting inasmuch as he explicitly refers to the Christian minority and specifically the Coptic community. He does not explicitly grant other non-Muslim minorities the right to hold the office of the presidency. In Sudan, for example, there are diverse Christian affiliations. Whereas the Copts are Arab immigrants from Egypt, most other Christian communities are African of origin and located in southern Sudan. The majority of the southern population is not Christian, but adherents to traditional African beliefs.

*Secondly*, Turabi's political consultation seems at times to translate into a consultation of the Muslim majority only. Supposing that he includes other non-Muslim minorities, Islam remains the only frame of deliberation and discussion. As long as the *Shari'a* is the law of the state, the development of religious law (*ijtihad*) and political decision-making will ultimately converge, especially as "the executive may derive powers (...) directly from the *Shari'a*".<sup>38</sup>

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<sup>34</sup> This represents a shift in Turabi's thinking and contrasts earlier statements. In 1998 he claimed that "with respect to who leads the country, we should leave that to the majority of the people" Al-Turabi in Hamidi (1998) 100. Abdelwahab al-Affendi critiques Turabi's recent revisions, describing them as statements made in political opposition to the current regime; "In fact, his 'revisions' appear to take more the character of polemics against his opponents than attempts at genuine rethinking." Abdelwahab al-Affendi: "Hasan al-Turabi and the Limits of Modern Islamic Reformism" in Ibrahim M. Abu-Rabi' (ed.): *The Blackwell Companion to Contemporary Islamic Thought* (Malden, Mass.: Blackwell Publ., 2006) 157.

<sup>35</sup> Interview with Hasan al-Turabi in February 2008 in Khartoum, Sudan.

<sup>36</sup> Interview with Hasan al-Turabi in February 2008 in Khartoum, Sudan.

<sup>37</sup> Interview with Hasan al-Turabi in April 2008 in Khartoum, Sudan.

<sup>38</sup> Al-Turabi in Esposito (1983) 249.

Further, “political sovereignty lies with the people who are guided by their knowledge and belief in the divine *Shari’a*,”<sup>39</sup> and “an Islamic republic is not strictly speaking a direct government of and by the people; it is a government of the *Shari’a*. But, in a substantial sense, it is a popular government since the *Shari’a* represents the conviction of the people and, therefore, the direct will”.<sup>40</sup> By linking politics to Islam, he does not formally exclude non-Muslims from participating in elections or holding public office, but it leaves the reader to question whether Turabi merely assigns non-Muslims substantive access to the political system. Non-Muslims’ access to the process of deeming what is Islamic or not is in my opinion unlikely as they lack the knowledge and religious belief required to participate in a significant way. Although they have a formal right to participate, one has to question whether they have effective opportunities to influence the thinking of Muslims about Islam even when they have access to procedures of Islamic decision-making. The authority to deem a law un-Islamic remains a privilege of Muslims. In contrast to the liberal rationale of equality before the law, equality within the law is advocated by deliberative scholars like Habermas: “a legal order is legitimate when it safeguards the autonomy of all citizens to an equal degree. The citizens are autonomous only if the addressees of the law can also see themselves as its authors”.<sup>41</sup> Although equality before Islamic laws is granted by Turabi, the author questions whether a non-Muslim will attain equality within an Islamic law as long as Islam frames the deliberation and discussions in both making the constitution for which *Shari’a* should set the frame and in passing Islamic law. It thus remains a theoretical dilemma as to how non-Muslims can substantially participate in passing Islamic laws. “[M]inorities,” Turabi advises, “enjoy immunity from those dominant rules as far as they touch sensitive private matters.”<sup>42</sup> But immunity in private matters neither ensures immunity nor substantial participation in the discussion of public matters such as public morality, religious education and dress code and so on. “[T]he public law of Islam is one related rationally to justice and to the general good and even a non-Muslim may appreciate its wisdom and fairness,” Turabi writes.<sup>43</sup> In my opinion it remains unclear whether Turabi ascribes an active role to non-Muslims in the process of making Islamic public laws which are applicable to the whole demos, Muslims as well as non-Muslims.

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<sup>39</sup> Al-Turabi (2003) 6.

<sup>40</sup> Al-Turabi in Esposito (1983) 244.

<sup>41</sup> Habermas (1998) 215.

<sup>42</sup> Al-Turabi (2003) 9.

<sup>43</sup> Al-Turabi in Esposito (1983) 250.

The multiculturalist scholar Iris Young advocates and discusses various institutional measures for countering internal exclusion, such as a quota system of representation in the legislative body and representation in non-elective bodies such as political parties and courts.<sup>44</sup> The main concern is co-existence between groups through power-sharing, particularly in multicultural contexts with a history of conflict. According to this model, assumptions justifying majority rule are not viable in plural societies because minorities are continually denied access to power. Although Turabi guarantees non-Muslims a range of religious and legal rights concerning family law (regulating marriage, divorce, inheritance, and custody) and criminal law, he seems unable to establish sufficient political institutions in order to avoid a tyranny of the majority.<sup>45</sup> Considering the religiously diverse societies of the Middle East and Northern Africa, the call for political institutions to protect minorities from a tyranny of the Muslim majority seems vital. From a purely political philosophical point of view, Turabi's model might therefore be critiqued using the argument that an Islamic democracy should ensure a substantive participation of non-Muslims institutionally in order to avoid a tyranny of the Muslim majority. This is the 'classic' criticism multiculturalists promulgate against liberalism. The difference between Turabi and western liberalism is the relationship between religion and state. The essence of secularism, on which liberalism builds, is to ensure neutrality in matters of religion, neither supporting nor opposing any particular religious beliefs or practices. Turabi stresses Muslims' moral obligation to treat minorities "positively. It is more than a matter of tolerance and legal immunity. Muslims have a moral obligation to be fair [...] and they will be answerable to God for that."<sup>46</sup> However, it is the author's claim that in a religious democracy it would be considered even more vital to ensure the political representation of the minority who does not believe in the majority religion, because the majority religion is the basis of the political system. According to Morrison, a major problem with Turabi's model of democracy is its lack of institutions.<sup>47</sup> Thus the lack of institutional measures to ensure the minorities' representation is a symptom of an under-institutionalization of his ideas of democracy more generally. In conflict contexts where there has been a history of discrimination and marginalization of minorities, Muslims' "moral obligation to be fair and friendly in their person-to-person conduct toward non-Muslim

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<sup>44</sup> Young (2000) 53–55.

<sup>45</sup> Hasan al-Turabi advocates for non-Muslims' exemption of the Islamic hudud penalties. He asserts criminal law can be "personalized according to the religion of the offender". Al-Turabi (2003) 5. *Hudud* literally means "limit" or "restriction" and refers to the Islamic limits of acceptable behavior. *Hudud* usually refers to the class of punishments that are fixed for certain crimes that are considered to be "claims of God" and they include theft, fornication, consumption of alcohol, and apostasy.

<sup>46</sup> Al-Turabi in Esposito (1983) 250.

<sup>47</sup> Morrison (2001)153.

citizens”<sup>48</sup> may not be enough to safeguard minorities. Thus, the lack of institutions to protect minorities (like quotas in the national parliament and political parties, veto) against the tyranny of the majority may lead to un-democratic outcomes.

## **2. Differentiated citizenship**

Turabi seemingly proposes differentiated citizenship for Muslims and non-Muslims. It is the author’s claim that he reduces non-Muslims to mere “passive” or “protected” citizens of an Islamic state, whereas Muslims are regarded as active citizens in his Islamic democracy.

Turabi’s political thinking is part of the continuing political philosophical discussion on individual versus minority rights in liberalism and multiculturalism, respectively. There is a debate among liberal and deliberative scholars in particular on whether individual rights are sufficient or minority rights are required in order to attain true equality. Under the classical liberal position, securing individual rights is sufficient for democracy. Classical liberals defend the distinction between *ethnos* and *demos* which in turn enables them to argue that there is no a priori reason why a (constitutional) democracy should find itself challenged by everlasting ethnic and cultural pluralism. A constitution should secure and protect the equal individual rights of citizens, but it cannot guarantee the survival of group identities and cultures. This is linked to an idea of citizenship as a legal status. The origins of the liberal model of unitary citizenship are traceable to the Roman Empire and early-modern reflections on Roman law. The Empire’s expansion resulted in citizenship rights being extended to conquered peoples, profoundly transforming the concept’s meaning. Citizenship meant being protected by the law rather than participating in its formulation or execution.

The multicultural position, on the other hand, calls for an accommodation of difference and requires external protections that reduce a minority’s vulnerability to the decisions of the majority. The commitment to political equality, multiculturalists say, entails democratic institutions and concrete action to include the representation of groups whose perspectives would likely be excluded without these measures. Representation of underrepresented groups or minorities is regarded as an important aspect of political inclusion.<sup>49</sup> This view is linked to the republican idea of citizenship as not merely a legal status, but also a political status. The republican model’s sources can be found in the writings of authors such as Aristotle, Tacitus,

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<sup>48</sup> Al-Turabi in Esposito (1983) 250.

<sup>49</sup> See for example Kymlicka (1995).

Cicero, Machiavelli, Harrington and Rousseau. The key principle of the republican model is civic self-rule, thus emphasizing the second dimension of citizenship, that of political agency. In the *Social Contract*, Rousseau argues, it is the citizens' co-authoring of the law via the general will that makes citizens free and laws legitimate. Active participation in processes of deliberation and decision-making ensures that individuals are citizens, not subjects. Multiculturalists build on the republican idea and propose an alternative conception of citizenship based on the acknowledgment of the political relevance of difference (cultural, gender, class, race, etc.). This means, first, the recognition of the pluralist character of the public, composed of many perspectives, none of which should be considered a priori more legitimate. Second, equal respect may, at least in certain cases, justify differential treatment and the recognition of special minority rights.

Turabi recognizes accommodation of difference and justifies differential treatment of non-Muslims with regard to family law and even criminal law, but when it comes to political affairs his ideas bear a resemblance to liberalist principles arguing that individual and equal rights are sufficient. In essence, Turabi promulgates a liberal vision of citizenship for non-Muslims as a legal status, and therefore does not deem it necessary to provide institutions to ensure that the perspectives of the non-Muslim minorities are in fact heard and taken into account in political deliberations of Islamic laws. He legitimizes this by referring to Islamic history, particularly the Medina Constitution where non-Muslims were regarded as *dhimmi* (protected) living within *dar al-Islam* (the abode or realm of Islam), recognizing their existence within the state and their religious freedom much in line with the millet system applied to certain non-Muslim minorities under Ottoman rule. He states,

The historical record of Muslims' treatment of Christians and Jews is quite good especially compared with the history of relations between different religions and religious denominations in the West. The first Islamic state established in Medina was not simply a state of Muslims; it had many Jews, and many non-Muslim Arabs. Therefore, the problem of non-Muslim minorities within a Muslim state is nothing new.<sup>50</sup>

This is comparable to the Roman Empire and Roman law mentioned earlier in the development of a conception of citizenship as a legal status.

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<sup>50</sup> Al-Turabi in Esposito (1983) 250.



[W]e borrowed the idea from the constitution of Medina – the only written constitution of those days, some 1,400 years ago – under the command of the Prophet. It was a federated state with tolerance of other religions, which also gave them freedom of education and worship. The dialogue between Jews and Muslims was free, although they were a small minority. (...) So we borrowed that idea, and we developed it with our knowledge of the Western experience.<sup>51</sup>

As such, it is the author's opinion that Turabi in fact contradicts himself by stating on the one hand that non-Muslims are citizens of the Islamic state with equal political rights while on the other hand referring to non-Muslims as "protected" (*dhimmi*). "Christians in particular," Turabi states, "who now, at least, do not seem to have a public law, should not mind the application of Islamic law as long as it does not interfere with their religion."<sup>52</sup> Citizenship for non-Muslims means being protected by the Islamic law rather than active participation in its deliberations and formulations.

It is the author's claim that as far as Muslims are concerned, Turabi postulates a republican vision of citizenship in which political status is central. Turabi links Islam to politics to the extent that participation in political affairs becomes a religious duty for Muslims. In Turabi's opinion, "political action perfects religious belief."<sup>53</sup> In essence, Turabi's model of democracy sees all citizens as believing Muslims by linking freedom with *tawhid* (oneness of God).

[T]he freedom of the individual ultimately emanates from the doctrine of *tawhid* which requires a self-liberation of man from any worldly authority in order to serve Allah (...) the ultimate common aim of religious life unites the private and the social spheres; and the Shari'a provides an arbiter between social order and individual freedom.<sup>54</sup>

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<sup>51</sup> Al-Turabi in Hamidi (1998) 99. His strong view on "no coercion in religion" (Interview with Hasan al-Turabi in February 2008 in Khartoum Sudan) illustrates his rather unconventional view on apostasy, claiming that the Prophet's statement on apostasy is brief and was made in direct connection with the state of war: "Muslims used to have misgivings about killing a former Muslim who joined enemy ranks. The Prophet said to them: you may kill anyone who has changed his faith and broken ranks with the Muslims. This statement was culled out of context and used to override the basic religious principle of freedom of religion and faith. How can a sensible person believe that God does not compel anyone to believe but allows us to force people to do so? [...] This makes me reject totally the conventional view regarding the rule of apostasy." Al-Turabi in Hamidi (1998) 88.

<sup>52</sup> Al-Turabi in Esposito (1983) 250.

<sup>53</sup> Moussalli (1994) 62.

<sup>54</sup> Hasan al-Turabi: "Principles of Governance, Freedom and Responsibility in Islam" (1987) 4, *The American Journal of Islamic Social Science* number 1, 1-11, 3.

He continuously refers to Muslim citizens as believers: “the form of an Islamic government is determined by the foregoing principles of tawhid, entailing the freedom, equality, and unity of believers”.<sup>55</sup> As explained above, Turabi views political *shura* as an inherent requirement of religion.<sup>56</sup> Indeed, it is a religious obligation to participate in political decision-making in order to become a true Muslim citizen of the *umma* and the Islamic state. This resembles a classification proposed by Tunisian Islamist Rashid al-Ghannoushi’s where he differentiates between special (*muwatanah khasa*) and general citizenship (*muwatanah ammah*) for non-Muslims and Muslims.<sup>57</sup> In my opinion it seems like Turabi similarly differentiates between active and passive citizenship for Muslims and non-Muslims.

#### **D. Conclusion**

The debate on *shura* is regarded in this article as a part of a wider debate about the foundations of democracy. The author’s point of departure is that the idea of Islamic democracy should not be viewed as inferior to the western democratic models, but of equal standing, as indeed Turabi himself insists.

Muslims will not allow the world to be molded in one pattern, one form of democracy [...] So in the interest of humanity we should allow more international democracy. That is to say plurality, freedom, variety, diversity and then, through dialogue and interaction, seek to secure as much unity and as much coherence and as much coexistence as possible.<sup>58</sup>

The author has thus refrained from assuming that the two normative systems are jousting opponents, because it would encourage a conceptualization of Islam and democracy as a competitive dichotomy and lead to an unproductive analysis. The article has shown how Turabi’s attempt to democratize Islam and Islamize democracy bears important resemblances with western democracy theory. He continuously engages in important and well known debates in the vast body of literature on democratic theory.

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<sup>55</sup> Al-Turabi in Esposito (1983) 243.

<sup>56</sup> Al-Turabi (1983) 75.

<sup>57</sup> Azzam Tamimi: *Rashid Ghannouchi; A Democrat within Islamism* (Oxford University Press: Oxford and New York 2001) 77.

<sup>58</sup> Al-Turabi in Lowrie (1993) 30–31.

In short, what makes Turabi's Islamic democracy qualitatively different from "western" democracy is that Islamism, and not secularism, sets the boundaries for the individual Muslim in the Islamic society vis-à-vis the Islamic state. Whereas a secular democracy is inherently intolerant toward un-democratic views, an Islamic democracy is inherently intolerant toward un-Islamic views. This is precisely why Turabi's Islamic democracy is problematic on the issue of non-Muslim minorities. Turabi performs an internal exclusion of non-Muslims with regards to political affairs, because Islam solely sets the conditions for substantive and active political participation. Turabi links Islam to politics to the extent that participation in political affairs becomes a religious duty for Muslims. Further, it can be argued that in an Islamic democracy, in contrast to a secular liberal state, it would be considered vital to institutionally ensure the political representation of the non-Muslim minority, because Islam as the majority religion constitutes the foundation of the whole constitutional political system. Implemented in a multicultural context, like most Islamic countries in the Middle East and Northern Africa, Turabi's democracy model might run the risk of being quite undemocratic. In fact, one may argue, Turabi's political adventure in Sudan, where aspects of his model were implemented in a polarized context with a history of discrimination of non-Muslim minorities, translated into a tyranny of the majority and continued civil war in Sudan. Turabi's Islamic democracy may not be a fruitful path to democratization in Sudan and similar contexts. But this does not mean that Islamic democracy has failed. Many Islamists forces in the Islamic world are currently rebelling against secular dictatorships by advocating for more popular participation in politics within the frame of Islam. The fight for Islamic democracy is ongoing and active and like the western debate on democracy, it is multifaceted, complex and diverse.