

Power and Identity in Muslim World Politics

PART ONE: NON-RELIGIOUS CONSIDERATIONS IN THE POLITICS OF SHARI'A

What is the appropriate role, if any, of Shari'a law in the politics and governance of the Muslim world? This question occupies a major place in the political thinking of all Muslims, regardless of their response. It is also a focus of Western academic study as more Muslims migrate to the West, many with positive views of the place of Shari'a in Muslim life.

The West may find the centrality of the Shari'a issue to be difficult to understand, viewing it as if it represents some kind of throwback to seemingly "medieval" conceptions of law linked to religion. Yet within the Muslim world the reasons for the importance of Shari'a are not hard to discern. First of all—unlike in the West where Shari'a as a body of religious principles and rulings is perceived by many as dated, negative, and inappropriate to a more modern and secular world—in the Muslim world the concept of Shari'a is a strongly positive one. The word Shari'a itself derives from the Arabic root for "path" or "way"; it suggests a broad and generalized notion resembling in part the use of the term "The Way" in other religious traditions, including Christianity and Buddhism. It represents a quest to create a society in which people live in accordance with God's will and law, thereby perhaps attaining divine grace. In this sense, then, Shari'a can be perceived as above all a concept, something more than just a specific body of prescriptive laws. As such, Muslims see Shari'a as representing the core of their faith, an expression of the moral and legal framework within which to live on earth. For most Muslims it represents a positive virtue worthy of embracing.

Shari'a, therefore, represents the core of Islamic faith and culture that seeks to codify the principles of the Islamic faith as derived from its two key

sources: the Qur'an and the Hadith. The Qur'an of course represents direct divine revelation to the Prophet Muhammad; it particularly treats such grand issues as the nature of God, as well as the nature of relations between God and Man. Doing so, it offers only limited guidance by way of specifics on law or governance. The Hadith, on the other hand, represent an attempt to recall and record the words and the deeds of the Prophet during his lifetime as leader of the new Muslim community. It deals with the experience of the Prophet in executing early governance in accordance with his understanding of the Qur'an. In this sense the Hadith are much more specific on issues of social organization and governance than the Qur'an, though not yet fully codified into law. The words and deeds of the Prophet were recorded perhaps beginning only one hundred years after the Prophet's death; as a result there has always been some degree of legal controversy about the accuracy of what was ultimately recorded.

So what, then, is Shari'a? Shari'a could be best defined as a human (not divine) process on the part of Islamic scholars to codify a legal system based on the divine sources of the Qur'an and the non-divine records of Hadith. It is a flexible and living tradition as interpreted (in differing ways) by Shari'a courts across the Muslim world.

Now, Shari'a law—indeed any body of law—cannot be implemented without the existence of a State of some kind. A State implies the existence of authority, a body capable of determining the legal interpretations of Shari'a, in addition to possessing the power to impose it upon society. The full adoption and application of Shari'a is, at least in principle, a key goal of most Islamist movements and Islamic parties.

As Professor Jan Michiel Otto has pointed out, there are at least two aspects to Shari'a: First is the realm of *personal law* that involves issues of personal behavior, private morality, family law relating to marriage, divorce, sexuality, hygiene, issues of inheritance, and the like. The implementation of various aspects of personal law—in different ways depending upon locale and tradition—has a long history in Muslim societies. Traditionally, its validity finds fairly ready acceptance within Muslim societies, even if its actual details might be disputed and/or evolving. The second aspect of Shari'a is its relationship to the State, involving issues of state powers, lawmaking, legis-

lation, citizenship, public morality, relations with other states both Muslim and non-Muslim, and the place of minorities and non-Muslims.

As in so many things, once we move beyond the conceptual and philosophical understanding of Shari'a and delve into details, areas of controversy emerge. Furthermore, as the politics around the adoption of Shari'a evolve, it becomes evident that far more than mere religious factors are involved in the debate around the place of Shari'a.

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There is a large body of scholarship dealing with the religious and theological aspects of Shari'a and its historical evolution. Human society being what it is, however, a large number of *non-religious* factors likewise influence the politics surrounding the role of Shari'a and its adoption in Muslim societies.

This essay seeks to examine some of the key *non-religious* factors that impact the perception and role of Shari'a in the politics of the Muslim world as well as the life of Muslims in the West. I focus particular attention here upon the factors of *identity politics* and *power relations* in Muslim thinking about Islamism and Islamist politics.

In these regards, further definition is in order. I define *Islamism* (and, consequently, *Islamists*) rather broadly—consistent, in my view, with the reality of its many varieties on the ground. Thus, an *Islamist* is someone who believes that the Qur'an and the Hadith have vital things to say about Islamic society and governance, and who seeks to apply these concepts in some way to society and governance.

The breadth of this definition therefore embraces a spectrum of Muslim political thinking and practice from the moderate to the radical, the conservative to the liberal, the contemporary to the traditional, the non-violent to the violent; it further recognizes degrees of acceptance of elements of democratic principles in contemporary governance. Naturally, discussion of the place of Shari'a figures immediately into such a range of considerations. Moreover, *how* the principles of Shari'a should be introduced into governance becomes

a natural topic of debate: whether it should be via force, by exhortation (*da'wa*), through a political party, or by way of an ideological movement.

Some neo-conservative (even Islamophobic) ideological thinkers in the West such as Daniel Pipes in the US, Martin Kramer in Israel, Geert Wilders in the Netherlands, or Ayaan Ali Hirsi, treat Islamism as being *by definition* a distinctly dangerous phenomenon that needs to be eliminated; for them Islamism is synonymous with fascism, aggression, violence, and dictatorship. While these features can and indeed have characterized some Islamist movements, the spectrum of Islamist movements is far broader than these narrow and frozen characterizations. They leave no room for political and intellectual *evolution*—the heart of the issue in analyzing contemporary Islamism. Indeed, we cannot analytically end up characterizing Islamism by definition in strictly negative terms; some Islamist parties have had some real successes and show encouraging ideological evolution. These movements cannot be excluded from the spectrum of Islamism simply because they do not meet the negative criteria cited above.

Islamism also deserves a great deal of attention simply because it is the single most important movement for change and reform in the Muslim world; no other movements rival it in numerical support. The reasons are clear: Islamists have been the overwhelmingly dominant group in Muslim society who have criticized the shortcomings of existing regimes in the Muslim world, especially for regime failure to implement Islamic values and Islamic law, for their corruption, frequent hypocrisy in their lifestyles (especially in Saudi Arabia), oppression, absence of social justice, and subservience to the West. They have demanded reforms and spoken out against rulers. They have been arrested, imprisoned, tortured, executed, silenced over many decades and hence have acquired a degree of credibility and respect that few other political leaders have ever attained. They furthermore speak in the vocabulary of Muslim culture, the familiar cultural framework of Muslim society—and not within some Western framework of political values. They have above all acquired a degree of trust within large elements of Muslim society.

The Functional Characteristics of Islamism

Islamists are thus active participants within society—and in politics, where permitted. Their ideologies aside, though, what are the main functional char-

acteristics of Islamist action within society and politics? (Not all Islamists will necessarily agree on these goals, but these objectives tend to predominate. In addition, this list is not necessarily by prioritization.)

First, Islamists seek the elimination of regimes not viewed as properly Islamic on the basis of the many criticisms leveled against such regimes over the years. There is no consensus among Islamists on how to get rid of such regimes—whether by democratic process (if such exists and could actually implement change), or through social movements to pressure regimes, or through acts of violence that would overthrow such regimes. (We should also note that tactical disagreement on these issues also characterizes non-Islamic political opposition as well.)

Clearly any effort to bring about regime change entails great risks to the actors involved, particularly if they contemplate using force. And many have advocated the use of force in the past, either because peaceful or democratic means were of no avail against harsh and authoritarian regimes, or because they rejected the democratic process on principle.

Second, nearly all Islamist movements speak of the need to establish an Islamic State. But the term is rarely defined in any meaningful way, except to refer to application of Shari'a law as a key litmus test. Even here, however, different formulations are used: Is Shari'a to be understood as the primary source of legislation, or as the sole source of legislation, or as one (of many) source(s) of legislation? Among these formulations there is much room for interpretation. Of course even "application of Shari'a" is itself an imprecise term. Yet advocating the establishment of an "Islamic State" seems to be a nominal prerequisite for most but not all Islamist movements.

Third, some Islamist movements aspire to restore the institution of the Caliphate. Indeed, the Caliphate is viewed by most Muslims as richly symbolic of the unity and power of Islamic authority across Islamic history. "Caliph" (Khalifa in Arabic) simply means "successor"—in this case denoting the successor to the Prophet after his death; yet in this case "successor" is understood not as a prophet (for there can be no more prophets in Islam) but as leader of the new Muslim community and state in the years after the Prophet's death. The institution of the Caliphate has risen and fallen in significance in

Islamic history, disappearing over certain periods, while strongly resuscitated later in the Ottoman Empire as an expression of the centralized religious authority of the Ottomans.

It is significant that in 1923 Mustafa Kemal Atatürk, the founder of the new Turkish Republic, abolished the office of the Caliphate as an institution no longer of value to his aspirations for a strictly secular Turkey. Nonetheless, Turkey had no real “right” to abolish the office simply because Caliphs had resided in Turkey for the last several hundred years. It was as if the prime minister of Italy would one day arbitrarily decide to abolish the Papacy on his own, without consultation or consideration of the views of tens of millions of Catholics around the world who would not agree to the step. The abolition of the Caliphate was thus perceived by many Muslims as shocking, illegal and damaging to the worldwide Islamic community (or “*umma*”).

Some Islamists still see the eventual restoration of the office of the Caliphate as a significant symbol of progress towards Islamic unity. Such an office could also provide a centralized religious focus (as with the Pope in Christianity), a place where authoritative religious pronouncements could be made on behalf of the *umma*. Yet most Muslims also recognize that the problems of resuscitating the Caliphate today are daunting. Who would he be, how would he be selected, what would be his authorities over Muslims, how binding would his religious interpretations be, what would be the nature of his authorities over Muslim heads of state in other countries, or over other national clerics and muftis? Achieving consensus on these questions is nearly impossible today.

Several Islamist movements, most notably the “Islamic State” (Da’ish, ISIS, ISIL), advocate the restoration of the Caliphate—and ISIS actually did proclaim that restoration on its own territory. Other groups like Hizb ut-Tahrir (Hizb al-Tahrir or Liberation Party) have drawn up lengthy blueprints for the establishment of a Caliphate, though not yet implemented. Few Muslim states have advocated strongly for the restoration of the office as a priority for the Muslim world. Nonetheless, the concept has considerable emotional and cultural resonance among Muslims, at least in the abstract. Note how visibly the office has been politically exploited by the “Islamic State” to draw the attention of Muslims.

A fourth issue with which Islamist parties and movements struggle relates to the complex relationship between Islam, the state, and nationalism. Islam is quite clear about its negative views of tribalism, nationalism, or any other cohesive identity that might overshadow Islamic solidarity—at least in principle. The totality of the world Muslim community, the *umma*, represents the ultimate ideal to which Muslims should aspire. Anything that weakens, dilutes, or divides Muslim unity—ethnicity, tribes, states, clans, languages—is undesirable, at least in principle.

Still, the reality of human history is that warring states have always existed, before Islam and during the Islamic era, regardless of religion. What is the basis of that conflict? To put it another way, should nationalism always be viewed as a negative characteristic in Islam? Is it negative, when nationalism is turned against non-Muslim enemies (such as US occupational forces in Iraq since 2003), for example, or where it functions in support of a Muslim population against a non-Muslim force? And what happens when Muslim states are at war with each other? Certainly the state-supported *‘ulama* (clerics) have readily found reason why their own state is more Islamically or ideologically just than the enemy state. Yet the contradiction between Islamic unity and local nationalism remains. Indeed, if Islamic unity is the indisputable ideal, there should not even exist an array of separate and distinct “Islamic states”; nonetheless separate states remain the reality. Many of the *‘ulama* in India, for instance, opposed the creation of a separate Muslim breakaway state of Pakistan in 1947, precisely because it weakened Muslim unity, even if Pakistan could be an essentially “all-Muslim” state.

The tension between Islam and nationalism will never disappear, especially in the face of Muslim aspiration to greater unity. What, for example, should Muslims make of the phenomenon of Arab nationalism, or pan-Arabism? Many Arabs have instinctively felt that pan-Arabism is a desirable goal, the unity of all Arabic-speaking peoples, from Iraq to Morocco. Indeed, from an Islamic point of view, it does represent a “higher” ideal than mere local state nationalism. Yet Islamic movements have tended to view pan-Arabism negatively. Here the struggle was not usually a theoretical one about Islam versus nationalism, as much as it was shaped by the hostile attitude of Arab nationalist regimes towards Islamist movements that they viewed as rivals or a threat. In reality, then, political tensions—struggles over power—have

been great between Islamists and Arab nationalists over much of the modern period. Indeed, Arab nationalists (or any nationalists) tend to be more “secular” in character than Islamist movements, although there is no absolute ideological need to exclude Islam as a cultural value for Arab nationalists.

From a Western perspective Arab nationalism (much less concepts of Islamic solidarity) has been viewed in largely negative terms for two reasons. One is an instinctive Western fear of the emergence of stronger power blocs in the Muslim world, which could challenge or hinder Western geopolitical ambitions for control. Second, such Islamist or even Arab nationalist state attempts have generally failed—even while creating much temporary regional sympathy—due to political inexperience and bad governance. This poor experience in governance by Arab nationalists is due more to the lack of political experience across the region as a whole (partly a product of colonial domination for long periods) than it is determined by the guiding ideology itself.

Even so, there is something of a contradiction here. At a time when Europe is striving towards regional unity in the form of the EU (a higher level of organization than the nation-state), the West has opposed and mocked any Arab or Muslim attempts to achieve the same. Islamists will continue to face the problem of the “illegitimacy” of the Muslim “nation-state” against the aspirational goal of a united *umma*. Yet how can the West keep peddling the tired European nation-state model (and source of violent European wars) as an alternative to multi-ethnic and multi-religious Muslim states at this point? Surely Muslim aspirations towards greater political unity should be equally viewed as an inherently positive goal, rather than an undesirable one.

Fifth, Islamist movements generally take the lead in fighting Western domination—military, political, cultural—in the Muslim world. They are not alone in this regard: Nationalism in Muslim countries has always resisted foreign power and domination, as we see in the history of innumerable Muslim countries from Algeria to Indonesia. Islamists share this anti-imperial goal no less enthusiastically than (secular) nationalist movements in the region.

In the Islamist struggle against Western colonialism (or Chinese or Russian colonialism) some movements—such as al-Qa’ida and, later, the “Islamic

State” (Da’ish)—have taken the struggle one critical step further by opting to carry the armed struggle into the Western homelands themselves. In doing so these movements of course instantly qualify as “terrorist” in the West, crossing a threshold that even local resistance to Western occupying forces has not done.

Sixth, Islamist movements over a century have increasingly been coming to terms with the challenge from democracy as a governing principle or ideology. Here contradictions abound, however, as we will discuss in greater detail below. If the basis of Shari’a is fundamentally divine (to the extent it derives from revelation), then codified law derived from the Shari’a (*fiqh*) cannot be reduced to the outcome of human debate and legislation. Legislators in an Islamic state cannot simply decide that it is “permissible” to sell or consume alcohol—or, similarly, to permit the use of interest. In this case, “Man” does not have the right to overturn “God’s laws.” Thus Islamic democracies (or partial democracies like Iran or Pakistan) have established High Shari’a Councils or courts that in effect pass on the Islamic legitimacy of a given piece of parliamentary legislation. (In principle this resembles the institution, say, of the US Supreme Court, which passes on the constitutionality of legislation from the US Congress, although religion is not supposed to figure in such decisions—even though it might influence the decisions of individual justices.)

Even where Islamists sometimes feel uncomfortable with granting too much authority to the electorate or to an elected legislature, many of them comment on one obvious benefit of a democratic system: The people can actually get rid of a ruler who is no longer wanted. Islam may teach that rulers, to be legitimate, must be “just” and consult with the people (among other qualifications), yet there are no provisions for removing the unjust ruler. Indeed, ‘ulama who in principle might be qualified to pass on the Islamic legitimacy of a ruler or his policies at any time in history, might find it dangerous to their health to declare a ruler “un-Islamic” and worthy of overthrow.

In practice, then, Islamists have increasingly come to accept many of the basic principles of democracy as desirable in Islamic states, although the devil is in the details, of course. Movements like the Muslim Brotherhood have long been active in trade union politics and elections, as well as in other

professional organizations. They have often gone beyond that involvement to participate in legislative politics in Egypt, Palestine (Hamas), Jordan, Yemen, Iraq, Tunisia (Ennahda), Morocco, Algeria, Pakistan, and elsewhere. Salafi movements have long reviled democracy and elections as un-Islamic and a Western innovation, yet they changed their tune in Egypt in 2012, for example. When it became obvious, that is, that national elections would be the new forum in which a new national struggle for power would be enacted, they thereupon decided to participate in elections. The same happened in Pakistan. When democracy becomes a key channel to power, most Islamists end up choosing to participate. The lessons gained from that experience alone are invaluable and key to arguments about processes of evolution within political Islam.

As Islamist (or, less ideologically, Islamic) movements become an inevitable part of the Muslim political scene, we witness the emergence of ever less violent, even forward-looking movements on the Islamic political spectrum. Since 2003 the ruling Justice and Progress Party (AKP) in Turkey has been highly effective and quite remarkable in its accomplishments in its first decade—arguably the most effective in modern Turkish democratic history. That progress came about despite the current major mistakes the AKP has made since 2013, when after ten years it has grown corrupt and its leader has adopted a markedly authoritarian style (even though still elected to office). In addition, the Hizmet (Service) movement in Turkey (not a political party), founded by Fethullah Gülen, is a remarkable civil Islamic movement—one of the largest, most progressive, and tolerant movements anywhere in the Muslim world. It emphasizes religious tolerance, inter-civilizational dialog, and the overwhelming need for modern scientific education—more schools rather than more mosques to best serve the Muslim world.

The Role of Power Relationships in Advocacy of Shari'a

There are at least two distinct dynamics of political Islam (and advocacy of Shari'a): Islamist parties *out of power*, who seek participation in the system (power); and Islamist parties *in power*, who want to retain power. Such dynamics are common to all political systems and hardly unique to Islamist parties, but Islamist parties bring special ideological considerations to bear.

The question of Shari'a and its place in governance is heavily influenced by the power dynamic involved: Are Islamists seeking to gain entry into the system (power), or to maintain power (their position in the system)? Islamists out of power brandish Shari'a and the Islamic agenda as a weapon against entrenched authoritarian regimes, which the Islamists charge with being non-Islamic, that is, illegitimate. How does an entrenched regime fight against the charge of being non-Islamic, except by challenging or eliminating the Islamists leveling the charge? Yet harsh treatment of the Islamic opposition can be dangerous when the regime's very legitimacy is in question in the minds of the public, who might then lend street support to the Islamic challengers (as happened during the Arab Spring in Tunisia, Egypt, Libya, and Syria).

Power and Change in Government

In the West we routinely place much emphasis upon the rule of law and the need to follow constitutional procedure in any change of government. In societies and polities with relatively new and fragile governing procedures, however, the issue of the rule of law is not as simple as its mere evocation would seem. *Whose* rule of law? And the rule of *whose* law? How were the rules of the game established? By whom, and with whose interests at stake? What if the rules of the game seem to be unfair and disadvantage any new contenders for power? How can or should the rules of the game be changed? All these questions pose issues that are a recipe for instability and for the potential use of violence in changing the system—especially when the system may indeed not be “fair” or provide a level playing field for other players. Glib Western references to “rule of law,” then, often miss the point.

Such was the case with the government of Muhammad al-Morsi, elected in 2012 in the first presidential elections in the history of Egypt. A broad variety of differing judgments concerning the character of his year in office exist. Yet it is not simply a question of assessing his rule—his legitimately elected government was overthrown by a military coup one year later—but the conditions under which his rule took place. The constitution was still in the process of being written; the rules of the game themselves were under contention. So simple appeal to “rule of law” provides very little answer to these questions. Each side sought to write a constitution and create rules of the game that inevitably favored their own party. How do power relations change,

or are they changed, under such circumstances? Power, often raw power, determines these questions of “rule of law.” Who controls the ministries of power: military, intelligence, security, police? (Morsi, even as president, did not). Moreover, how are the rules applied, and in support of whose interests? If there are rules, who will enforce the rules, and how?

In examining the major cases of when Islamist parties have come to power in the Middle East over the past few decades, this precise question immediately emerges: How did they come to power? At least six of the following quite diverse cases with Islamist movements have gone on to establish an “Islamic State.”

- The Saudi State: The present Kingdom of Saudi Arabia has of course been in existence for over a century. It does not officially designate itself as an Islamic State, but does claim that its sole constitution is the Qur'an. It applies Shari'a law fairly strictly in accordance with an ultra-conservative school of Wahhabism, or Salafism. It came to power via an armed mujahidin movement that conquered the central region and, through political alliances, spread its conquests across the country and beyond. Still, this case is not, properly speaking, an example of modern Islamism, although the Saudi state is undeniably a form of “Islamic State.”

- The Iranian Revolution of 1979 came to power amidst a genuine *social revolution and drawn-out civil chaos*, involving multiple parties across a political spectrum that contested for power—royalists, socialists, communists, nationalists, and Islamists. In the end, the Islamists outmaneuvered all their opponents and gained power, notably the more hard-line Islamist faction dominated by Ayatollah Khomeini. Here the Islamists achieved power through manipulation of a chaotic political scene in a revolutionary context. The Khomeini government maintained a uniquely *revolutionary* interpretation of (Shi'ite) Islam.

- Sudan: Sudanese Islamists came to power in 1989 via a *bloodless military coup* backed by a group that would call itself The National Islamic Front. This Front is the ruling party in what is essentially a one-party state—the Republic of Sudan. Although Sudan does not officially declare itself an Islamic State, it has declared that Shari'a is the foundation of national law, and it

applies it in varying ways. Prominent Islamists have played major roles in all levels of state politics.

- Afghanistan: The Taliban came to power in 1996 by military means in a civil war. They crushed other Islamist movements and militias that had nearly destroyed the country in a previous eight-year civil war among Islamist militias. The Taliban brought peace and order, declared the Islamic Emirate of Afghanistan and imposed strict Shari'a law, until the regime was overthrown by US forces in 2001.

- Turkey: The AKP (Justice and Development Party)—the current ruling party (as of 2016)—represents a highly moderate Islamist party even though it does not designate itself as such. Rather, it declares itself to be a socially conservative democratic party. The party itself disavows any Islamist label (partly due to Turkish constitutional prohibitions) but emerges from a long succession of variously suppressed Islamist/Islamic parties over the past several decades. It achieved power through honest *democratic elections* and went on to win three successive, fair national elections. It is the first Islamic party to achieve national power by democratic means in the Muslim world. Regrettably, its leader, Recep Tayyip Erdoğan, has in recent times come to abuse the structures of democracy and to harass and persecute his enemies, but he has technically not yet stepped outside of the democratic framework of elected leader.

- Pakistan: Pakistan's politics have always been deeply imbued with Islam; indeed Islam is the very founding principle and *raison d'être* for the existence of the country. Islamist policies reached a high point primarily in the 1980s under the military leader General Zia ul-Haq, who imposed a broad program of what he called Islamization, with heavy emphasis on Shari'a. Pakistan's domestic politics are some of the most Islamist-oriented in the whole Muslim world, under both military rulers as well as civilian elected leaders.

- Egypt: The Muslim Brotherhood came to power in *legitimate elections* in 2012 and was overthrown the next year by military coup. It was still in the process of formulating its basic policies when it was overthrown.

- “Islamic State” (ISIS, ISIL, *Da’ish*) was officially formed under that name in Iraq in 1996 as a resistance movement to US occupation but achieved prominence through the military conquest of significant territory and imposition of administrative rule over it in 2014. It also declared itself a Caliphate. It declares full Shari’a law and has been highly rigid, indeed brutal in its literal interpretation of Shari’a, including a promotion of a number of obscure Islamic doctrines and practices not normally acknowledged by most Islamists and often taken out of context. Both the West and regional forces seek its overthrow by military means.

We thus have a variety of Islamist/Islamic states coming to power by various means. Other than Turkey and its special conditions, Islamists might well ask the question as to whether they will ever be permitted by the domestic or international order to come to power. Can they have any faith in non-violent means? If the answer appears to be no, immediate implications arise: Will Islamists instead then seek to come to power by force or revolution? The answer to this question also has great implications for the application of Shari’a law, however interpreted.

We can see, therefore, how power relations are central to the entire question of how the Islamic state in general will be conceived, what its characteristics will be, and how power relations will affect it both inside and outside the system.

PART TWO: QUESTIONS OF IDENTITY AND TRUST IN ISLAMIC GOVERNANCE

Identity may be the single most important factor in examining Middle East politics today, transcending in importance perhaps even theology or Islamic law/Shari’a. How is this so?

This issue of identity leads directly into the question of trust in institutions, a vital factor in the development of stable, recognized governing authorities and cohesive societies. It also affects the distribution of power and the place for Islamists within that order. Rule of law can have no place if there is no trust of institutions, and especially in institutions of state. Who trusts institutions? The first question anyone asks is, who controls the institutions?

Whom do they represent? The answer reflects directly on the central question of identity.

In examining any state a key question to ask is, what is the *basic unit of belonging* in the state? Do people feel they belong to—or owe loyalty to—a *national unit* that defines their identity and forms the borders within which they live and work? Or is it a racial or ethnic community that commands their first loyalty? Does the state represent primarily one *dominant group* that holds sway over other groups, or is there some belief that the state tends to represent everyone? Is the primary level of identity and loyalty regional, linguistic or ethnic, or religious? Is the power of that dominant group considered *basically acceptable*, or not?

Objective conditions, too, affect issues of personal and group identity. We all have multiple identities: religious, sectarian, ethnic, linguistic, regional, political, economic (class), gender, professional, even personal interests or hobbies that characterize us. Or are we a global citizen? Among all these identities, which identity is dominant? The salience of any one element of identity over another is obviously highly situational, depending upon a variety of circumstances of time, place, and situation.

Personal identity within the context of the state and society is to a considerable extent *situationally determined*. First, while I may have my own self-selected identity, do you acknowledge that identity, or do you accord me another one? If I say I am Iraqi, you can say I am Iraqi Shi'a, hence not part of the (formerly) dominant Iraqi Sunni identity. I thus lose a degree of control over my self-chosen identity. Others may deprive me of my chosen identity.

For instance, a Jew living in Germany in the post-World War I environment of the liberal democratic Weimar Republic around 1922, if asked his identity, might respond: "European, German, Jewish, male, professor of sociology, from Bavaria (Southern Germany), socialist, an amateur cyclist." Fifteen years later, as Hitler began to impose the power of the Nazi Party in Germany, that same professor, if asked his identity, would have only one that meant anything to the state or society: Jewish. No other identity would matter and that identity would be a question of life or death.

Alternatively, an Iraqi woman under Saddam Hussein's secular dictatorship in the 1990s might be Arab, Iraqi, from the south, an artist, Shi'ite. After the US overthrow of Saddam and his Sunni-based regime in 2003 and the sudden ascension of Shi'ites to power in Iraq, that Shi'ite identity would suddenly become central to one's relative position of power within society, as well as a vital aspect of personal security depending on the neighborhood in which she lived. This situation of community is also heard from a Lebanese Christian writer, once commenting that he was "Arab, Christian, and culturally Muslim." In other words, the Muslim world is his ambient culture.

It is conditions of chaos and disorder that most quickly and deeply reveal basic, gut identity. These are the conditions when my very safety and welfare are at stake. What ties will be the ones most likely to provide me with the greatest degree of safety and welfare? In much of the world it is subnational ties that will provide the greatest security: the tribe, ethnic group, religious ties, sectarian ties, regional ties, clan ties—these all start figuring more importantly than institutions. Where do you go and to whom do you turn for protection, food, shelter, solidarity, with no questions asked? These are in reality the conditions of a great part of the Middle East, especially when the region is in chaos. Yet this reduction of identity to its most basic components also results in a shattered social order in which there is no trust in any institutions, only in personal ties. If you are a Sunni having trouble in the neighborhood, do you go to a local magistrate if that magistrate is Shi'ite?

Such sectarian questions, for example, now matter more in Iraq than institutional ones. The key issue then becomes: How can the state build confidence in its neutrality and evenhandedness so that citizens will rely on institutions to provide justice and security more than upon personal connections? This predicament is true in most of the developing world, but even beyond. Do African-Americans in some parts of the US, for example, trust their local police or legal system for equitable treatment? Do Algerians in Paris have confidence in the local security forces? Trust in specific institutions becomes a fundamental touchstone in determining which identity is the most prominent one for me. When conditions are safer, when we have greater trust in the neutrality of institutions, we will then all struggle to attain broader and more universal identities as nationals of a state, or even as human beings calling for equal rights globally.

For Muslims, one key level of identity (but not the only one) is Muslim—at least vis-à-vis other religious groups. At this level Shari'a matters very much as a symbol of Muslim identity. What good is belief in Shari'a, though, when Shi'a are killing Sunni or vice versa, or when Sunni Turks are killing Sunni Kurds? Shari'a may not be of much help in the case of fractured Muslim identities. Moreover, it may be a barrier of discrimination when a state claims it seeks to reach out above Islam to establish an all-inclusive national identity.

The problem facing all states and societies is, then, what basis of identity is the most ideal—for the individual, the state, and the world? Among the multiple identities of any individual, which combination is it that empowers an individual to lead a successful life? Or enables a state to function well with the participation of all its citizens in its benefits? Or allows for a national identity that does not threaten war with other national identities? What is the role of governance in helping determine these things? And what, then, is the place of Shari'a in terms of religious life and individual participation in society and the state?

It has been said that politics and governance are about who gets what, when, and how. How does Shari'a fit into this equation? And how do relationships of power—and the rules of power—affect these issues?

Dilemmas of Contemporary Islamist Political Thinking

Islamists face a variety of dilemmas in thinking about the place of Shari'a in politics and governance.

First, should Islamists enter politics at all? Is it better first to devote attention to *da'wa*—the propagation of “correct” Islam among other Muslims? Such preaching would represent a bottom-up approach; it implies education and consciousness-raising, preparing the mentality of the public as the necessary prerequisite to establishing a Shari'a-based political and social order. (It is important to note here that most Islamists have little interest in converting non-Muslims to Islam; their major task is to bring uncommitted Muslims to the “correct” path of thinking and commitment to their religion.)

Alternatively, Islamists can adopt a top-down approach to the implementation of Shari'a and the creation of an Islamic state. Top-down of course

implies a degree of imposition of values, running the risk of adopting an authoritarian order, and abandoning more democratic mechanisms. Given the long tradition of authoritarian rule in the Middle East, an authoritarian approach sadly may represent the most common political environment in which Shari'a law might be applied.

Islamists then face the question of *how* to come to power. Do they enjoy sufficient backing of the public that they would stand a chance in democratic elections? In most Muslim countries Islamists have gained a positive reputation for struggling over the years against illegitimate, non-Islamic, incompetent, or authoritarian rule. They have been silenced, jailed, tortured, or killed in their campaigns against existing regimes. Thus when the first free elections are held in almost any country, Islamists tend to win. This reality has been a powerful factor in actually predisposing Islamists towards adopting some sort of democratic order. What happens, though, when they lose popular support?

Indeed, as Islamist parties become barred from politics, or removed by military force from office as in Egypt in 2013, the legitimate question arises as to whether they will ever be allowed to participate in the political order. In that case, if the answer seems to be no, perhaps political violence remains their only other alternative.

Still, the true test of Islamist political skill is revealed not in initial, but in subsequent elections. Islamists elected for the first time to office are required to demonstrate the capabilities of their leadership and policies in managing the multiple problems their societies face. Indeed Islamists may often lack technocratic experience due to long exclusion from the governing process in an earlier era. Yet once in power, Islamists must deliver. If they do not, they run the risk of being voted out of office in the second round.

Losing power in a subsequent election also poses a new ideological dilemma. Should an Islamic party devoted to implementation of God's law *be allowed* to be defeated? The names of Islamist parties come into play here as well. The main Shi'ite political party in Lebanon calls itself Hizballah, "the party of God." Can a "party of God" be unelected? And what then are the other parties, if not of God? Actually in most Muslim countries, such as Turkey,

the Islamic party has adopted a non-religious name—AKP, or Party of Justice and Progress; or in Morocco, 'Adl wa'l Ihsan (Justice and Welfare); or the Muslim Brotherhood in Yemen, Hizb al-Islah (Party of Reform). These names are more in accord with existing contemporary politics and help remove any suggestion that Islamist parties have an inside track to God.

Even so, should the fate of this huge religious and social project of the Islamists have to depend upon the whims of the electorate? Or should Islamists adopt methods whereby they remain in power anyway, contrary to electoral results? The leading Tunisian Islamist thinker and politician Shaykh Rashid al-Ghannushi commented that if Islamist parties fail to win and maintain public electoral support, the fault lies with the party, not with the people; the party must then go back to the drawing board and come up with better and more persuasive ideas. His view represents an idealistic response, of course; the exigencies of politics make it hard for any political party to give up power readily, unless the democratic order is well established.

Islamists often brandish the slogan *al-Islam, huwwa al-hall*—Islam is the solution. One could even be willing to accept this proposition in principle. Nonetheless, the immediate response is to say Islam may have the solutions, but at the same time ask: What are the specifics of the party's platform on education, the economy, foreign policy, trade, the legal and political system? Then we can determine whether an Islam-inspired agenda may or may not have what it takes to rule effectively. Shari'a offers no clear guidelines of rule or policies whatsoever. It may offer inspirational principles, but it is the specifics of governance that matter in the end.

Islamists also need to decide what the limits are of an elected legislature to pass laws that might be seen to contravene some interpretations of Shari'a. In principle such a situation would not be permitted; such laws would be struck down by a High Shari'a Court, much as a Supreme Court in other countries might rule on the constitutionality of legislative bills. Yet the dilemma remains: How far are human legislatures empowered to pass laws that touch upon certain concepts of Shari'a, or on the method of its implementation? (Force, violence, arrest?) This question is actually a profound dilemma for all ideological regimes, whether secular or religious. To the true believer, if the ideology demands certain policy actions or certain structures of rule,

then it does not matter whether people want it, like it, or support it. In a religious context, radical jihadis such as ISIS can claim that the order they are imposing is God's order, and that what the citizenry thinks about it is irrelevant. People must behave according to such God-given dictates; no further justification is needed, nor are elections or public opinion remotely relevant to the process.

There are at least two good reasons why such an approach cannot work, however. First, the Qur'an itself states that "Allah intends for you ease, and does not want to make things difficult for you" [2:185]; and "Allah does not want to place you in difficulty" [5:6]. The implication is that the practice of religion should bring ease and not hardship. Second, there is the well-known Quranic statement "There is no compulsion in religion" (2:256). Both of these verses are of course subject to interpretation, but it is extremely difficult to justify the kind of compulsion and brutality behind, for example, ISIS' interpretation of the Islamic way of life. Finally, from a practical perspective, people will not willingly support a regime that delivers death, suffering, and hardship in the name of Islam; indeed that is not the way most Muslims interpret their faith. In the end we are drawn into questions of popular will, popular desires, and democratic practice, which do indeed present contradictions. Even democracies are limited by the realities of existing conditions.

Islamists also debate the degree to which Islamist governance should impose morality. All states impose morality to one extent or another. No state will condone murder or theft, crimes which were originally included within the Ten Commandments in the Western tradition. In Turkey an Islamist once mentioned to me that, after watching countries like Saudi Arabia impose morality, including obligatory prayers and clothing codes, Turkish Islamists were debating how far the state should go in this direction. "Perhaps the Gates of Hell must remain open; the State cannot prohibit entry." In other words, in certain realms of morality, some of these questions become an issue to be resolved between the individual and God, and not by the State.

Indeed, there is great variation from state to state among laws passed and imposed. The US passed laws in the 1920s banning alcohol that lasted thirteen years. Should abortion be legal or illegal? What about drugs, and what kinds? Sexual freedoms? Even the West limits some sexual freedoms in ban-

ning sex with minor children, though the exact age of consent varies widely. The range of moral issues is broad and involves rights of the individual as well as protection of society. Islamists, too, face these problems of how and where to legislate morality and how to punish transgressions. The Saudi answer, say, to five daily prayers is to impose them. Yet what virtue does the individual gain in the eyes of God for doing the right thing out of compulsion? Implementation of Shari'a becomes quite complex in this realm and, again, there is no consensus in its interpretation.

The Turkish moderate Islamist party now in power, the AKP, at one point debated the issue of whether or not to criminalize marital infidelity. Liberals everywhere were horrified. The penalty possibly to be imposed was actually just a fine. The issue was raised not just as a moral, but also as a social concern. Just as drugs and alcohol create huge social dislocations, so do broken families. If the law complicates casual marital infidelity and the damage it causes to the family structure (their argument ran), then that is in the greater social interest. The argument is intriguing, but in the end the issue was dropped.

Ultimately, despite all the public controversy over morality and punishments, public opinion polls seem to indicate that most Muslims are far more concerned about the quality of life and governance than they are about moral issues relating to Shari'a. In principle Shari'a law is viewed as a positive virtue, but questions of employment, welfare, medical facilities, education, personal freedoms, and the right to speak out rate more highly than questions of Islamic legitimacy as perceived by the 'ulama (clerics).

Islamists who have an interest in governing will have to learn to excel in the arts of management and governance if they wish to remain elected; piety is simply not enough. Indeed, one of the primary reasons for the success of the Turkish AKP was that it excelled in managing municipalities: garbage was collected, bureaucrats were responsive, life improved. These material and practical issues are the criteria in most societies for good governance rather than moral posturing. Yet, even in US politics, moral issues or moral posturing do play significant roles in presidential campaigns, though not as much as do pocketbook issues.

Shaykh Rashid al-Ghannushi in Tunisia also once remarked that it would be a tragedy if Islamists came to power, imposed Islamic values, failed to rule competently, and the people ultimately ended up “hating” Islam. One wonders whether aspects of this concern do not apply to Saudi Arabia or Iran in certain areas as well.

Preservation of ideological purity too, remains a concern in many Islamist movements. To what extent does mere entry into politics corrupt the purity of their vision, or compel compromise? Should Islamists join in coalitions with other parties whose overall goals may be antithetical to Islamists, such as a socialist or communist party, even where transient tactical agreement might exist on a specific issue? Here, then, the realm of *compromise* thus enters into the equation; yet this is probably a valuable experience for Islamists who wish to participate in politics but must do so on a realistic basis.

Proclamation of an Islamic state raises further issues about the *role of clerics* in politics. Interestingly, the majority of Islamist leaders are not clerics or students of Islamic theology. They tend to be engineers, doctors, or technicians of various kinds. This in itself is an interesting phenomenon since it suggests that when an individual has had only limited exposure to the humanities—philosophy, psychology, sociology, political science—he tends to adopt a “systems approach” to governance: All it takes is a good blueprint—a divinely-inspired set of rules—in order to implement the good society, and the rest will take care of itself. A strictly technical education might make less allowance for human foibles and drives that constitute the really complicating factors in any political system. In short, even if one talks about Shari’a, more questions about implementation arise than are solved by the concept. Human, administrative, and managerial skills and experience are required in any system to make it work.

Should clerics then provide leadership in Islamist states? In most Sunni Islamist states they have not. The “Islamic State” or ISIS is quite conspicuous in its leadership by a man who possesses serious theological credentials and proclaims himself a Caliph. Mullah Omar, former leader of the Taliban, was also a prominent cleric. Yet Sunni states have historically—while usually led by leaders of “secular” background (tribal or military)—also maintained a

body of 'ulama or Islamic scholars whose duty it was to advise on religious questions and provide religious legitimacy to the leadership. Not surprisingly, it was easy for such state-owned 'ulama to be corrupted or suborned by power, as well as discouraged from criticizing the leader who fed them.

Shi'ite tradition foresaw this dilemma early on, since the earliest experience of Shi'a with Sunni power centers was a negative one; they watched the descendants of the Prophet sidelined from the office of the Caliphate as a result of politics and power. Shi'ite religious tradition thus has suspicions about the corrupting character of power. The Shi'ite "quietist tradition" among many Ayatollahs preferred clerics to remain outside the power structure, to avoid involvement in day-to-day politics and administration, and to only speak out on major issues of governance in general terms on critical issues in order to help keep the political process on a wise track. Ironically it was Grand Ayatollah Khomeini, the leading figure in the foundation of the Islamic Republic of Iran in 1979, who advocated the revolutionary thesis within Shi'ite theology of *Velayat-e-Faqih* or "Rule of the Jurisprudent." Turning traditional Shi'ite jurisprudence on its head, the clergy under this system came to dominate the political order in Iran. Indeed, just as the tradition had feared, it quickly led to the corruption of the clerics through proximity to power and involvement in its everyday affairs.

As a consequence, Islamists are still left with the question of the role of clerics or jurisprudents within the Islamic state. Some clerics indeed might also happen to make good politicians or administrators, but in principle their training makes it less likely. The practical day-to-day elements of good governance and policy-making are in no way guaranteed simply because of accepting Shari'a law as such—its guidance is far too generalized. In fact, the reality is that governance in the Muslim world has shown no signs of improvement even as clerics grew more deeply involved in politics or sought to apply Shari'a more intensely. It seems that Shari'a, while providing a moral framework, is not in itself enough to guarantee good governance.

Most of this discussion has been about theory in the interpretation and practice of Islam. In the end, though, does Islam itself really matter in this discussion of governance, power, and ideology? A good case can be made that

power struggles and communal conflict are a given in all human politics; we do not need the explanatory power of Islam to elucidate them. As a matter of fact, most of these same questions and dilemmas would exist in governance without Islam. (I elaborate on these arguments in considerable detail, both historical and present, in my book *A World Without Islam* [Little Brown, 2011].) Islam in that case can be seen as simply providing a banner, an ideology behind which power relationships contend. In this context, Islam primarily serves to lend cultural flavor and character to broader, more universal human issues.

As a result, if Islam were excluded from the picture, would not conflicting communities find other grounds for strife? The Shi'a-Sunni conflict, for example, has deep roots in power relationships and regional power struggles; it even carries ethnic overtones of Arab versus Persian. Reformers who struggle against authoritarian rule in the Middle East would not require specifically Islamic justifications by which to condemn existing regimes; ideological arguments always abound. From this perspective, issues of Shari'a might perhaps be considered as little more than the turf or the cultural framework within which power groups contend, using religious arguments to justify their cause.

How much, perhaps, is the debate over Shari'a law and secular law simply an empty argument over the longer term, especially when it can be argued that neither of these systems in themselves is guaranteed to deliver good governance? In fact, the increasing participation of Islam in the political order has forced a rapid evolution of political thinking within it. When Islamism is out of power, it actually enjoys a certain luxury. It can argue indefinitely about theology, Shari'a, what is legal and what is not, or whether democracy and parliaments are compatible with Islam. As Islam enters the political realm, however, the pressures to adapt to the multiple realities of contemporary political life force an accelerated evolution in Islamic political thinking. Islamic thinking becomes forced into more nuanced considerations, much more so than if it had simply focused upon the realm of traditional family law. We see examples of this change in the surprising willingness of Egyptian Salafis to enter the election process in 2011, which they had once condemned as non-Islamic: They realized that the democratic process was

going to adjudicate power relationships into the future and that if they did not participate, they would find themselves losing out in that arena.

Objective conditions also exert major impact in determining the degree of radicalism or violence that is introduced into political Islam. There can be no doubt that the American “Global War on Terror” (with its destruction of the Afghan and Iraqi states) and the deep conflict within Somalia and Yemen (even prior to the Arab Spring) have stirred up violent local opposition to US warfare, with its use of drones, proxy forces (Ethiopians in Somalia), and US occupation of those countries—all this had a massive radicalizing impact upon Salafi and jihadi groups in the region. Extreme political violence imposed on these countries has created major social turmoil, displacement of local populations, and the creation of a flow of refugees both internal and external. The resulting chaos inflamed populations and offered openings to radical militia that would otherwise not have been possible. In this way, doctrine is deeply affected by objective circumstances unrelated specifically to Islam.

Finally, under conditions of chaos (*fawdha*) there is a tendency for people to retreat to core minimalist goals in which sheer survival becomes the top priority. As the 14th-century Islamic scholar in Syria, Ibn Taymiyya, observed, chaos is worse than oppressive rule—a profoundly conservative doctrine, reflected also in the thinking of Thomas Hobbes some two centuries later. Chaos and the struggle for survival do not offer conditions conducive to creative thinking in politics or to liberal interpretation of religion; communities instead hunker down and cling to basics, asserting their identity. This reaction is perfectly exemplified by the Chechens in 2000 who, during the savage Russian destruction of all of Grozny, embraced full Shari’a law including the classical physical punishments (*hudud*) as an act of cultural-religious defiance against their non-Muslim Russian oppressors.

Innovative thought in the interpretation of Islam and Shari’a in governance is therefore not likely to emerge under the present conditions of most of the Middle East. Turkey and Iran are the two leading candidates for providing contemporary interpretations of Islam. Even so, Islam will never be absent from the political arena in the Muslim world, regardless of the degree to

which secular thinking also spreads within Islamic societies. It will always provide a political vocabulary and cultural framework in political thought, just as Confucianism will always be a part of Chinese political thinking. And Muslims in the West possess the unique opportunity of having the security and freedom to contribute heavily to the process of new thinking in Muslims' understanding of their own religion.