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### VISIONS OF AN ISLAMIC REPUBLIC GOOD GOVERNANCE ACCORDING TO THE ISLAMISTS

**R**ELATIONS BETWEEN THE Muslim world and the West are difficult and marked by mutual suspicion. This does not necessarily imply hostility; nor does it mean that each side has a clearly defined notion of the other as enemy. But each holds an image of the other that tends to be deeply critical; each fosters its own prejudices and misconceptions; and each believes that the other poses a threat. From a European perspective, perceived threats include migration caused by rapid population growth and political instability at the other side of the Mediterranean, and political Islam, if not Islam per se. Anxieties and apprehensions are not just a result of the close proximity between Europe and the Middle East. They are also due to the growing presence of Muslims inside Western Europe itself, which has led to the increasing blurring of the former distinction between domestic and foreign politics. Europeans today are more directly confronted with Islam, or rather with Muslim lifestyles, norms and aspirations, than they have been for centuries.

#### The debate on values

Mutual perceptions are greatly influenced by the debate on values, which even in Western Europe is no longer the domain of conservative circles: the unsettling effects of modernisation have provoked harsh criticism of modernity, and the search for a moral and social renewal has brought about a renaissance of virtues and values. While within Western society itself the “crisis of modernity” has generated a sense of insecurity, the West has largely maintained its posture of self-confidence towards the outside world. This is especially clear in the debate on human rights, civil society and the market economy (“good governance” and “best practices” in the neutral language of international organisations such as the United Nations, the *World Bank* and the *International Monetary Fund*). Particularly since the collapse of the Soviet empire,

such values are held up as a panacea to the non-Western world. “Democracy-cum-market economy” presupposes the existence not only of a framework of rules and institutions, but also of specific values, first and foremost among them respect for the intrinsic value of the individual and the diversity of beliefs and opinions.

It is precisely this “ethics of tolerance” that is said to be lacking in Islam, both on a doctrinal and on a practical level. Not only do critics tend to identify religion with political culture, they also fail to make a distinction between theory and practice. They attribute to Islam a general disregard for the concept of freedom, for rational thought and the principle of responsibility. Also criticised is the absence of voluntary associations and of a self-confident middle class upholding modern, democratic ideas. And what Islam has not known in the past, it cannot produce in the future. Islam is said to promote collective thought and action, barbaric forms of corporal punishment, the repression of women and non-Muslims, and intolerance towards artists, intellectuals and independent minds of all kinds. On the Muslim side, criticism is equally strong, displaying a similar level of ignorance and an equally arbitrary confusion of theory and practice, past and present. The Occident is considered to be devoid of spirituality and ethical orientation. It is said to indulge in hedonistic materialism which finds expression in the degradation of women, the break-down of the family, the destruction of the cities and a general deterioration of “values.” The West, it is claimed, propagates democracy and human rights on a global level, only to utterly disregard them when it so chooses.

The debate serves an obvious function: to prove one’s own superiority in the domain of morals, ethics and humanity, and to deny those values to the other. Yet there are basic values shared by both sides: they range from the concept of human dignity and individual responsibility for society, politics and the environment, to the right to political participation and the ideal of the rule of law. Many Muslims today – especially the Islamists among them – consider religion, and more particularly Islam, as providing the only solid foundation for those values. In the West, on the other hand, it is often argued that modernity with the humanitarian values attached to it can only be attained by Muslims if they emulate developments in Europe and the West in general. The Reformation, the Enlightenment and secularisation are cited as processes which liberated Western society from the shackles of religion and freed it from the “iron cage of bondage” (Max Weber). The same path should be followed by the Muslim world. Some Europeans hope that the Muslims living among them will develop a liberal “Euro-Islam” reflecting their experiences in modern, democratic societies, and that this will eventually spread to the Islamic world. “Euro-Communism” was instrumental in overcoming the more rigid variants of communism in the East, and why should not “Euro-Islam” have a similar effect on the Orient? *Ex occidente lux*. It must be said that there are, as yet, few indications of the emergence of this liberal Euro-Islam. By and large, Muslim migrants living in Europe continue to look to the Islamic world for religious and spiritual guidance, and the Near and Middle East is still their main source of inspiration. It is to the Islamic world then, and more specifically to the Near and Middle East, that we must turn in order to find modern expressions of Islamic thought, including models of an “Islamic order” of morality, government and society.

Since the late 1970s, Islam has come to renewed prominence in the Muslim world as the guiding principle of individual behaviour and public life. This has gone

hand-in-hand with the search for an “Islamic order” which might serve as an alternative to all known models of social, economic and political organisation. Such a system must fulfil two conditions: it must be “modern,” i.e. respond to present-day demands and expectations, and it must be “authentic,” demonstrating the cultural autonomy of the Muslim world from Morocco to Indonesia. Needless to say, the notion of “authenticity” is problematic. Even Muslims agree that it cannot simply be taken to stand for Islam writ large, since Islam (with a capital I) is commonly identified with the “grand tradition” or “orthodox Islam” as defined by the normative texts of the Koran and *Sunna*, at the expense of the numerous “little traditions” of Muslim life and spirituality based on oral traditions. Muslims, like the followers of other religions, are influenced by their social and cultural environments. Consequently, “Islamic” life-styles and “Islamic” norms display a large degree of diversity.

Even the most rigid scripturalists, who regard the Koran as their constitution and the Prophet Mohammed as their leader, will find that the authoritative sources do not contain precise guidelines for an Islamic order. While the Koran and the *Sunna*, i.e. the reports of the doings and sayings of the Prophet Mohammed, set down certain general rules regarding social and political life, they do not prescribe any particular model, not even the caliphate. There is no Islamic state independent of time and circumstance. Rather, there are various projects, some based on utopian thinking, others on existing models, such as the Islamic Republic of Iran and the Kingdom of Saudi Arabia, which differ from each other in important respects and are not even recognised as “truly Islamic” by many contemporary Muslims.

Most models for an “Islamic order” as an alternative to those existing both in the West and in Iran or Saudi Arabia have been outlined by adherents to the broad and heterogeneous Islamic, or Islamist, movement. This includes groups and organisations who vary as to their support of, or opposition to, the regimes in power. They range from the *Muslim Brotherhood* organisations in Egypt, Jordan and Palestine, the Algerian Salvation Front (*Front Islamique du Salut*, FIS), the Tunisian *Movement of the Islamic Tendency/Nahda* party and the Yemeni *Reform Movement (Islah)*, to the Islamist opposition in Saudi Arabia, the Turkish *Refah Party* and Pakistan’s *Jamaat-i Islami*. The Islamist movement also includes scholars and academics working at the institutions of classical Muslim learning and the non-religious state universities, as well as numerous “independent Islamic thinkers,” intellectuals and activists who are not affiliated to any particular group or organisation. In terms of their social background, they tend to belong to the educated urban middle class, and the majority are men.

They all refer to the Koran, the *Sunna* and selected authors of the classical age, and nearly all claim to have outlined the ideal Islamic system. As suggested above, such assertions should be approached with caution. Islamists, like other Muslims, do no more than interpret the normative sources, and they cannot claim universal validity for their interpretations. The Muslim community does not recognise one single, central authority which can provide a binding definition of belief or unbelief, let alone of the Islamic state. The scholars at the *Sunni Azhar* University are not in a position to do so, nor are the Shiite Grand Ayatollahs like Imam Khomeini. Their interpretations are clearly rooted in the modern experience and reflect the needs, demands and ideals of the modern age – even when the authors believe they are resurrecting the golden age of Islam, a time when, due to the presence of the Prophet and ongoing revelation, belief and action were one.

## Techniques and values

One of the most interesting, and at the same time most problematic aspects of the debate on an “Islamic order” is the distinction frequently made between techniques and values. Muslim scholars (*ulama*) and Islamist activists refer to this distinction, as do some of their staunchest critics – albeit for different reasons. Islamists hold that techniques are entirely neutral from a religious and moral perspective, and provided that Islamic values are preserved intact, they can be adopted from other civilisations without jeopardising Islamic authenticity. This applies not only to scientific discoveries and modern technology, but also to methods, instruments and institutions of economic, political and social organisation. This line of argument is of particular significance in the debate on human rights and democracy, since liberal and pluralist democracy, which is what most Muslims think of when discussing democracy in general, clearly encompasses both techniques and values.

Bassam Tibi, one of the best-known critics of fundamentalism, draws a similar distinction. He maintains that the fundamentalists (referred to here as Islamists) advocate the acquisition of modern technology, while rejecting modern values. What they want, he suggests, is merely “one half of modernity.” Others, like the French political scientist François Burgat, have argued that it is precisely the reference to Islam which allows Muslims in general and Islamists in particular to assimilate the “essential references” of the “discourse of modernity,” as it first evolved in the West. This includes democracy and human rights. According to Burgat, Islamists aim at an “Islamisation of modernity,” and in his opinion they may very well achieve their objective. While Burgat has not substantiated his thesis, a closer look at contemporary models of “Islamic constitutions” may help to support his view, while at the same time revealing some of the contradictions inherent in the project of an “Islamic state.”

Another, equally problematic, distinction should be mentioned here: that between a fixed and stable “core” of Islam and its time and place dependent “variables.” Contemporary Islamists and Muslim jurists trained in the classical tradition contend that the core or essence of Islam was laid down by God and the Prophet, and cannot be affected by the changing circumstances of time and place. From this immutable core or essence, human minds derive positive norms and regulations in response to their specific needs and aspirations, which are of necessity flexible, reflecting human reasoning based on divine will, rather than divine will itself. Technically speaking, they practice *ijtihad*, which by force of legal reasoning based on the normative texts and regulated by certain procedural rules, derives the norms of social and political order, adapted to specific needs. Reason is given a prominent role in this context, but it is neither autonomous nor dissociated from divine will and guidance. The distinction between a stable core and its variable derivations may seem plausible, or even necessary, if the relevance and vitality of the Islamic message are to be preserved under the most diverse circumstances. But it is essentially arbitrary and subject to variation. For it is not God who made this distinction, but human beings, whose frail and fallible nature Islamists never cease to emphasise.

The distinction between the “core” and dependent “variables,” the “stable” and the “flexible” constituents of Islam, is largely based on concepts of Islamic jurisprudence (*fiqh*), which are transferred to the sociopolitical sphere. Islamic jurisprudence distinguishes between “duties towards God” (Arabic: *ibadat*), which include the ritual

obligations of prayer, fasting, alms-giving and pilgrimage, and “duties towards other human beings” (*muamalat*), covering all other fields of life from the family and politics to the economy and international relations. “Duties towards God” are classified as part of the immutable core of Islam, while “duties towards men” – with the exception of a limited number of issues definitively laid down in the Koran and *Sunna* – are subject to change and re-definition through *ijtihad*. There are obvious parallels with the occidental distinction between the “sacred” and the “profane” which did not, of course, spring directly from the Bible, but from a long and violent history culminating in the medieval dispute on the investiture of the high clergy, during which the respective rights of royalty and the church were defined. Muslim writers tend to avoid the terms “sacred” and “profane,” and emphasise that all spheres of human life are subject to divine law. Nevertheless, the differentiation between an unchangeable and a flexible domain could allow for greater autonomy of the political sphere, and prepare the way for a process of secularisation – even though secularisation is certainly not among the aims of those who make the distinction.

That Islam is both “religion and state” (*al-islam din wa-daula*) is a basic assumption shared by contemporary Islamists, who have succeeded in dominating the Islamic discourse at least on this particular issue. Politics should therefore be determined by the “values of Islam.” These values are contained in the *Sharia*, which regulates and shapes all aspects of life, and which for this reason is not confined to the legal sphere. Indeed, it can be argued that the “myth of the *Sharia*” (E. Sivan) has largely replaced the caliph as the symbol of Islamic identity and unity. Hopes of justice, clarity, order, and stability, which play such a crucial role in the thought of present-day Muslims, are vested in the *Sharia*. In this respect, one cannot but note an obvious contradiction: if the *Sharia* is to guarantee unity, order and stability and if it is to provide an inviolable foundation for individual life and the social order, which cannot be challenged by men no matter how powerful, the limits of its adaptability must be narrowly defined. As all adaptation is based on human interpretation and interest, the flexibility of the *Sharia* must be limited, particularly as there is always the risk that certain groups or individuals will claim a monopoly on interpretation. This has happened in the past, not only in Iran under Khomeini, but also in Tunisia under Habib Bourguiba (no advocate of Islamic fundamentalism), and there is no reason to think that it will not be repeated in the future. The risk of political manipulation can only be countered by securing the right of the Muslim community (or the people) to political participation, and by limiting the power of the ruler within the framework of a state of law. What is required, in other words, is a democratic system of government.

The basic values which Islamists consider fundamental to an Islamic order deserve close scrutiny. Interesting, if contradictory, signals come to light which seem to support the thesis of the “Islamisation of modernity” (or is it rather the “modernisation of Islam?”). Present-day authors, including committed Islamists, identify justice and the *jihād*, i.e. any effort on the path of Islam, as basic values of an Islamic order. But they also list freedom, equality and responsibility, which were not part of classical doctrines of Islamic governance, at least not in the politicised sense meant here. This reveals the influence of modern political thought not only in the domain of “techniques,” but also in the area of “values.” It is true that many Muslims will argue that freedom, equality and responsibility are nothing but the expression of true and unadulterated Islam, which was falsified during the course of history through a

combination of error, tyranny and usurpation. Nevertheless, from an outside perspective it is the integration of the concepts of freedom and equality into the project of an Islamic state that matters.

The question remains to what extent the general references to freedom, equality and responsibility are translated into concrete rulings concerning specific areas of law and the social order. The Islamic state is characterised by the “application of the *Sharia*.” Yet what is widely perceived as divine law essentially refers to positive norms derived from the Koran and the *Sunna* by (male) Muslim jurists. Islamic jurisprudence (*fiqh*) distinguishes in detail between different categories of people, who in important areas of private and public life do not enjoy equality before the law: men and women, Muslims and non-Muslims and, in pre-modern times, freemen and slaves. Consequently, the principle of equality can only be realised if the regulations of traditional *fiqh* were revised and the relevant stipulations of the Koran and *Sunna* given a radical re-interpretation. One way of doing this would be to refer to the ultimate objectives of the *Sharia*, its finality (*maqasid al-sharia*), and to the public interest (*al-maslaha al-amma*) which in cases of conflict are strong enough to overrule discriminating prescriptions of the law.

Many Muslim men and women – even some who regard themselves as Islamists – believe that this objective is attainable. It clearly presupposes extensive *ijtihad*. But what kind of political framework would such a revision require? Who should be authorised to define Islamic norms? Would Islam not be forced to sacrifice some of its traditional openness and plurality so that limits may be set – at least on the level of individual states or regions? To what extent should Muslim scholars and religious experts be involved, and what would be the role of the elected representatives of the people? The crucial question of legislative authority and political power is mentioned in the relevant literature, but it has yet to be given more rigorous thought.

## The Islamic republic

As has been emphasised, there is no longer a universal model for an Islamic state – not even the caliphate, which began to decline in the Middle Ages, was abolished in 1924 by the newly established Turkish Republic and despite various attempts has not been re-established since. Even *Sunni* Islamists differ in their visions of an Islamic order which reflects the spirit of “true Islam” while at the same time meeting the demands of the modern age. It is nonetheless possible to sketch its essential outlines on the basis of a large body of written sources which include several detailed model constitutions.

There is general agreement that sovereignty in the Islamic state lies with God alone. In this sense it is a theocracy. God is not the political head of the polity, however. In the *Sunni* view, His direct intervention in the form of revelation ended with the death of the Prophet Mohammed. Divine sovereignty is manifested in the *Sharia* which contains the norms and values ruling human existence and the entire universe. The authority to “implement” God’s law, which in medieval treatises on Islamic governance was the preserve of the imam or caliph assisted by the *ulama*, extends to the community of the faithful in its entirety. The faithful are equal before God. According to classical *fiqh*, this does not imply that they are equal before the law. Some authors,

including committed Islamists, go beyond this to assert the equality of all human beings as descendants of Adam, on whom God has bestowed dignity and whom He has set on this earth as His trustees and representatives. The Koranic notion of human dignity and basic equality of all human beings regardless of gender, race or religious affiliation, could make a significant contribution to Islamic concepts of human rights. It requires further elaboration, however, and an effort to bring the general guidelines of the Koran as understood by these authors into harmony with the prescriptions of *Sharia* and *fiqh*.

It is commonly accepted that the “ruler” (the *imam*, caliph, or President) is no more than the representative of the community of believers (*umma*) from whom he derives his authority. In accordance with modern usage, it is often said that “all power originates in the *umma*.” This constitutes a radical departure from medieval doctrines which held that the ruler, though subject to the *Sharia*, was God’s representative or “shadow on earth.” Modern *Sunni* writings paint a different picture: like any other human being, the Islamic head of state is responsible before God, but he is also answerable to the community (the latter is often referred to as the “nation” or the “people,” allowing the possibility that non-Muslims or unbelievers may be included). In many respects, his position is similar to that of the American, French or Russian President. On the basis of its institutions, therefore, the Islamic state could be compared to a presidential republic – although its purpose as defined by the constitution would mark it as quite distinct.

As the Islamic state is founded on the *Sharia* with the explicit mandate to implement Islamic law and values, it cannot be neutral with regard to ethical and religious issues. This does not imply that the ruler or the authorities enjoy religious status. They are not “sacred,” at least not for the *Sunni* majority who differs on this point from the Shiite minority who believes in the superior status of the *imams*. For present-day *Sunnis*, there is no place in Islam for a prince who rules by the grace of God, nor does the clergy hold the reigns of power. (In the *Sunni* understanding, Islam does not have any clergy.) The head of state may have religiously defined duties – he must apply the *Sharia*, defend the faith and lead the faithful in prayer – but he has no religious authority and is only authorised to interpret the law if he is properly qualified as a legal scholar (*alim*). *Sunni* Muslims do not accept Khomeini’s doctrine of the “guardianship of the juriconsult” (*wilayat al-faqih*) which, incidentally, is also disputed by high-ranking Shiite authorities because it presupposes a well-defined hierarchy among the class of scholars and assigns political leadership to the “most able one” among them.

With regard to the institutions and procedures regulating political life in the Islamic republic to be, the influence of Western models is obvious. These include the principles of representation and majority rule, the separation of powers and the independence of the judiciary. The adoption and adaptation of such principles are justified, and by the same token “Islamised,” in terms of the Koran and *Sunna*. Thus the establishment of a consultative assembly as the Islamic counterpart of a Western parliament is based on the Koranic verses calling upon the faithful to practice “*shura*,” i.e. to consult with each other on all important matters. Insofar as it is appropriate to consider these institutions and procedures as “techniques,” considerable modernisation has taken place, for the current repertory of ideas and institutions would have been as alien to the scholars of classical Islam as to the thinkers of the European Middle Ages.

What has been preserved from classical doctrines is the characteristic reluctance to recognise the legitimacy of private interests and political dissent. According to our authors, consultation and decision-making must be guided entirely by the common good and must be free from personal interest, which is condemned as selfish and divisive. *Shura* is not meant to be a platform for different – and potentially antagonistic – ideas and interests. Its purpose rather is to even out divergent opinions and to preserve unity and harmony on the basis of the much-cited “framework of Islam,” the *Sharia*. Argument and debate are not viewed as positively as they are in certain Western circles. On the contrary, there is a strong yearning for unity and harmony. The fact that reality in the Muslim world falls short of these ideals (in this it does not differ from reality elsewhere), merely helps to explain their ongoing appeal.

What are the implications of the debate on values, moral as well as democratic, for relations between “the West” and the Muslim world? It would be a significant achievement if both sides could be persuaded to devote the same level of critical evaluation to the theory and practice of the other as it demands for its own position. People living in the West would be well advised to take note of contemporary Islamic models of society and the state, which are not simply the outgrowth of outdated patterns of Islamic thought and lifestyles, but which reflect present-day needs and aspirations. Islamists should not be condemned as medieval or crypto-fascist simply because they see Islam as the only alternative to existing political systems and ideologies. Whereas it is important to denounce and combat intolerance, violence and authoritarianism among Islamists, or for that matter among any other political group engaged in the present debates and conflicts, the values shared by Muslims and non-Muslims must not be ignored.

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