

THE DILEMMA OF MUSLIM LEADERSHIP CONTINUES AS THE LEGITIMACY CRISIS PERSISTS IN MUSLIM COUNTRIES¹

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Abstrak

Makalah ini memperkatakan tentang permasalahan berkaitan kepimpinan umat Islam yang dihadapi oleh kebanyakan negara-negara Timur Tengah kini. Faktor-faktor utama krisis ini dikemukakan. Ia bertujuan menggalakkan kerja-kerja intelektual ke arah membina suatu institusi pentadbiran baru.

The Muslim societies of the Middle East are currently facing a dilemma concerning both the form and the legitimacy of their respective governments. The form of government in most Muslim countries (particularly that of the Arab states) is nominally "republic", but this title seems to increasingly lose its meaning in the face

¹ This article is a modified version of the paper presented at the "International Seminar on Muslim Leadership: Towards the Establishment of an Ideal Islamic Leadership in the 21st Century" organised by The Academy of Islamic Studies, University Malaya, June 2001.

of diverse twists in Muslim leadership especially pertaining to the concept and character of "the republic". Most Muslim leaders of the present time tend to justify the source of their power (and policies) on the basis of their individual or family privileges, rather than the representation of the common will of their peoples, which is essential in a true republican system. No wonder Muslim societies keep blaming all wrong doings and shortcomings on their leaderships, where the same leaderships, bothered by such accusations, try to secure their power by any means other than the people's will. Here, I shall try to examine some implications of the above dilemma.

We know that "government" is legally the highest institution in any country, and it is supposed to represent the will of its nation. Today's conception of government does not define itself in terms of "a leader" whose being bad or good may characterize the entire system; rather "government" is rendered as an "institution" in which the leader functions periodically as a symbolic or a practical head. This institution is based on regulated attitudes of its elected or lawfully appointed members that shape the necessary "mechanism" for each government. A leader, therefore, need not necessarily characterize the nature of a whole system as the institution does not rely on one person. Thus, an ideal Muslim leadership does not necessarily have to solve the institutional problems of today's Muslim society. An example may be drawn from Muslim history; i.e., from "the Madinah model of rulership" in which the institution of leadership functioned very well because of the existence of a strong "faith mechanism" among the Companions of the Prophet (p.b.u.h.) and their loyalty to the Prophet through the practice of *bay'ah* (the pledge of allegiance) and *shūrā* (consultation). Nevertheless, this "faith mechanism" lost its effectiveness because of re-emergence of tribal fractionalism during the reign of the last two Medinan caliphs, in spite of the fact that they had been very good and pious leaders.

Instead of trying to explore an ideal Muslim leadership, I would rather propose to look for a practical system capable of combining our historical heritage with modern needs. The estab-

lishment of such a system requires a series of institutional build-ups which may include developing new institutions or refashioning old ones. This way of administration was practiced during Islamic history, and contributed to the stability of Muslim societies in certain periods. We know that Islamic teachings, parallel to building new institutions, gave new form and spirit to a number of pre-Islamic practices. According to some authors all Islamic institutions of Public Law, including the above mentioned *bay'ah* and *shūrā*, have their own roots in the pre-Islamic period, and later have been refashioned by the Prophet and his Companions.² Still, all fortunate and stable parts of Muslim history, for example certain periods during Ottoman and the Mamluk rule, are marked by the systematic cooperation of religious, administrative and military institutions, most of which were integrated forms run according to old Islamic models. This institutional cooperation traditionally facilitated people's participation in the organs of the government.

Nowadays, most Muslim governments, consigning their traditional backgrounds to history, try to function through the institutions which are nominally patterned upon Western models. "Republic" as an idea is a borrowed notion that has never been properly institutionalized among the Middle Eastern countries. The main theme of this notion, which is the representation of the authority of the respective people, vanishes as it was never practiced by the ruling powers in most Muslim societies of the past. Conversely, the pretext of republic was abused by a number of ambitious army commanders between 1950-70 to topple their conventional regimes in the name of a modern republic. Egypt, Syria, Iraq, Libya and Yaman are examples of such republics who could not deliver the democratic content of a republic, and are currently on the way of acquiring a dynastic character by appointing presidents' family members as their successors. In Syria a sort of "dynastic republic" has already materialized, and it is expected that Egypt, Yaman, Libya and Tunisia to follow the same path.

² Yūsufī Eshkavari, *Dowlat-e Dīnī: Dīn-e Dowlati*, interview written by Mohāmmad Qouchānī (Tehran: Shabak, 2001), pp. 28-36.

The question arises that if dynastic prestige or family connection is considered by Muslim governments to be the source of legitimacy, why do they still adhere to the pretext of "republic" whose very name contradicts such a form of legitimacy? Are governments of Muslim societies trying to infuse a new meaning into the notion of "republic", or has a misunderstanding misled them? No reasonable answer can be detected in the statements of these governments. The best explanation is they want to adhere to a "modern" pretext while keeping the content traditional. This shows the core of the problem of Muslim leadership that cannot find a legitimate format. The context of "republic" does not equip Muslim governments in the Middle East with democratic machineries of "representation" and "checks and balances", but it could provide an excuse for "modern" leaders to deprive their nations of their traditional institutions such as the tribal assembly and consultative bodies. When we consider the surviving traditional regimes such as the kingdom of Saudi Arabia, the authority of the Saudi monarch seems to be better checked by the traditional royal council than the power of most presidents in Muslim states. This points to the fact that the pretext of a republic without its institutional machinery of "checks and balances" cannot change the totalitarian character of the leadership.

Amongst the Middle Eastern republics, Iran and Turkey, with differing kinds of legitimacy and machinery, may practically fulfill certain requirements of a republican society compared to other Muslim countries. Turkey has become a secular republic since 1923, but it took her roughly 25 years to establish some degree of freedom of election, press and party system in the late 1940s. The atmosphere created by Turkish intellectuals including those in the Turkish army, allowed the foundation of an independent party system among which "the democratic party" overwhelmingly won the 1950 election, and ruled the country for 10 years.³ Although this

³ Ali Yasar Saribay, "The Democratic Party, 1946-1960" *Political Parties and Democracy in Turkey*, edited by Metin Heper and Jacob Landau, London: I.B.Tauras, 1991, pp. 119-133.

party system collapsed in the 1960's coup, it was re-established when another civilian party (the Justice Party) was permitted to win the election in 1964. Hence Turkey is ruled by a party-based and parliamentary elected government which is distantly supervised by the army.⁴

In Iran, the fusion of Shi'ite clerical authority into "the republic" gave way to a new political amalgam whose formal structure and democratic or non-democratic achievements deserve a closer look. The Iranian constitution places two offices at the top of the Islamic leadership: i) a president elected on the authority of the people's vote, who is mainly in charge of the national economy; ii) a non-elected leader with the authority of the Imam (the divine guide) to supervise all organs of the government. He is especially in control of the army, security forces, broadcasting and propaganda agencies. The principles of representation and responsibility before the people do not apply to the "leader" whose source of authority is theoretically God to whom alone he is accountable. The clash of a powerless president with a non-accountable leader is not as important as the confusion raised over the issue, of who represents the divine sovereignty? "The leader" or "the *ummah* (the respective community)"? This confusion did not allow the people to play a significant role in terminating "the useless war with Iraq" or "the hostage taking", for which the same people (not the leaders) are still paying the price.

Against the above mentioned negative side, the Islamic government of Iran, especially in the second decade of its reign, demonstrated some democratic values in terms of introducing free elections, a free press and a strong parliamentary system, which had hardly any parallel record in Iranian Constitutional history. More striking is the fact that the constitutional provisions did not pave the way for such drastic reforms. Rather, along with the rise of an Iranian intellectual force, the Shi'ite ulama's traditions of

⁴ *Ibid.* Also see William Hale, "The Turkish Army in Politics, 1960-73" in *Turkish State, Turkish Society*, edited by Andrew Finkel and Nukhet Sirman, London: Routledge, 1990, pp. 53-77.

giving free judgment (*fatwā*) and interpretation (*ijtihād*) are of more significance for these reforms than constitutional rhetoric. During the course of development of *ijtihād* in the nineteenth century, the ulama promoted the principle of *rukhsah* (concessionary law) among themselves to express their opinions. It also functioned amongst the lay people in their freedom to choose whichever *mujtahid* they preferred to pose their questions.⁵ The widespread currency of juridical manuals (*risālah 'amaliyyah*) in twentieth century Iran is an outcome of such efforts. The effect of such processes influenced the ulama's policy and is reflected in the present constitution and practice of the Islamic republic. Indeed, it is still confined to the limits of a *rukhsah* (a concession) since the idea of "the peoples' sovereignty" and "the rule of the public will" have not yet acquired their proper institutional forms.⁶

Concerning the problem of people's sovereignty versus divine sovereignty, as alluded to above, we should add that most contemporary Muslim thinkers such as Syed Muhammad Naquib al-Attas leave no doubt that man is considered to be God's vicegerent, and the Qur'anic notion of *khalīfat Allāh* entrusts man with the 'trust' of government as an *'amānah*.⁷ Nevertheless, some authors still consider the issues of divine sovereignty and legislation as stumbling blocks in the way of democracy.⁸ Indeed, the problem of democracy in this context addresses the present crises of Muslim leadership rather than the source of the sovereignty which in both the Western and Islamic systems is eventually accorded to the people.

⁵ E.g. See Mirzā Abū 'l-Qāsim al-Qummi, *Qawānin al-Uṣūl* (Tehran: Lithograph, 1958), p. 384.

⁶ For more information on this issue, see Ahmad Kazemi Moussavi, *Religious Authority in Shi'ite Islam* (Kuala Lumpur: ISTAC., 1996), chapter six.

⁷ Syed Muhammad Naquib al-Attas, *Prolegomena to the Metaphysics of Islam* (Kuala Lumpur: ISTAC., 1995), p. 56.

⁸ E.g. See Forough Jahanbakhsh, *Islam, Democracy, and Religious Modernism in Iran* (Leiden: E.J.Brill, 2001), p. 49.

Concerning divine legislation, Muslims developed the principles of *ijtihād* to accommodate the rules of the Shari‘ah under new circumstances since the time of the Prophet (p.b.u.h.). Furthermore, if the issue of the origin of law was so problematic in the way of democracy, then the question remains why some strictly religious societies such as Iran and Saudi Arabia perform less totalitarian practices than Iraq and Syria who are not engaged with divine legislation. The problem of Muslim leadership seems, among other things, to have its roots in the legitimacy crisis of their governing bodies from which Iran and Arabia suffer less due to their attachment to religious legitimacy.

It is noteworthy that Muslim thinkers of the past such as Mu‘tazilite scholars of the ninth and tenth centuries adopted the use of rational values independent from religion in order to lend support to the principle religious values. This school of Islamic theological thought was defeated by the Ash‘arite school of the tenth century, who re-asserted that all values must come through revelation. Currently another independent type of thought is emerging through the works of contemporary writers such as Muhammad Arkoun, Hasan Hanafi and especially Abdolkarim Soroush. Soroush claims that: “In a democracy, we need a new epistemological grounding today to reasonably engage with modern ideas; we need to embrace these new democratic ideas rather than reject them as foreign to Islam. We can appropriate them - they are not the exclusive property of the West - and make them our own.”⁹

Soroush’s commitment to an epistemological approach is so deep that he cannot give any value to the Islamic doctrinal institutions such as *shūrā* and *majlis al-ijmā’* which provide ground for public participation. Soroush believes that the problem should be solved on a deep theoretical plane and “reworking certain of its older institutions is fatally flawed”.¹⁰ However, we believe that we

⁹ Abdolkarim Soroush, “Reason and Freedom in Islamic Thought”, *Muslim Democrat*, vol. 5 (Feb. 2002), Published by the Center for the Study of Islam & Democracy, Washington, D.C., p. 3.

¹⁰ See Jahanbakhsh, *Islam, Democracy..*, p. 159.

cannot dispense with our traditional heritage; not only because of their Islamic value, but also because of the communicative function of these institutions with the masses.

As such, the legitimacy crises of contemporary Muslim leadership appears to be a result of the perplexity of Muslims concerning the place and extent of adoption of modern values, and their adaptation with the traditional values that may translate the ideas into society. Without theoretical work on refashioning the old institutions it appears next to impossible to make society adaptable to modern values. The Muslim leadership, of course, cannot fulfill the job without the floor paved by the intellectual elites of the respective Muslim societies.