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***Shahrough Akhavi***

## SUNNI MODERNIST THEORIES OF SOCIAL CONTRACT IN CONTEMPORARY EGYPT

Although social-contract theorists differ on a number of points, they concur that human beings choose to form associations to promote their interests. An important corollary is that tension exists between the individual's inherent independence and freedom and the authority to which she or he must submit to achieve compliance with the goals of the contract. Occasionally, a theorist discusses God in the overall scheme of things, but the conception is deistic, so that the God who created the world does not intervene in its operation. For the rest, contractarian theories privilege natural law and natural rights, according to which the individual is treated as a social being who is fully rational, free, and independent. Fundamentally, three steps are taken in the process of making the social contract: (1) creating society; (2) creating the sovereign state; (3) discharging obligations and enjoying benefits.

Because mainstream Ash'ari Sunni Islam views God as continuously intervening in the operation of the universe and insists on the human being's "acquisition" of his or her actions from such a God, it did not generate a theory of social contract.<sup>1</sup> The theory was introduced in the 19th century as a convention to the Muslim world, when reformers such as the Egyptian Azharite scholar Rifa'ah Rafi' al-Tahtawi (d. 1873) and the Young Ottoman writer Namik Kemal (d. 1888) became interested in contractarian theorists.<sup>2</sup> This is not to say that Muslim traditions lack ideas and concepts that are important to the elaboration of a theory of social contract, such as justice, obligation, mutuality, and interests.<sup>3</sup> But, before the 19th century, jurists would not have referred to individual Muslims ceding their discrete interests to the community as a whole and converting them into a collective interest for which that community would be the trustee.

Contemporary Egyptian modernist Muslim thinkers are raising critical issues about political community. The rational, generally non-polemical basis of their discourse requires that their arguments be taken into account. Their writing variously deals with such concepts as representation, interests, organization, obligation, authority, justice, sovereignty, and leadership. Despite the seriousness of their motivations and commitment, their theoretical arguments suffer from an important flaw because of the ad hoc

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manner in which they incorporate propositions about the concepts mentioned earlier in their effort to construct a theory of social contract. They are forced into this by an assumption that, in Islam, natural law is to be equated with divine law but then ignore the implications of this for autonomous social action by individual Muslims in constructing and consolidating political community.

#### MAINSTREAM NON-MODERNIST SUNNI NOTIONS OF CONTRACT

In the Qur'an, a number of words appear that have the connotation of contract. These include *'ahd*,<sup>4</sup> *'aqd*,<sup>5</sup> *bay'*,<sup>6</sup> *mawthiq*,<sup>7</sup> and *mīthāq*.<sup>8</sup> The Prophet and the believers must have understood them in the linguistic frameworks and contexts that were then current. Although it is impossible to know for certain what constituted the contemporary understandings of these terms, it is unlikely that they were understood as betokening social contract.

According to Ash'ari non-modernist Sunnism, God had sent prophets to various peoples and made covenants with them, which they have broken for various reasons. Pained, God made a final effort to those who agreed to submit, choosing Muhammad as His Prophet. The Muslims passively accepted, knowing they would benefit from revelational knowledge as well as from God's offer of the Earth's resources to them as His vicegerents.

The Prophet's part in this "single contract" was to articulate the message and persuade people to accept it. Muslims differ as to whether the Prophet's role went beyond proselytizing to include political leadership, although all recognize his actual rule. The question is whether this rule stemmed from his divine office as Prophet or from deliberate choice of believers, who viewed him as best qualified. Over the centuries, non-modernist Sunni mainstream interpretations support the first argument, whereas the modernists emphasize the second.

As a merchant, the Prophet knew the importance of contracts, and as an arbiter of disputes and initiator of tribal alliances he gained important legal and political experience. But these compacts were not social contracts, which are formed when "each man, by right of nature, that is, by right of his human character . . . possessed the quality of freedom."<sup>9</sup> This sort of individualism was precluded by tribal society's collective ethos. Ash'arism holds that God ordained the Prophet's rule, promising benefits to the people who accepted. This differs from people independently and freely creating a community to protect their interests. Muslims may accept or reject the revelation, but they may not negotiate or renege the covenant.

If the Qur'an and Sunna do not vouchsafe social contracts, what about consensus, or *ijmā'*? Given the immense corpus of opinions issued by jurists over the centuries, it would be very difficult to generate a unified theory of contracts that would accurately reflect all their views. However, one can state the following: (1) contracts are among the most important areas of concern of the jurists; (2) they cover personal status (marriage, inheritance, divorce, guardianship), commerce (transactions to buy and sell, partnerships, leases on property), torts (civil wrongs), and political pacts (such as in early Islam when an Arab Muslim tribe provided the status of "client" [*mawlā*] to non-Arab converts to Islam); (3) Ash'arism's view of natural law is to

equate it to God's law and to make God the determinant of human behavior; (4) the premise of the jurists' rulings on these contractual issues is that the interest of the believer qua believer is paramount, and that requirements of community morality are best served when the believer's devotion to God is secured; (5) the idea of an independent individual freely disposing of his or her will in response to the dictates of reason for the defense of his or her interests by entering into a civil union is alien to juristic rulings. Ash'arism denies that human beings voluntarily entrust some of their rights and interests to society and its state, which are merely custodians of these and must return them to them upon their demand; (6) God's role as initiator of all contracts with the believers can be seen in the Qur'anic verse 4:58: "God commands you to return trusts to their owners." Such trusts include the holy law, knowledge broadly conceived, and all the Earth's material resources, which God made available to the believers. God is the trustor in this tradition, not the people. Should they fail to render up these trusts to God, He may take them back, as stated in Qur'an 3:26: "You give whom it pleases You the kingdom, and You take away the power from whomsoever You will"; and (7) Constitutional theorists in the 11th–13th centuries elaborated the qualifications of leaders (caliphs) and discussed the relationship between these leaders and the Muslims in the context of fulfilling religious, not worldly, obligations and rights.

With the Prophet's death, a "double contract" came into force in the Ash'ari view.<sup>10</sup> In addition to the original contract between God and the believers came a second contract in which the leaders of the community identified one of themselves to administer the law. This caliph could not promulgate new law, but he retained the Prophet's function of implementing existing law.

Over the centuries, most Muslim writers have characterized the second contract as being founded on popular choice, basing their arguments on works by medieval constitutionalist theorists such as al-Mawardi (d. 1058). This claim of "popular election" became particularly prominent in the writings of Muslims in the 19th century and thereafter, as European theories of social contract began to be known. However, the early caliphs were chosen not by the people but by the close companions of the Prophet. Moreover, with Umayyad dynastic rule (661–749/50), whatever "popular" element putatively had existed in the first twenty-nine years of Islam vanished. Meanwhile, although the constitutional scholars implied or stated the right to replace an unjust caliph, their greater concern was over possible chaos that disobedience to a ruler might unleash, making it impossible to fulfill the devotional obligations. Hence, their writings had a strongly apologetic cast, and this overrode their weakly stated arguments that sinning rulers need not be obeyed. At any rate, they established neither a threshold of oppression nor a procedure to oust a derelict leader.

Conditions in the post-Reformation West seemed more favorable to social-contract thought. Christ's statement, "Render unto Caesar that which is Caesar's and unto God that which is God's," and St. Paul's injunction, "Let every soul be subject to the highest powers," which equated obedience to magistrates with obedience to God (Romans 13:1–7), were hardly conducive to contractarian ideas. But matters were to change. St. Thomas Aquinas (d. 1274) asserted the people's right to determine the form of government, to authorize individual rulers, and to revoke the rule. In addition, the system of feudalism itself was based on notions of contractually based mutual

obligations and rights in relations among lords, vassals, and villeins. Finally, considerations of natural law were important for the emergence of Western social-contract theory. The theory arose on the belief, as Cicero stated it, that “there is in fact a true law, namely right reason, which is in accordance with nature, applies to all men and is unchangeable and eternal.” If there is such a natural law, then there must be natural rights associated with such a law. As Ernest Barker puts it, “if there were any limitations imposed on natural rights, those limitations must be due to a voluntary contract made by the possessors of such rights.”<sup>11</sup>

The conception of natural law here is that the operation of the universe exists independently of the will of God. Even if, as with Aquinas, the creation is due to God’s will, it is maintained that God nevertheless thereupon refrained from interfering in its dynamics. This is quite different from Ash‘arite perspectives, which stress God’s immanence in nature, whereby all development results from God’s recurring intervention to bring about each individual action.

Under the influence of European contact with the Muslim world after the French Revolution, Muslim interest in contracts took a somewhat different slant. Now it was deemed important somehow to integrate the traditional view on contracts as covenants offered by God to a people passively accepting it, supplemented by the secondary contract made by the leaders of the community among themselves to choose a supreme leader, with contracts as social conventions stressing the free will of people to manage their own affairs.

#### WESTERN THEORIES OF SOCIAL CONTRACT

No single Western theory of social contract exists. Differences inhere over objectives—to create a society, a civil society, a government, distributive justice, or morality; over the identity of the contracting parties—individuals making agreements with other individuals, each individual making a compact with the ruler, the people as a whole, or towns, or corporations making agreements with rulers; and over motivations—personal security, religious impetuses, economic well-being, and moral improvement more generally.

The leading thinkers of social contract theory in the West were Thomas Hobbes (d. 1679), John Locke (d. 1704), Jean-Jacques Rousseau (d. 1778), and Immanuel Kant (d. 1804). Hobbes believed that the state of nature was lawless because it was impossible to find in it any criteria of right and wrong that could be enforced. People are naturally aggressive and acquisitive, because of either human psychodynamics or instinctive territorial urges. Because no security could be established in the state of nature typified by “the war of all against all,” humans agreed to surrender their autonomy and freedom entirely to an absolute ruler, who in return would guarantee order. Hobbes seemed to suggest that once this surrender occurred, it was final. Although it may appear that Hobbes based his theory of social contract on emotion (fear of death), it is in fact founded on a rational calculation of the relative benefits accruing on abandoning the state of nature.

Locke, by contrast, emphasized that the state of nature was indeed regulated by natural law. He wrote that people are the properties of God who had a duty to protect their own lives and possessions, lest harm befall God’s interests. God has charged us

with certain duties that we find increasingly difficult to implement in a state of nature because no final authority exists to which we can appeal in the event that our efforts to discharge them are challenged. Locke held that people have an entitlement to their lives and property, which he considered an extension of that life. Every person is naturally free, equal, and independent, which seems incompatible with the earlier idea of God's ownership of them, but Locke's deism explains the apparent contradiction.

Human insecurity thus was due not to the absence of law but to the inability to enforce these entitlements. A contract establishing government and laying out the specific terms by which the people's lives and property were to be protected was the result. Instead of Hobbes's situation of individuals pre-emptively striking their neighbors in an effort to promote their security, people in Locke's version rationally recognize one another's entitlements to life and property and set limits on them. The legislature in particular plays a prominent role in Locke's theory, mainly exercising what he termed a "fiduciary power to act for certain ends,"<sup>12</sup> which was subject to alteration by the people. In short, Locke held that if the government fails in its fiduciary endeavor, because of willful malevolence or neglect, the people may change it.

Rousseau believed that, in the state of nature, human beings were free but dominated by their animal natures and low level of rational and moral development. Although life was not perpetual warfare, human beings lived doltishly, and eventually "the obstacles to continuing in a state of nature were stronger than the forces which each individual could employ to the end of continuing in it."<sup>13</sup> At this particular moment, each individual human being separately made a reciprocal commitment with the sovereign (not with other individuals) that delivered him or her from loutish lethargy and vested him or her with morality. Thus, the social contract is a means for converting the human being from a dullard to the creature that God intended him or her to be and that the ancient Greek philosophers believed was his or her ultimate destiny. Or, as Rousseau put it, "What a man loses as a result of the Social Contract is his natural liberty and his unqualified right to lay hands on all that tempts him, provided only that he can compass its possession. What he gains is civil liberty and the ownership of what belongs to him."<sup>14</sup>

The natural freedom of the individual is consolidated into the general will of the community, a whole that is greater than the sum of its parts. Submission to the general will represents the emancipation of the human being rather than abject subordination. States are despotic if they are not instruments of this general will. The latter is a metaphor whereby even though each individual entering the social contract surrenders his or her natural liberty to gain civil liberty, this individual does not control the general will, which has the status of corporate or legal personality and may have to be articulated by the single legislator. Indeed, the legislator may have to educate the members of the society as to where their true interests lie. But this is not a problem for Rousseau, because the human being alienates his rights to the whole community rather than to a tyrannical state: "[w]hoso gives himself to all gives himself to none."<sup>15</sup>

Kant contributed to social-contract theory by addressing Rousseau's famous question about how to reconcile natural rights and natural freedom with submission to authority. Hobbes answered this question on grounds of prudence: the capacity of the individual in the state of nature to issue laws is not much of a virtue if that individual is continually in danger of being killed. Thus, Hobbes held that human beings will

join a commonwealth despite total loss of this legislative function. Kant was clear in his own mind about the moral obligation of human beings to enter into community. He was, however, bothered by the potential loss of moral autonomy once they did so. His solution to the problem was to suggest that autonomy and authority were not mutually inconsistent, and he maintained that only in a community was justice possible. In the state of nature, the freedom that people possessed was lawless and could be actualized—in the form of legislation advancing the interests of the self—only in a civil society.<sup>16</sup>

#### SALAFI MODERNIST CONSIDERATIONS

Serif Mardin has studied how Young Ottoman reformers struggled to create a synthesis of elements of these Western theories of social contract with Islamic revelation.<sup>17</sup> He concludes that they ultimately failed because Western theories of representation, interests, and rule were rooted in a lay, not a revelational, theory of ethics. The lay theory of ethics featured a theory of natural law that emphasized the autonomy of the individual as a reasoning being whose very reason entitled him to certain natural rights. Muslim revelation, by contrast, promoted a theory of the law of nature in which God was the author of creation and a continuously intervening element in its evolution. Still, these early efforts generated an important reform movement, the *salafiyya*, whose leaders sought to succeed where the Young Ottomans fell short.

The Salafi leaders were Muhammad ‘Abduh and his disciples, including Qasim Amin (d. 1908), Rashid Rida (d. 1935), Mustafa ‘Abd al-Raziq (d. 1947), Muhammad Husayn Haykal (d. 1956), Ahmad Lutfi al-Sayyid (d. 1963), and ‘Ali ‘Abd al-Raziq (d. 1966).<sup>18</sup> Other writers, while lacking in originality, have also been influential in spreading Salafi ideas, such as Khalid Muhammad Khalid (at least until his recantation in 1980 of his earlier ideas).

Salafi objectives were to reform Islam and return it to its believed original condition at the time of the early Muslim community, to revivify the Arabic language, and to promote the interests of the Islamic community by reconciling reason and science with revelation. ‘Abduh and Rida—the most important of the Salafi thinkers—were heavily influenced by the conservative reformism of the medieval jurists al-Ghazali (d. 1111), Ibn Taymiyyah (d. 1328), and Ibn Qayyim al-Jawziyyah (d. 1350). Attacking blind imitation (*taqlīd*) and the pedantry of the formalistic theologians, the Salafi leaders advanced the cause of independent judgment (*ijtihād*) that would achieve a new consensus that rested on authentic Islamic principles and that could address the modern problems faced by Muslims. As noted earlier, ‘Abduh and Rida raised the general good and public interest (*maṣlaḥa*) to the level of important juristic concepts, rescuing them from centuries of marginalization in Islamic jurisprudence. They strongly opposed secularization, although others in this tradition, including ‘Ali ‘Abd al-Raziq, Lutfi al-Sayyid, and Khalid Muhammad Khalid (until 1980) sought to separate religion and politics.

‘Abduh believed that the starting point for reconciling Islamic belief and the requirements of a modern social order was the education of the people. He tried to counter the division of Egyptian society into two parts—one “always diminishing, in which the laws and moral principles of Islam ruled, and the other, always growing, in which

principles derived by human reason from considerations of worldly utility hold sway.”<sup>19</sup> Because ‘Abduh’s own intellectual roots lay in Islamic tradition, he was not an advocate of democracy or constitutional rule in themselves. In fact, if constitutional rule hindered the process of educating the people, he considered it retrograde, and if a benevolent despotism facilitated it, he believed it should be tolerated, although it is true that he held that Muslims were entitled to remove an iniquitous ruler.

Malcolm Kerr notes that “consistency, clarity, depth, and sustained intellectual commitment . . . were not the qualities for which ‘Abduh was noted.”<sup>20</sup> But had he chosen to persevere in these qualities, he is likely to have alienated the conservative Islamic establishment in Egypt, something his project could not permit him to do. Despite his prudence, ‘Abduh implied that Islamic rationalism, long suppressed, deserved to be resuscitated.

‘Abduh, who read French and traveled to France, was most influenced by Auguste Comte (d. 1857) among the Europeans. Although he was a positivist, Comte had warned against attempts to impose a secular rational order, which he felt threatened society because it abetted “the restless spirit of individual reason, always questioning, always doubting.”<sup>21</sup> Instead, Comte advocated tying the questioning spirit to the moral truths of revelation. ‘Abduh endorsed this perspective, but what was the correct interpretation of Islam? Definitely not the scholasticism of the seminaries, which he deemed incapable of applying rational analysis to modern social problems.

‘Abduh’s famous student Rashid Rida paid more attention than his illustrious mentor to matters relevant to social contract and politics. Rida argued that the Islamic community’s sovereignty is manifested in the elite, which the sources termed “the people of loosing and binding” (*ahl al-hall wa al-‘aqd*). Although he fails to specify who these people are, Rida identifies them as the community’s leaders and those of prominent rank whom the believers trust. According to Rida, the Muslims, having accepted God’s covenant, have endowed the people of loosing and binding with the authority to nominate the head of that community, provided the believers are consulted and allowed to ratify the elite’s choice. Kerr notes that Rida identifies the people of loosing and binding with the whole Muslim community (*jamā‘a*), seeing them as its representatives. In this, Rida relies on the medieval commentary of al-Taftazani (d. 1389) on the writings of Fakhr al-Din al-Razi (d. 1209).<sup>22</sup> Hence, Rida bestows community sovereignty on a poorly identified elite, which Kerr rightly maintains is unacceptable for two reasons. First, Rida seems to be saying tautologically that authority devolves on those who have it or are able to exercise it, “which is another way of saying that might makes right.”<sup>23</sup> And second, the people of loosing and binding would appear to be a semi-closed elite to whom the Muslims as a whole must submit—they are not delegates of the Muslims but a group whose members “seemingly enjoy their status by virtue of what is assumed to be an undeniable and absolute capacity. . . . Their authority then appears to be in the nature of an oligarchy rather than a kind of publicly exercised sovereignty.”<sup>24</sup>

Based on these considerations, one cannot consider Rida an advocate of Muslim popular participation and choice, putatively exercising social-contractarian rights. We still have a long way to go to demonstrate that the oath of allegiance to the ruler is in the nature of a Lockean or Rousseauan social contract.

Of the Salafi thinkers, it is ‘Ali ‘Abd al-Raziq who came closest to contractarian



thought. He held that God offered His covenant to the believers, and they joined His community to implement their religious obligations. But he then maintained that the Prophet's successors established the caliphate not as a result of doctrinal necessity or divine ordainment but in response to historically contingent factors. Muslims, he argued, like any human beings, possess natural rights and reason, which permit them to act in accordance with their own calculus of what is best for themselves. This being so, Muslims do not have to model their government on the historical caliphate but may establish any form of government they wish. The Prophet himself was solely a religious leader who left it up to each new generation of Muslims to decide this matter.

However, opposition to, rather than endorsement of, 'Abd al-Raziq's argument that Islam is religion but not politics is more characteristic of the writings of more recent Neo-Salafi writers—for example, the criticisms of 'Abd al-Raziq by the prolific independent scholar Muhammad 'Imarah.<sup>25</sup> More important for present purposes is Tariq al-Bishri's rejection of 'Abd al-Raziq's argument for separation, a rejection that closely follows 'Imarah's.<sup>26</sup>

#### LATE 20TH-CENTURY NEO-SALAFI MODERNIST THINKING ON SOCIAL CONTRACT

It is time to ask whether more recent Muslim social theories have fared any better than their 19th- and early-20th-century predecessors in achieving the synthesis of lay and religious ethics. I will analyze the thought of three Egyptian Sunni liberal modernists: Muhammad Ahmad Khalaf Allah (d. 1983), Tariq al-Bishri, and Fahmi Huwaydi.<sup>27</sup> There is a certain logic in taking these three as standard bearers for modernist Sunni social thought. All of them strongly endorse the use of *ijtihād*—independent judgment to determine a ruling of law. They are all prepared to lay aside scriptural texts when they believe literal interpretation will hamper the interests of Muslims today, citing the precedents set by the second caliph in this connection. They speak to a broad audience and have been active in scholarly and popular forums in disseminating their views. None is a marginal figure in the Neo-Salafi movement, and each has avoided polemics that would alienate him from mainstream conservative and modernist circles. They all have had solid connections to the religious institution in Egypt, as well as to the government and state.

Among contemporary Egyptian writers Khalaf Allah is unusually specific in trying to integrate into contemporary thought the concept of *maṣlaḥa 'amma* (public interest), which is critical to social-contract theory. Bishri merits attention because he explicitly grounds his thought, no matter how diffusely, initially in a realist and later in an idealist philosophy of history, with implications for social-contract thinking. Finally, Huwaydi's analysis of democracy in the context of political parties and pluralism lends itself to several dimensions of social-contract theory that are associated with the operation of social communities and that other thinkers tend to ignore.

Bishri is considered by Egyptians as one of Egypt's most important contemporary intellectuals. His work, as Leonard Binder notes, is "widely respected" and "has attracted a good deal of political interest, including that of the Egyptian government."<sup>28</sup> He is important enough that, when the Neo-Salafi journal *al-Manar al-Jadid* commenced publication in 1998, he was invited to contribute an article to its initial issue.

Bishri is a conservative modernist advocate of national unity, Islamic authenticity, Egyptian independence, and cultural autonomy, and his ideas enjoy credibility—although more liberal Muslim thinkers of course do not agree with all that he says.

Khalaf Allah represents the Nasserist legacy. His theoretical position can be said to reflect the most liberal modernist Muslim perspective; hence, he stands as a counter to Bishri. At the same time, his Islamic credentials are hard for the conservatives to undermine, because his work is replete with analyses of Qur'anic verses, which in turn are anchored in the interpretations of Muhammad 'Abduh. Even though the logic of his argument is to separate religion and politics in the tradition of 'Ali 'Abd al-Raziq, he does not advocate this explicitly.

Huwaydi is a popularizer of the Muslim modernist position. Although he is a journalist, he is inclined toward scholarly analysis. As with Bishri and Khalaf Allah, Huwaydi commands the respect of most members of the modernist school. He is more liberal than Bishri in his willingness to borrow from the Western cultural tradition, but this willingness is expressed within the classical formulation that that which is borrowed cannot be allowed to undermine central Muslim beliefs. Huwaydi has instant recognition in the Muslim world beyond Egypt, something that Khalaf Allah and perhaps even Bishri cannot match. The reason for this is his journalistic activity, which includes not only his religion column in *al-Ahram* but also his participation in countless round tables, symposia, and seminars throughout the Muslim world. At the same time, Huwaydi is an articulate spokesman of the modernist perspective and forthrightly advocates institutional pluralism, which is relevant for social-contract theory.

These thinkers have been writing at a time of social uncertainty in Egypt. The country's disastrous defeat in the June 1967 war is the key background development for the resurgence of Islamist movements, some of them violent in orientation, that generally have expressed hostility toward more tolerant Islamic currents. In the more than thirty years since Gamal Abdel Nasser's death, his two successors have moved away from his secular socialist policies, including Pan-Arabism abroad. This has entailed privatization of the economy and the removal of the social safety net that Nasser's system established to cushion the shocks of rapid social change. In foreign policy, it has meant the conversion of Egypt into a client of the United States and a cold peace with Israel. Each of these developments has antagonized important segments of the population, which see in them a systematic betrayal of Islamic values.

During this period, Egypt has continued to suffer major social dislocations, including high population growth and obvious income-distribution skews, which have become more pronounced with every passing year; deterioration of infrastructure; increasingly burdensome bureaucratization of power; mounting corruption in state administration and economic sectors; and sharpening class cleavages and conflicts as a consequence of the regime's austerity measures, designed to meet demands by the International Monetary Fund and World Bank to devalue the currency, eliminate waste, and improve the investment climate. Society has witnessed armed clashes between state security forces and Islamist groups intent on uprooting positive law, which is considered a legacy imposed by the West, and substituting Islamic holy law in its place.<sup>29</sup>

Incidents of violence have waxed and waned during these years, but Muslim modernists have become increasingly concerned about alienation of the population from

the state (for its seeming sellout of religious values) and from public expression of religious belief (on grounds that religious values seem to have been appropriated by violence-prone groups alleging to speak for the “true” Islam). This, then, forms the social context within which Neo-Salafi reformists have been seeking to reconstruct community solidarity. In a series of works written over the past three decades, Khalaf Allah, Bishri, and Huwaydi—staunch Neo-Salafis—have chosen to articulate that movement’s paradigm to uphold a liberal Islamic perspective against the claims of both secularists and radical Islamist challengers.

#### *Muhammad Ahmad Khalaf Allah*

As a student, Khalaf Allah specialized in the literature of the Qur’an. He graduated from the Dar al-‘Ulum and was influenced by the famous Shaykh Amin al-Khuli. He also earned a bachelor and master’s degrees in philosophy at the University of London. He was a strong nationalist and supporter of Nasser and served as the director of the Institute for Arabic Research and Studies from 1965 to 1983. After Nasser’s death, Khalaf Allah affiliated with the Party of the Unitary National Progressive Bloc (Tajammu‘) and became the secretary of its political-affairs committee.<sup>30</sup>

Khalaf Allah accepts the Ash‘ari view that God summoned the believers to accept His message, granting them in return use of the Earth’s resources. God’s initiative in creating His community is seen in Qur’an 8:62–63: “It is He who has strengthened you [Muhammad] with His help and with believers whose hearts he cemented with love.”<sup>31</sup> Divine love, then, becomes God’s motive that leads the people to enter into a contract with Him and create a new society. However, Khalaf Allah mainly focuses on what occurs once the new society is established. He is particularly interested in the idea of the state, including the motive behind its establishment.

At one point, Khalaf Allah asserts that God ordains it, citing Qur’an 2:247 (“God gives authority to whomsoever He wills”) and 3:26 (“You give whom it pleases You the kingdom and take away the power from whomsoever You will”).<sup>32</sup> Elsewhere, though, he holds that Muslims established the institution of rule as a matter of reason.<sup>33</sup> On this view, the imamate was required not by the holy law but by the fact that it is rational for human beings to submit to a leader who prevents abuses and arbitrates their disputes. I take this to be his general position, as can be seen in the following quote: “the development of human thought guided human reason to the theory of natural rights emanating from human nature and social life, to the effect that the people are the source of all authority.”<sup>34</sup> They are the authors of their own progress,<sup>35</sup> and each member of the community takes full responsibility for his or her actions, based on reason.<sup>36</sup>

Khalaf Allah says that each of the first four caliphs was chosen in a different manner, which shows that the form of government in Muslim societies is subject to debate and historical contingencies. No invariant blueprint exists for an Islamic state and government. The only givens are devotional matters (*‘ibādāt*) pertaining to the absolute unity of God, the finality of Muhammad’s prophecy, the Day of Judgment, and communal expression of belief in these principles, including the statement of the credo, prayer, alms-giving, Ramadan fasting, and pilgrimage to Mecca. The daily affairs of the people are considered social relations (*mu‘āmalāt*), and these are ar-

ranged according to the constraints of circumstances. Muslims no longer choose a caliph by the decision of one, three, or five people, but elect a government by means of an articulated public opinion and a national electorate.<sup>37</sup>

In his opinion, the Qur'an mandated accountable government in the consultation verses. These verses—42:38 (“Their affairs are a matter of counsel”) and 3:159 (“So consult them in affairs”)—are actually warrants for heeding the collective “public opinion” of society. These verses require that “opinion in public matters be collective, not individual.”<sup>38</sup> The Prophet’s role was to assist in the articulation of public opinion: “It was necessary for the Prophet . . . to clarify to the people the practical meaning of this verse, 3:159: so consult them in affairs, and accustom them on how to form public opinion and to take decisions bearing on public matters.”<sup>39</sup>

The dynamic influencing the state and its government is, in Khalaf Allah’s view, “the public interest and the public good” (*maṣlaḥa ‘amma* and *khayr ‘amm*),<sup>40</sup> terms which he does not define but unhesitatingly applies anachronistically to the early Islamic period. In the modern era, he holds, the separation of powers is the chief means of securing the public interest and public good. No Qur’anic basis for this is necessary because, as he has already noted, the Prophet left social matters to the devising of each Muslim generation. Thus, the basis of contemporary political systems is “human interests and the public good.”<sup>41</sup> Because he has already referred to the human being’s “natural rights emanating from human nature,” a fair reading of his view of the state is that it is the property of freely disposing individuals. In this regard, he interprets Qur’an 3:159 as God actually commanding the Prophet to acknowledge that the people create their own history.<sup>42</sup>

The government that the people establish is to be accountable to them. Although in early Islam those to be consulted were the Prophet’s companions, termed in the Qur’an “those in authority among you” and by the early commentators “the people who loose and bind,” in the modern period they include economic, political, and social elites. He approvingly cites ‘Abduh on this point. Both government and people can freely borrow non-Islamic laws if they do not contravene the core beliefs. After all, early jurists adopted aspects of Greek, Roman, Persian, Assyrian, and Babylonian law in regard to administration, finance, and the dispensation of justice. Moreover, the early jurists clearly never intended that their opinions on such secular matters be final. Hence, contemporary Islamist calls for establishing the shari‘a can only mean a demand to observe the devotional duties.<sup>43</sup> Because the shari‘a is constantly changing in the realm of social relations, later generations can use their own discretion in arranging them.<sup>44</sup>

In doing so, they are led by their representatives. These special people, already referred to as “those in authority among you [or] them,” are the subject of two important Qur’anic verses: 4:59 and 4:83. In 4:59, God commands believers to obey Him, His Prophet, and “those in authority among you.” In 4:83, God laments the fact that people waste their time in idle speculation when receiving news about war or peace affecting the community. He admonishes them to take such news to “those in authority among them,” who will be able to check and scrutinize the news and authenticate or reject its veracity and interpret its significance for the community.<sup>45</sup> These people are, however, mere mortals and cannot make *ex cathedra* statements of final import about critical matters affecting the people’s secular affairs.

Khalaf Allah finds the strongest scriptural warrant for the establishment of non-religious authority among the believers in 3:104: “So let there be among you [believers] a body [*umma*] that may call to the good, enjoin what is beneficial and forbid what is evil.”<sup>46</sup> He acknowledges the great ‘Abduh’s commentary on this verse that establishing such a body is a categorical imperative (*fard ‘ayn*) incumbent on every believer. He also raises the issue of accountability of this body to the general population that, in his opinion, elects it. The people as voters exercise oversight and dominion over this body. In the event that it falls short, the believers will replace it.<sup>47</sup> One must note that Khalaf Allah’s idea that Qur’an 3:104 is a warrant for an accountable elected legislature that calls for good and prohibits evil is a radical modernist interpretation that is unrecognizable to most commentators. After all, the verse was revealed in reference to a merciful God stepping in to separate warring combatants and convert them into a whole community of believers.

Khalaf Allah notes that nothing in the Prophet’s sunna details the nature of the state. There are, however, traditions attributed to him that indicate that he wanted to leave these specifics to later Muslims. This is also in keeping with God’s intent in the Qur’an, which avoids details of this sort.<sup>48</sup> What the Qur’an does specify is the end or the purpose of the state that the Muslims establish, and that is the public good, which Khalaf Allah equates with the distribution of wealth.<sup>49</sup>

As for whether the human being is fully autonomous in participating in these processes, Khalaf Allah declares, “There is no doubt that God has guided us to the most preferable and complete foundations and principles upon which we are to build our government and establish our state. He entrusted to us this establishment by giving us in this regard full freedom and complete independence in our daily affairs and social interests.”<sup>50</sup> This conforms to his deistic vision in which God is the creator but leaves the operation of His creation to humans.

Oddly, in view of what he has said about the full autonomy of the believers to organize their politics as they see fit, Khalaf Allah claims that God chose Muhammad to be both the Prophet of the believers and the head of the first Islamic state.<sup>51</sup> He did not need to take this position. He could have argued instead that the people chose the Prophet for this office because of their conviction that he was the best person for the job, not because he should be *ex officio* because of his role as religious messenger.

Noting that Qur’an 4:58 specifies that “God commands you to return trusts to their owners,” Khalaf Allah thence proceeds to inquire into the nature of such trusts, identifying them as security, tranquillity of the soul, and absence of fear. A trust is given over to a trustee who deposits it for safe-keeping and, in doing so, creates a bond with the trustor. There are three kinds of trusts: that which the human being has with God, that with another human being, and that with himself. The government receives the trust of the people, and its officials discharge their duties in fulfillment of this trust.<sup>52</sup> Unfortunately, Khalaf Allah does not dwell on this topic, averting thereby any discussion of the contradiction between the free disposition of the people and God’s entitlement to all trusts. He seems to believe that a state and its government belong in practice to the believers, who make it available to officials, and it is the officials’ task to implement policies based on the interests of the community. He declares that “rule” (*al-ḥukm*) in Islam belongs to the nation (*li al-umma*).<sup>53</sup> This is a view of

contract that differs markedly from the position adopted by the militant Islamist groups, which assert that the rule belongs only to God.

Like many modernists, Khalaf Allah berates those who interpret various verses of the Qur'an (5:44, 5:45, 5:47, 12:47, and 12:60) to mean that God is a continuous, permanent sovereign intervener in the secular affairs of believers. He carefully provides a contextual analysis of these verses to conclude that it is the people themselves (*al-nās, al-sha'b*) who dispose of their daily affairs.<sup>54</sup> They do so initially as members of the Islamic community (*umma islamiyya*), but in the modern period they constitute a body politic, forming a national community (*umma qawmiyya*), united by where they live, their language, their "common interests," and their common history. Crucially, regardless of the historical era, he is absolutely clear that the individual members of these collectivities are freely disposing of their affairs as human beings and not automatically responding to direct or indirect divine commands.<sup>55</sup> In fact, in one place he seems to suggest that the revelation itself was a response to the need of the Arabs to make progress. The content of the message of the Qur'an, on this view, was a demand for Arab society to create radical changes in the Arabs' views, beliefs, traditions, customs, moral values, and standards of behavior.<sup>56</sup>

#### *Tariq al-Bishri*

A Marxist-influenced nationalist in the Nasser years, Bishri has filled top positions in Egypt's legal system. Since 1998, he has been first deputy chair of the Council of State (Majlis al-Dawla), an organ modeled after the French Conseil d'Etat, which represents the country's highest jurisdiction in matters of public administration. Bishri's grandfather served as Shaykh al-Azhar, so he has strong connections to the country's official religious institution. He believes that one must treat Islam as a historical phenomenon, examining it in terms not of ideal types but of institutions and processes shaped by the actual conditions of the Muslims in any given historical era.

Today, Bishri is one of the leading interpreters of conservative modernism. Although he upholds independent judgment as critical for adapting to changing circumstances, Roel Meijer is essentially correct in saying that virtually every institution or social force that Bishri regards as authentic is "hierarchical."<sup>57</sup> In this sense, Bishri is more conservative than Khalaf Allah. Since the October war of 1973, Bishri's focus has drifted away from secular historical analysis and become increasingly abstract. His message is a call for Egyptian unity but retains a diffuse commitment to institutional pluralism in which elites listen and the masses take action.

Bishri consistently has had an almost romantic faith in the perspicacity of the masses, an instinctive trust in their "healthy instincts."<sup>58</sup> While providing a lengthy narrative, he assumes rather than demonstrates that British imperialism and elite corruption generated a high level of political consciousness in the Egyptian masses, inferring this consciousness from mass participation in events. As for elites, he criticizes leaders of all political persuasions—capitalist, corporatist, Nasserist, and Islamist—for having failed to deliver a truly independent society whose foundations are cultural authenticity and social pluralism.

Unlike Khalaf Allah, Bishri does not systematically comb through the scriptural

texts to find explanations for the ideas and behavior of the masses. Instead, he emphasizes that social circumstances constrain human behavior, and he tends to valorize that behavior as the key to knowledge about the world. In a word, his is an epistemology of praxis. Bishri often refers to “reality” (*al-wāqīʿ*), and although he does not problematize it, he maintains that individuals are social actors who must understand this reality before they can act to promote their welfare. The general implication seems to be that the masses are the prime actors.

The following reconstructs the general outlines of Bishri’s position. First, he presumably accepts the mainstream contractarian view that God offered His covenant to those who would believe, and they accepted. Second, after Muhammad’s death, the doctrine of the double contract inhered. Third, over historical time the institutional structures of the Islamic community became ossified. Fourth, the 18th- and 19th-century revivalist movements were salutary efforts to restore a healthy balance between knowledge and action because the Muslims then understood their real conditions, brought their ideas to bear on their actual realities, and developed their ideas in directions permitted by those realities. Fifth, Western imperialism and the opportunism of regional elites aborted these movements, which were replaced by state-led reform in the 19th–20th centuries that created a dualism in society, the hallmark of which was the simultaneous existence of Islamic and Western institutions and processes. This was a recipe for inertia, at best, and failures in distributive justice, at worst. And sixth, the only way to resolve society’s many problems is through unity, tolerance of diversity, and cultural authenticity.

How did people originally contract to form a human society or community? Bishri does not say. Before Islam, Arabian society was tribally based. How it became so is of little interest to Bishri. In what way the new Muslim society evolved once it was formed is also not very clear from his essays. He does say generally that Islam (*sic*) put an end to tribal *ʿaṣabiyya* (roughly, social solidarity, with overtones of clannish zealotry) and replaced it with a bond of religious affiliation. How did this happen? he asks. He does not give a direct reply but notes the process ended inter-tribal enmity. The new community retained tribalism’s ethos of collectivism and its lineage relationships while smashing its familistic particularism. In his typically abstract language, Bishri adds:

In this way, factors of collectivism followed that were mutually compatible and nourishing. There was thus established among these factors mutual connections and gradual advance from the particular to the general until matters reached the stage of the great Islamic society. . . . Fustat in Egypt . . . arose as a layout of land for troops from every tribe, living as neighbors alongside one another, rather than dispersed against one another, being united by a single effort to spread the call of monotheism.<sup>59</sup>

This propitious beginning did not last. Centuries of stagnation followed until the 18th and 19th centuries’ revivalist movements. Wahhabis in Arabia, Dihlawis in India, Sanusis in North Africa, and Mahdists in Sudan rose up to end centuries of torpor, characterized by blind imitation of 8th- and 9th-century jurists.<sup>60</sup> In doing so, they created a new reality, and it is this new reality that is the arena for social contract.

What role do natural law and natural rights play for Bishri? As usual, the picture is not clear. In his 1972 book on the Egyptian nationalist movement, he rebuts reli-

gious critics of Egypt's legal system for subordinating religious to positive law. Positive law is not the problem, he wrote, and indeed it can be a tool to eliminate the skewed concentration of wealth.<sup>61</sup> But the connection positive law has with natural law is disregarded. Later, in his book on the Copts, Bishri makes the national—not the religious—community the exemplar of human life. The ties that bind are territorial and rooted in Egyptian nationality, a large tent under which Muslims and Copts are brought together. Left to themselves, the Egyptian people would make this national community cohere, using the vehicle of political parties and groups to institutionalize their presumably contractual agreements. But unfortunately, he holds, the leaders of these parties and groups have been the problem. And here, Bishri spreads the blame around equally.

So where do we stand in regard to natural law and rights? The role of a continually intervening God seems to be eclipsed in favor of people acting in history. But are they autonomous actors because of their rationality? Compared with Khalaf Allah, Bishri deals much less with reason. This is not to say he disregards it. On the contrary, he holds that the only way that Muslims can avoid regressing is to keep open the gates of independent judgment and reason (*ijtihād*).<sup>62</sup> But whether and how believers use reason to derive their own identity and their interests remains unexplored. Seemingly, identity and entitlements based on it emerge in some elemental way in direct response to notions of who people think they are; these notions are in turn shaped by their reality. For example, he writes that Islam was from the very start a doctrine (*aqīda*), an association (*ribāṭ*), a comprehensive culture embracing modes of expression, intellectual activity, organizations, and individual and social conduct. This beginning, he notes, “is sound from the point of view of historical reality.”<sup>63</sup> But did autonomous, free, and rational individuals intentionally bring about this state of affairs? If so, how?

In a discussion on pluralism in Islam, he writes that Muslims joined groups and bodies (*tawāʿif wa hayʾāt*). The community's traditional social structure featured various similar, cohesive institutions that were founded on concepts and laws that connected prevailing ideas, structures, systems of mutual rights, and duties and norms of conduct. These social units, such as the extended family, the tribe, the village, the ward, trade syndicates, professional societies, lodges, schools, and mosques, formed a stable equilibrium, each unit providing a check on the others.<sup>64</sup> Meanwhile, he maintains that the interests of the community and the spread of justice guide the believers to establish conditions in society that are appropriate for the principles of Islam.<sup>65</sup>

But how these interests are formed in the first place is not clear except for general references to adverse social circumstances and the determination not to give in to Western imperialism. Ironically, although Bishri is a historian and repeatedly calls for a method of analysis that links thought to actual historical circumstances, he does not show how these thoughts emerge and shape the actions of the people and how those actions in turn affect the further development of those thoughts. He seems to believe that it is enough to recapitulate historical events and assume that these events shape consciousness in certain ways at critical historical junctures.

Bishri has, however, appealed for what one might regard as a basis for a new social contract for Egypt, which he glosses under the rubric of a new “national project.” Egyptians need to create a new, dynamic social equilibrium in society. It would reflect



the proper arrangement of power between the state and social forces and among those social forces themselves. This new equilibrium would end the zero-sum mentality that characterizes Egyptian politics today, he contends. It would retain the concentration of power in the community (as against its state and government?) so that it can achieve its goals.<sup>66</sup>

The so-called national project will be characterized by “the prevailing political trend.” This seems suggestive of Rousseau’s general will. He calls such a trend “the general framework for the [social] forces of the community,” a framework that embraces these forces yet preserves their plurality and variety. The prevailing political trend expresses the unity of the community in terms of its overall cultural make-up without sacrificing the pluralism bespoken by its separate units. It is a distillation of “expressive details” (*mufradāt*) of presumably modern Egyptian social, political, and cultural movements. Inevitably, these “details” initially are not well integrated with one another, and contradictions may appear among them. But a wide-scale debate will ultimately harmonize these details, although Bishri is basically silent about how this might transpire.<sup>67</sup> Bishri warns that this prevailing trend cannot be “created” out of whole cloth. It can only be “extracted” from the movement of history and society. It is reality here that is master, he asserts.<sup>68</sup>

I have noted that Bishri is basically silent on how the national debate will harmonize the various conflicting preferences and trends. However, at one juncture he does refer to the need to restore what he believes was the integration of religious and secular sciences in Islam until secularist thought allegedly triumphed in Egypt beginning in the 1920s. This would allow Egyptians to view existential reality with an Islamic outlook that would link up with rationalism and its method of viewing the actual world as it is. To succeed, Egyptians would have to resort to scientific methods of inquiry, deduction, empirical inquiry, inferring meanings, and discovering the laws of social change. The process will not be easy and will take at least a generation of educating youth in these methods “from an Islamic point of view.”<sup>69</sup>

Bishri admits that this is all very abstract but excuses the abstraction on grounds that he wanted the discussion to be general and comprehensive.<sup>70</sup> Ultimately, he seems to hold that the national project, animated by the prevailing political trend, must be the product of a learning process in which people come to understand their religious and social interests at the same time. In this learning process, Egyptians will not have to choose between Arabism and Islam. These are predetermined givens for them. Their active choice centers instead on how to integrate them effectively. “In this way we can operate our will,” he says, taking into account the prevailing reality.<sup>71</sup>

### *Fahmi Huwaydi*

Fahmi Huwaydi is a journalist and independent scholar who has traveled widely and writes a weekly column on religion for *al-Ahram*, Egypt’s leading daily. He also has participated regularly in colloquia and seminars on culture and religion in the Arab world and enjoys good relations with the official religious bodies, such as al-Azhar and the Supreme Council of Islamic Affairs. Like Khalaf Allah and Bishri, Huwaydi is a modernist who believes in the need for renewal of Muslim thought and institu-

tions. A critic of secularists such as Zaki Najib Mahmud and Fu'ad Zakariyya, he is also impatient with the rigid thinking of many Islamists.

Huwaydi's major recent book is *Islam and Democracy* (1993), which he wrote to rebut the Islamists' desire to take society back to the 7th century and the secularists' intentions to imitate the modern West.

Huwaydi's work has a number of implications for social-contract theory, including the nobility and privileged station of the human being, who is God's vicegerent on Earth, entrusted with its resources and the knowledge needed to put them to proper use. He cites various Qur'anic verses on these themes, including 17:70, 95:4, 7:11, and 2:30. From these, he concludes, "Perhaps . . . the preservation of the nobility of the human being . . . is one of the universal objectives of the *sharī'ah*, such that a debasement of that nobility would be an abuse of these objectives and an assault on one of Allah's rights."<sup>72</sup>

He also notes that differences among people are part of the order of things, citing various verses, including 11:118, 10:99, and 16:93, which show that God realized that some people would not believe and He did not want to force the issue.<sup>73</sup> Huwaydi wants to demonstrate that Islamic tenets support differences, even though Muslim practice has often been to fear it and equate it with intrigue and sedition (*fitna*).<sup>74</sup>

Huwaydi laments this fear of pluralism in Islamic history and suggests that the differences can be overcome with persuasion. Persuasion, indeed, is a leitmotif in the Qur'an, he suggests, a key verse being 41:34. Even when one's enemies reject persuasion, the Qur'an permits this rejection, he notes, stipulating verses 18:29, 109:6, and 22:68–69.<sup>75</sup> The believers, therefore, accepted the contract offered to them by God. They saw it as their duty to persuade the unbelievers to enter into the contract, as well, but when they did not, the believers did not insist. Huwaydi does note that some disagree with him on this tolerance of the non-believers in the scriptures. He mentions the Pakistani thinker Abu al-A'la al-Mawdudi (d. 1979) and the Egyptian Sayyid Qutb (d. 1966) as believing that the verses of the Qur'an that advise fighting the unbelievers (9:5, 9:29, and 9:36) supersede those that counsel persuasion. But he stresses that most interpreters of the Qur'an disagree with such militancy.<sup>76</sup>

He argues on the authority of these verses that difference is not to be feared but embraced. As for the traditions of the Prophet in which he warned against divisions, these are not to be taken as admonitions to create a forced unity of opinions on the many matters of social relations. They are instead to be read as reproof against sectarianism, which would destroy the faith.<sup>77</sup>

Therefore, in Huwaydi's view, people are rational beings who are offered God's revelation, and it is up to them to accept or refuse. But even those who accept the revelation may be expected to hold different interpretations of what jurists call the "derivative matters"—social, economic, and political activities that have been glossed under the term "social relations" (*mu'āmalāt*). Thus, in the matter of the secondary contract, the believers are free to organize their communities the way they see fit. The historical record, in Huwaydi's opinion, bears this out. The Islamists' insistence that "rule belongs to God alone," citing the so-called sovereignty verses (5:44, 5:45, 5:47, 12:40, and 12:67), have mistranslated the word *ḥukm* to mean "rule," whereas it means "judgment." And they fail to understand that the verses apply to only devotional matters, not to social relations.<sup>78</sup> Today's militant Islamists who are calling for unifor-

mity in the community are asking the impossible and are highly unrealistic. He maintains that differences in Islamic history have been important seed beds for renewal (*tajdid*) and for the application of independent judgment in matters of law where the scriptures are either ambiguous or silent.<sup>79</sup>

Once they created their community, the Muslims enjoyed the freedom their religion bestowed on them to create political institutions. In the modern era, says Huwaydi, a landmark political institution is the political party. Muslims are free to create different political parties.<sup>80</sup> This is important for him, because the militant Islamist groups oppose such pluralism, invoking Qur'an 5:56 and 58:22, verses that call for victory for the unique "Party of God" (*hizb Allāh*) against the "Party of Satan" (Q.58:19). Huwaydi strongly objects to application of a 7th-century term to the 20th century and reminds us that in the Qur'an, the "Party of God" obviously was meant metaphorically to refer to Muslims struggling against their enemies. It would be a mistake to say that *hizb Allāh* in the Prophet's time referred to a political party as that term is understood today. Those who say today that one either belongs to *hizb Allāh* or has allied with the devil are in fact arrogating to themselves the right to pronounce unbelief on whomever they choose.<sup>81</sup>

Huwaydi approvingly refers to certain remarks made by Tariq al-Bishri, whose comments on pluralism were discussed earlier. Speaking in August 1992 at a conference on political pluralism at the Center for the Study of Civilizations in Cairo, Bishri noted that heretofore pluralism was manifested in Islam by groups seeking to privilege their own interpretations of scripture. Now, though, the issue is the inter-relationship between the plurality of political organizations and the interests Egyptians have as citizens pushing political, economic, and social agendas.<sup>82</sup> In this pursuit, Huwaydi is prepared to allow the secularists, including the Marxists, to speak freely and compete for the people's vote at the ballot box with Muslim modernists and Islamists, provided that they do not seek to destroy the foundations of Islamic belief.<sup>83</sup> Egyptians of all persuasions have the right to oppose the government democratically if they deem its policies to be in violation of the injunction to command the good and forbid evil (Q. 3:104, 3:110, 3:114, 7:157, 9:71).<sup>84</sup> What if the secularists win the elections? They are entitled to rule, and if Islamists hold power at the time of these elections, they must surrender it.<sup>85</sup>

Did the believers freely dispose of their own decisions and arrange their affairs on the basis of consultation, justice, freedom, and equality? Huwaydi is not so sure. He is certain they have the right to do so, but whether they have been able to implement this right is another matter.<sup>86</sup> God gives people the freedom to accept the revelation. Verses 2:256, 18:29, 17:107, and 10:99 all point to the freedom people have to accept the true faith. Thus, if people have the freedom to believe or not to believe, they certainly have the freedom to dispose of their secular matters, which after all are baser than the divine revelation. Because Islam's fundamental principle (*aṣl*) is the freedom of the human being as human being, then the derivative principle (*far'*) must be that they are free to arrange their affairs as they see fit.<sup>87</sup>

Although he stresses that a number of the ulema over the centuries did oppose oppressive rule, he concedes that their opposition was undercut by fear that direct challenges to rulers could create chaos, which in turn would mean that the religious injunctions could not be implemented. Muslims have been ambivalent toward democ-

racy and democratic institutions, and this is upsetting to Huwaydi, because their position toward it should be positive. He has no problem borrowing the principle of party pluralism from Western democracy, as long as Muslims can make it conform to their values and ideals.<sup>88</sup> He attributes some of the difficulties of coming to terms with democracy and supporting it to the “cultural backwardness” and “backwardness of thought” of the Arab Islamic world, although colonialist policies must also figure prominently in this failure.<sup>89</sup>

Huwaydi declares that the people are guided by seven principles in establishing the Islamic state. They are: (1) the religious community (*umma*) is the master decision-maker (*ṣāhib al-ikhtiyār*); (2) the society is responsible for supervising public interests; (3) the people in society are endowed with freedom; (4) the members of the society are equal; (5) non-Muslims enjoy “legitimacy”; (6) oppression is rejected; and (7) no one is above the law.<sup>90</sup>

Huwaydi explicitly takes up the social-contract concept in regard to the first point, approvingly citing the jurist Abu Mansur al-Baghdadi (d.1037): “the great masses of our people have said the way to consolidate [the *umma*] is by [giving determinative] choice to it.”<sup>91</sup> On this view, the *umma* has the right to make the contract (*‘aqd*) and to cancel it.<sup>92</sup> In practice, it is “the people of loosing and binding” who make the *umma*’s decisions, guided by the interests of that community.<sup>93</sup> This is not a recipe for theocracy, he adds, invoking ‘Abduh on this point. “Islam” does not call for a divine mandate and monopoly of power in the hands of the men of religion. In Islam, religion is the source of law and values but not the source of power (*sulṭa*). Therefore, the people should “fulfill [their] contracts” and “cooperate with one another in goodness and piety and not abet each other in crime and rebellion” (Q.5:1, 5:2).<sup>94</sup>

As it does for Khalaf Allah, consultation constitutes a very important part of Huwaydi’s theory of social contract. People consult with one another in drawing up this contract, and the state and the government that it has formed have the mandate to consult with citizens. The right to be consulted is tantamount to the right to participate in politics, share in the community’s wealth, be entitled to social security, and benefit from policies of mutual sufficiency.<sup>95</sup> Huwaydi makes a highly categorical claim for the verse, “Their affairs are a matter of counsel” (Q.42:38), asserting that the word “affairs” is “comprehensive, universal and absolute.”<sup>96</sup> Further, he asserts that, whereas in the West democracy came into existence after a long struggle of contending groups, *shura* in Islam was a divine commission from the onset.<sup>97</sup> A central idea of the social contract in Islam is accountability: Islam mandates calling rulers to account. What is the justification for such a view? Two Qur’anic verses: 11:13 (“Do not rely on oppressors lest you fall into the fire of hell,”) and 18:59 (“We destroyed that town when they turned oppressors, making its destruction a promise.”)<sup>98</sup>

Justice, which Huwaydi does not break out as a separate category among the seven principles that guide people in the construction of their state, is nevertheless implied in points four through seven. Five Qur’anic verses are cited, and he maintains that the justice bespoken in these verses is absolute and the mandate is to abide by it in all times and places.<sup>99</sup> He then refers to a famous statement made by Ibn Taymiyya (d. 1328): “it is said that God makes the just state triumph, even if it be a non-believing one; and the unjust state fail, even if it be a believing one.”<sup>100</sup>

Huwaydi admits that somehow the social contract has not worked well “in the last

two centuries” insofar as justice is concerned. The “Islamic condition” has been “asleep” in this “dark fashion,” where “rightly-guided schools of upbringing have been absent.” Violations of justice are due to “anomalies” and are “the fruit of exceptional conditions.” However, he holds that any fair-minded observer would agree that the social contract in Islam does not clash with democracy or with most of the Western liberal project.<sup>101</sup> Indeed, a major area of similarity between the political theory of Islam and that of Western societies is the concept of “political contract” (*‘aql siyāsī*) between the community and the ruler. Moreover, all the civil rights and liberties detailed in Western constitutions are endorsed in the Islamic tradition, except that, from the point of view of the origins of these rights, Muslims refer to them as the “rights of Allah.” The fact that Western political theories do not see these rights as originating in God does not diminish the fact that human beings are guaranteed them in Islamic thought, just as humans are guaranteed them in Western theories.<sup>102</sup> Explicitly invoking Rousseau’s legacy, Huwaydi writes that centuries before the Swiss thinker spoke of the general will, the Muslims established that the will of the community, as expressed by the jurists’ consensus, is inviolable and a source of law.<sup>103</sup>

## CONCLUSIONS

Khalaf Allah, Bishri, and Huwaydi believe they have vindicated a theory of social contract in the scriptural texts and in the actual practice of the early Muslim community (622–61). Yet, despite their efforts to materialize such a theory in early Islam, they have not shown how believers did or could consciously decide to associate with one another to form a moral community that would be the guardian of their individual interests. Instead, they have inferred that this must have happened, given the premise that God’s revelation is based on His love and the welfare and prosperity of the believer, and the people could not but accept this bargain. They deploy concepts such as consultation, justice, interests, and freedom and discover these as motivating forces that brought the early Muslims together in the *umma*. Yet in their writings, the actual onset of the people’s political consciousness and then its evolution is taken for granted rather than problematized.

The society of the contractarian theorists is civil society. Such a society transforms individuals who in a state of nature were amoral, lawless, atomized units into moral beings. The society of the Muslim contractarians discussed here is a religiously based society, which nevertheless has generated civil institutions, such as courts, legislatures, executives. This society, they argue, is indeed a moral community, pursuing the interests of its citizens. Yet these citizens are not the source of their own trusts, which they have deposited in these institutions as expressive mechanisms of their collective will. Consequently, the arguments of our writers that sovereignty rests in the nation; the people have the right to elect their leaders; rulers are accountable to the citizens; and people fully enjoy civil rights, freedom, justice, and equality seem to derive not from social-contract premises but from their belief in the malleability of religious texts and inferences about the Prophet’s and the early Muslims’ behavior in response to those texts. This is not to suggest that such texts may not be read and interpreted in a manner that would encourage Muslim conformity with liberal social-contract

notions. But in the end, these are religious texts that were introduced at a time when concepts such as popular sovereignty and civil rights were not known.

These writers have not explicitly addressed the Western theorists of social contract, although Huwaydi mentions Rousseau in passing. Their own theories are unsystematically presented, in part because they were not self-consciously situating their thought in contractarian discourse. Thus, it is not always clear from reading these works exactly what in Islam constitutes the objectives of the social contract, the nature of the agency involved in constructing it, the motivations of these agents, and the consequences for non-modernist Sunni political theory. Khalaf Allah and Huwaydi suggest Lockean and Kantian perspectives on social contract, although neither accepts Locke's stress on property, for example, or Locke's and Kant's belief that the legislature in civil society should advance the interests of the self. Bishri's idea of a general trend that maintains the dynamic equilibrium of society is reminiscent of Rousseau's general will.

All three implicitly reject Ash'ari ontology and epistemology, according to which the reality of the universe is at every moment the consequence of God's continuous intervention, and the knowledge and acts of human beings are "acquired" from God precisely at the moment of thinking a particular thought or engaging in a particular act. This raises questions about how these writers would explain God's withdrawing from engagement with the natural world once he has created it. None of the three writers explicitly raises this issue.

In revelation, it is the "rights of Allah" that these authors discuss, but they are bestowed on human beings as revocable trusts to advance God's purposes. The individual's dependence on God does not vitiate his or her autonomy or freedom because Allah has the human being's interests at heart. Yet exactly how people can remain ultimately free if there is no natural law outside the shari'a is left unexamined. Consequently, there is an ad hoc quality to these theorists' claims that humans are absolutely free, independent, and rational in their actions in worldly matters. If natural law coincides with the divine law in Islam, this means human beings cannot understand natural law (and hence the operation of the world) through reason alone.<sup>104</sup> If reason cannot be sovereign, then room exists for mandates, which of course are not self-evident but interpreted and imposed on behalf of God by not always benevolent human beings.

All three theorists make it clear that they believe human beings are slaves (*'ibād*) of God, because that is central to the immutable doctrine of devotional duties. But they also agree that the human being is free to violate God's contract, and that God made the individual in His own image as the noblest of creatures. Over the centuries, the jurists creatively derived a doctrine to try to resolve this paradox of submission and freedom. "Thus, while he is an *object* of imprescriptible rights on the part of God, man is the *subject* of imprescriptible rights vis-à-vis the world . . . [and] has been granted a free and inviolable juridical personality (*dhimma*)."<sup>105</sup> Although none of the three theorists specifically invokes this "inviolable juridical personality," each—especially Khalaf Allah and Huwaydi—emphasizes God's appointment of the human being as His vicegerent on Earth and hence endowed by implication with this personality.

The concept of natural law in the West differs from the Muslim conception. Western natural-law doctrines stress the inherent rationality of the workings of the universe, that the operation of the physical laws of nature is due to the inherent rationality of

this nature. By extension, it emphasizes that human thought and actions are governed by an inherent rationality that is independent of any higher metaphysical force. Huwaydi, without talking in these specific terms, notes that political-party pluralism, a concomitant of democracy in some interpretations of that concept, is something that can be borrowed from the West and adapted to the requirements of an enlightened Muslim society. He therefore can be read as expressing an idea rooted in a natural law that is independent of divine law.

Huwaydi and other modernist Sunni Muslim theorists of social contract have an opportunity to elaborate further on the principle of “inviolable juridical personality.” In particular, they may be able specifically to engage Ash‘arism’s refusal to accommodate itself with an independent doctrine of natural law and natural rights. That would mean identifying specifically with traditions in Islamic philosophy (rather than theology and jurisprudence), of course. This need not require embracing a radical Mu‘tazilism, which I believe would be highly unlikely. Instead, it would require working within a more liberal tradition of Ash‘arism.

One may ask how these writers fit into the overall discussion taking place in Islamic societies about the future course of politics in the Muslim world. Although that larger discussion has not been the focus of this paper, it may be said that those arguing the need to abandon Western conceptions face a serious challenge. Bishri’s vindication of positive law, Huwaydi’s insistence on the importance of party pluralism, and Khalaf Allah’s championing of public opinion and public interest all speak to the importance of flexibility and adaptability for the development of Muslim political theory. Those who admire the ideas of Islamist thinkers such as Jalal Kishk or Muhammad al-Sha‘rawi would probably more profitably engage this Neo-Salafi discourse rather than dismiss it out of hand. As noted, Islamists can raise very pointed questions about how the Neo-Salafis propose to remain within the Ash‘ari tradition, especially on the critical issue of the relationship between natural law and divine law. This is likely to be the area of the most interesting discussions in the years ahead in Sunni political and social theory.

At any rate, the fact is that Sunni modernists in Egypt, represented by Khalaf Allah, Bishri, and Huwaydi—who in varying degrees associate with the more liberal trend in Muhammad ‘Abduh’s thought—have raised important issues that cannot be ignored. It is an open question whether their conceptions bearing on social contract will ultimately prevail; that will depend in part on actual historical developments in Muslim societies. Yet as long as they demonstrate the continuities of their ideas with those of the intellectual tradition of Muhammad ‘Abduh and Rashid Rida, they will remain a redoubtable social force in Egyptian culture and politics.

#### NOTES

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<sup>1</sup>W. Montgomery Watt has distinguished between what he termed Sunni Islam’s “constitutionalism” and Shi‘ism’s “autocracy”—by which he meant that Sunnis choose the leader (caliph) by consensus, whereas in Shi‘ism leadership inheres in the imam as a matter of his divinely bestowed charisma. Clifford Geertz substituted “contractualism” for “constitutionalism” and “intrinsicity” for “autocracy,” terminology en-

dorsed by Frederick Denny. This seems to suggest contractarian themes. But Watt's point relates to political legitimacy, not to social-contract principles, which are thoroughly suffused with ideas of natural law and natural rights. See W. Montgomery Watt, *Islamic Philosophy and Theology* (Edinburgh: Edinburgh University Press, 1962), 52–53; Clifford Geertz, *Islam Observed* (New Haven, Conn.: Yale University Press, 1968), 76; Frederick M. Denny, *An Introduction to Islam*, 2nd ed. (London: Macmillan, 1994), 92–93, 104.

One might hold that Ibadi Muslims, a more moderate branch of the puritanical Kharijites—the first schismatics of Islam—and now mainly located in Oman, eastern Africa, northwestern Libya, and southern Algeria, have a “contractualist” interpretation of their leaders’ rule, whereby unjust rulers may be removed by the ulama who appointed them. But such obligation is rooted not in natural law and natural rights but, rather, in divine law and Allah’s rights. Ibadi doctrine requires just rule by leaders because politics is ordained by God and not an artifact of independent human action. At any rate, the Ibadi views are not relevant for Sunnism.

<sup>2</sup>As an imported idea, it would be considered *bid’a* or *ibtikār* (unwarranted innovation) by Muslim traditionalists. On Tahtawi’s and Namik Kemal’s interest in social contract and natural law, see, respectively, Albert Hourani, *Arabic Thought in the Liberal Age* (London: Oxford University Press, 1962), 69–70, 75; Serif Mardin, *The Genesis of Young Ottoman Thought* (Princeton, N.J.: Princeton University Press, 1962), 289–336.

<sup>3</sup>Barker argues that Aquinas was an important precursor of social-contract theory because he reflected a liberalism rooted in a blend of the Bible, Roman law, and Aristotelian concepts of politics. See Ernest Barker, “Introduction,” in *Social Contract: Essays by Locke, Hume and Rousseau*, ed. and trans. Ernest Barker (New York: Oxford University Press, 1960), viii. Although Aquinas is significant for its later development, we are not likely to call him a social-contract theorist. Similarly, the writings of an Azharite scholar may lend themselves to certain arguments in social-contract theory, but that would not warrant considering that individual a social contractarian.

<sup>4</sup>*Ahd* appears twenty-nine times in the Qur’an and means “covenant” or “promise.” In verbal forms, it appears seventeen times, meaning “to stipulate, to make a covenant.” Most references are to God’s covenants with prophets and peoples, but some are to agreements among people.

<sup>5</sup>*Aqd* appears only once as a noun, in Qur’an 5:1 (“O believers, fulfill your contracts”). In verbal form, it appears twice, signifying “to make” or “to swear a compact”—once referring to a marriage contract and once to God’s punishment of those who break their oaths or promises.

<sup>6</sup>*Bay’* appears seven times in the Qur’an, meaning “commercial traffic, trafficking” or “bargain.” The traffic/trafficking refers to trade, profits from which God warns will not avail at the time of reckoning. Once, in Qur’an 9:111, the reference is to believers’ rejoicing in the bargain they have made with God. *Bay’* appears seven times in verbal forms to connote making a bargain or contract; swearing fealty, swearing an oath; to sell; to traffick with one another. Almost always, these refer to exchanges between believers and the Prophet. *Bay’a* (swearing allegiance to the leader) does not appear in the Qur’an, although it was shortly to become an important concept in the theory of rule.

<sup>7</sup>*Mawthiq* appears three times in the Qur’an, meaning “covenant,” “agreement,” “pledge,” each reference appearing in sura 12 in reference to the story of Joseph and his brothers.

<sup>8</sup>In the Qur’an, *mithāq* means “covenant,” “compact,” “solemn agreement,” “treaty.” It appears twenty-five times, usually in reference to God’s covenants with various prophets and peoples.

<sup>9</sup>Murray Forsyth, “Hobbes’s Contractarianism: A Comparative Analysis,” in *The Social Contract from Hobbes to Rawls*, ed. David Boucher and Paul Kelly (New York: Routledge, 1994), 38.

<sup>10</sup>Majid Khadduri, *War and Peace in the Law of Islam* (Baltimore: Johns Hopkins University Press, 1955), 7–9; Mardin, *Genesis*, 82–92.

<sup>11</sup>Barker, “Introduction,” x.

<sup>12</sup>John Locke, “An Essay Concerning the True Original Extent and End of Civil Government,” in Barker, *Social Contract*, 87.

<sup>13</sup>Jean-Jacques Rousseau, “The Social Contract,” in *ibid.*, 179.

<sup>14</sup>*Ibid.*, 185.

<sup>15</sup>*Ibid.*, 181.

<sup>16</sup>Kevin E. Dodson, “Autonomy and Authority in Kant’s *Rechtslehre*,” *Political Theory* 25 (1997): 93–111.

<sup>17</sup>Mardin, *Genesis*, *passim*.



<sup>18c</sup>Ali ‘Abd al-Raziq, of course, did not accept the conservative direction given to ‘Abduh’s thought by Rashid Rida. Rather, he embraced ‘Abduh’s more liberal perspectives.

<sup>19</sup>Hourani, *Arabic Thought*, 136.

<sup>20</sup>Malcolm Kerr, *Islamic Reform* (Berkeley: University of California Press, 1966), 104–105.

<sup>21</sup>*Ibid.*, 138.

<sup>22</sup>*Ibid.*, 161–62.

<sup>23</sup>*Ibid.*, 162.

<sup>24</sup>*Ibid.*

<sup>25</sup>Muhammad ‘Imarah, *Ma‘rakah al-Islam wa Usul al-Hukm* (Cairo: Dar al-Shuruq, 1989), 152–62.

<sup>26</sup>Leonard Binder, *Islamic Liberalism* (Chicago: University of Chicago Press), 271.

<sup>27</sup>Other Egyptian Muslim modernists, such as Muhammad ‘Imarah and Yusuf al-Qaradawi, have recently explored issues relevant to social-contract theory. Some might include Hasan Hanafi and Muhammad Sa‘id al-‘Ashmawi, although I believe their positions, which are often presented polemically, do not enjoy as broad support as those of the writers examined here.

<sup>28</sup>Binder, *Islamic Liberalism*, 246.

<sup>29</sup>For only a small sampling of the literature that details these themes, see Alan Richards and John Waterbury, *The Political Economy of the Middle East*, 2nd ed. (Boulder, Colo.: Westview Press, 1996); Gilles Kepel, *Muslim Extremism in Egypt* (Berkeley: University of California Press, 1985); and Nazih Ayubi, *Political Islam* (London: Routledge, 1991).

<sup>30</sup>For a brief biographical sketch, see Mustafa Najib, ed., *Mawsu‘ah A‘lam Misr* (Cairo: Wakalat Anba‘ al-Sharq al-Awsat, 1996), 408.

<sup>31</sup>Muhammad Ahmad Khalaf Allah, *Al-Qur‘an wa al-Dawla* (Cairo: Maktabah Anglu-Misriyyah, 1973?), 31.

<sup>32</sup>*Ibid.*, 9–10.

<sup>33</sup>Muhammad Ahmad Khalaf Allah, *Dirasat fi al-Nuzum wa al-Tashri‘at al-Islamiyya* (Cairo: Maktabah Anglu-Misriyyah, 1977), 9–12. Also, *idem*, *al-Qur‘an*, 138–39.

<sup>34</sup>Muhammad Ahmad Khalaf Allah, *Mafahim Qur‘aniyya* (Kuwait: Matabi‘ al-Risalah li al-Majma‘ al-Watani li al-Thaqafa wa al-‘Ulum wa al-Adab, 1984), 87.

<sup>35</sup>Muhammad Ahmad Khalaf Allah, *Al-Usus al-Qur‘aniyya li al-Taquddum* (Cairo: Kitab al-Ahali, 1984), 20.

<sup>36</sup>*Ibid.*, 39–40.

<sup>37</sup>Khalaf Allah, *Dirasat*, 3–9, 49.

<sup>38</sup>*Ibid.*, 49. Of great interest is his use of the term “public opinion” and his anachronist application of it to the earliest period of Islam.

<sup>39</sup>*Ibid.*, 50.

<sup>40</sup>Khalaf Allah, *Al-Qur‘an*, 48–49. *Maṣlaḥa* does not appear in the Qur‘an. A few jurists in later centuries—notably, al-Juwayni (d. 1085), al-Ghazali (d. 1111), and al-Tawfi (d. 1316)—did address this concept. According to Khadduri (*Encyclopaedia of Islam* [hereafter *EI*] [Leiden: E. J. Brill, 1991], 6:739–40), by al-Ghazali’s time it was a “mature concept” that meant the furthering of the Muslims’ *maṣfa‘a* (benefit, utility) and averting *maḍarra* (that which is harmful) and more broadly signified the final purpose of the shari‘a, including preserving Islam, preserving the life of the Muslim and his progeny and property, and maintaining human reason. Al-Ghazali classified *maṣlaḥa* into three categories. Two of these three—namely, “needs” (*hajjiyyāt*) and “improvements” (*taḥsināt*)—could be the basis of a juridical opinion (*ḥukm*) only if the jurist could identify a relevant canonical text through the use of analogical reasoning (*qiyās*). But the third category, which he called “necessities” (*ḍarūrāt*), needs no analogical reasoning and may simply be invoked directly as a source of law. For example, what are Muslims’ options against enemies who use captured Muslims as shields in a battle? May they attack their enemies, even though this might result in the deaths of the captives, given the proscription against taking the life of a believer? Al-Ghazali’s response is that necessity requires them to fight the enemy at the risk of the captives’ death, because if the enemy triumphs, that would jeopardize the whole Muslim community. Al-Tawfi went beyond al-Ghazali, maintaining that the observance of the Muslims’ interest always overrides even primary principles of the faith in the domain of social relations.

Yet *maṣlaḥa* remained a marginal category of jurisprudence for centuries because jurists frowned on resorting to independent judgment (*ijtihād*) to derive a legal ruling, stressing instead transmitted evidence (*naql*) and imitation (*taqlīd*). In the late 19th and early 20th centuries, due to the efforts of ‘Abduh and

Rida, “under the impact of Western legal thought the concept of *maṣlaḥa* has become the subject of an increasing interest among jurists” (Khadduri, *EI*, 6:739) What made this development possible was ‘Abduḥ’s equation of shari‘a with natural law. Rida in particular sought to vindicate the argument that the expression of the public interest—*maṣlaḥa*—was the basis for reinterpreting the shari‘a to facilitate adaptation to modern circumstances. Under Rida’s stewardship, al-Tawfi’s elaboration of *maṣlaḥa* was resuscitated in the pages of the journal of the *salafī* movement, *al-Manar*, in 1905, the very year of ‘Abduḥ’s death.

<sup>41</sup>Khalaf Allah, *Al-Qur’an*, 49–51.

<sup>42</sup>*Ibid.*, 55.

<sup>43</sup>The neologism “Islamist” derives from the French word *Islamiste* and is attributed to those seeking expeditiously to replace all statutory and constitutional laws with the shari‘a. Some Islamists are willing to resort to violence; others seek a peaceful transformation.

<sup>44</sup>Khalaf Allah, *Dirasat*, 3–4, 52–54; *idem*, *Al-Qur’an*, 50–51.

<sup>45</sup>Khalaf Allah, *Al-Qur’an*, 70–74.

<sup>46</sup>Khalaf Allah notes that when the early Muslims wanted to talk of the Muslim community as a whole, they used the word *jama‘a*. Accordingly, in his opinion, *umma* in verses 3:104 and 4:83 refers not to the Muslim community generally but to a sub-unit among them—those who call or bid to the faith. This is a modernist interpretation that does not conform with the earlier *tafāsīr* on these verses. The latter have interpreted *umma* to be the Muslim community as a whole. It is worth noting the Sayyid Qutb, who is not sympathetic to Sunni modernism, in commenting on verse 3:104, actually uses the word *jama‘a* as a synonym for *umma* and holds that it means, variously, a “force” (*sulṭa*) or a “means” (*wasat*) to implement Allah’s commands. He notes that the verse stresses a bidding (*da‘wa*) to Allah’s wishes but also a categorical imperative and proscription (*amr* and *nahy*) to do good and avoid evil. And whereas one may bid others to do or not to do something without possessing the means of enforcement, commanding and forbidding require power. Yet his discussion leaves the distinct implication that it is the whole community of Muslims that will both bid and command or proscribe, because Qutb does not specify that the actor is a sub-unit of the larger community. See Sayyid Qutb, *Fi al-Zilal al-Qur’an*, 12th ed. (Jiddah: Dar al-‘Ilm li al-Tab‘a wa al-Nashr, 1986), 1:438–39.

<sup>47</sup>Khalaf Allah, *Al-Qur’an*, 83–87.

<sup>48</sup>*Ibid.*, 120.

<sup>49</sup>*Ibid.*, 115, 157, 172–73. As he puts it, “The state of the public good is the state that rules according to the principles revealed by God, that treats all the Muslims equally and achieves in the heart of the Islamic community extensive mutual responsibility at the expense of the wealthy and in favor of the needy and the poor.”

<sup>50</sup>*Ibid.*, 106.

<sup>51</sup>*Ibid.*, 119. See also Khalaf Allah, *Mafahim*, 27–28.

<sup>52</sup>Khalaf Allah, *Al-Qur’an*, 175–76.

<sup>53</sup>*Ibid.*, 189. He robustly maintains that the administration of the affairs of Muslim society after the Prophet was based on the authority of Muslim society itself, and not from God. The authority of the caliph derived from the people. Therefore, the claim that Islam is both religion and politics, as the Islamist groups insist, is wrong. See Khalaf Allan, *Mafahim*, 18–28.

<sup>54</sup>*Ibid.*, 42–43.

<sup>55</sup>*Ibid.*, 73–86.

<sup>56</sup>Khalaf Allah, *Al-Usus*, 7. This is a remarkable statement, as it seems to place the Qur’an in the service of human beings, rather than rendering human beings in the service of God and His book.

<sup>57</sup>Roel Meijer, “History, Authenticity and Politics: Tariq al-Bishri’s Interpretation of Modern Egyptian History,” Occasional Paper no. 4 (Amsterdam: Middle East Research Associates, 1989), 41.

<sup>58</sup>Binder, *Islamic Liberalism*, 246.

<sup>59</sup>Tariq al-Bishri, *Bayna al-Islam wa al-‘Urubah* (Cairo: Dar al-Shuruq, 1998), 27.

<sup>60</sup>Bishri excludes the 19th-century Ottoman Tanzimat reforms and those of Muhammad ‘Ali and his successors in Egypt from this list because of their cultural surrender to the West. Yet he does admit that they sought to modernize the state “in the service of an Islamic political existence.” Tariq al-Bishri, *Al-Hiwar al-Islami al-‘Ilmani* (Cairo: Dar al-Shuruq, 1996), 10–12.

<sup>61</sup>Tariq al-Bishri, *Al-Haraka al-Siyasiyya fi Misr, 1945–1952* (Cairo: n.p., 1972), 505–506.

<sup>62</sup>Tariq al-Bishri, *Al-Malah al-‘Ammah li al-Fikr al-Siyasi al-Islami fi al-Tārikh al-Mu‘asir* (Cairo: Dar al-Shuruq, 1996), 5–6.

<sup>63</sup>Tariq al-Bishri, *Mahiyah al-Mu'asirah* (Cairo: Dar al-Shuruq, 1996), 11.

<sup>64</sup>Idem, *Al-Malamih*, 75–76.

<sup>65</sup>Ibid., 50.

<sup>66</sup>Ibid., 82–83.

<sup>67</sup>Ibid., 83–85.

<sup>68</sup>Ibid., 90–91.

<sup>69</sup>Bishri, *Al-Hiwar*, 37–38.

<sup>70</sup>Idem, *Al-Malamih*, 91.

<sup>71</sup>Idem, *Bayna al-Islam*, 26.

<sup>72</sup>Fahmi Huwaydi, *Al-Islam wa al-Dimuqratiyya* (Cairo: Markaz al-Ahram li al-Tarjuma wa al-Nashr, 1993), 27.

<sup>73</sup>Ibid., 23.

<sup>74</sup>Ibid., 18–21.

<sup>75</sup>Ibid., 23–26.

<sup>76</sup>Ibid., 33–35.

<sup>77</sup>Ibid., 41–43. To be avoided is *ta'ifiyya*—sectarianism founded on extreme zealotry and intolerance of differing viewpoints. To be commended is *ikhtilaf*—differences, discussion over which by the various advocates enriches understandings.

<sup>78</sup>Ibid., 141–42.

<sup>79</sup>Ibid., 48–49, 58.

<sup>80</sup>In this connection, he agrees with the well-known modernist Muhammad Salim al-'Awwa, *Fi al-Nizam al-Siyasi li al-Dawla al-Islamiyya* (Cairo: Dar al-Shuruq, 1989), 76–77. 'Awwa actually derives his justification for considering political parties a necessity from the great medieval scholar Ibn Taymiyyah (d. 1328). Ironically, Ibn Taymiyyah is the intellectual mentor of many of the radical Islamist groups today who repudiate party pluralism.

<sup>81</sup>Huwaydi, *Al-Islam*, 67–68, 75–76. In fact, Huwaydi cites Qur'an 49:9, a verse that deals with feuds among believers. If one group turns aggressive, the Prophet is ordered to struggle against it until it returns to God's authority. If it does this, then the Prophet must make peace between them equitably. This verse shows, says Huwaydi, that pronouncing unbelief on a Muslim is not an option in Islam. He also cites a wide range of writers and scholars who agree with him, including the Muslim Brothers' Muhammad al-Ghazzali and Yusuf al-Qaradawi; the former cabinet minister, Ahmad Kamal Abu al-Majd; and various university and independent scholars. See also the programmatic statement endorsing pluralism signed by about two hundred Muslim scholars and thinkers: *Ru'ya Islamiyya Mu'asira: F'lan Mabadi'*, ed. Ahmad Kamal Abu al-Majd (Cairo: Dar al-Shuruq, 1991).

<sup>82</sup>Huwaydi, *Al-Islam*, 79.

<sup>83</sup>Ibid., 82–83.

<sup>84</sup>Ibid., 86–88. Apart from the Qur'anic verses commanding the good and forbidding evil, Huwaydi identifies six traditions of the Prophet in which he urged this prescription. Huwaydi concludes that the prescription is indeed a bidding to the people to make sure their rulers do not oppress them.

<sup>85</sup>Ibid., 164–70. In other words, Islamists cannot accept democracy simply to come to power and then abolish it.

<sup>86</sup>Ibid., 107–108.

<sup>87</sup>Ibid.

<sup>88</sup>Ibid., 157–58.

<sup>89</sup>Ibid., 97–99.

<sup>90</sup>Ibid., 101–13.

<sup>91</sup>Ibid., 103.

<sup>92</sup>Ibid., 104. Huwaydi invokes the authority of university professors and clerics of al-Azhar in support of the idea that sovereignty in Islam is the *umma's* and not the ruler's.

<sup>93</sup>Ibid., 104–105.

<sup>94</sup>Ibid., 105.

<sup>95</sup>Ibid., 114.

<sup>96</sup>Ibid., 115. How he could know this to be so without a semiotic analysis of the expression and linking it to its use among the Arabs of that period is difficult to understand. He holds that Qur'an 42:38 clearly

means every representative of society must debate all communal matters, and he actually materializes modern elections in representative democracy in this verse. See *ibid.*, 116–17.

<sup>97</sup>*Ibid.*, 116. However, he seems to be confusing theory and practice here. Even if the two sura verses in the Qur'an "prove" Islam's democracy early on, he is comparing a theoretical position in Islam with actual practice in the West. If his analysis is to be meaningful, he should compare theoretical positions with one another and actual practices with one another. Were he to do that, he would find in Aristotle theoretical prescriptions about democracy. And he would find practices in Muslim societies that do not antedate the 20th century.

<sup>98</sup>*Ibid.*, 118. It begs the question to assert that these two verses provide a doctrine of political accountability of rulers. Verse 11:13 is from a Meccan sura, and God is warning punishment against those people of the city who do not accept Muhammad's message. Verse 18:59, too, is a Meccan sura, and the verse seems to refer to the people's licentiousness. In any case, the Meccan verses of the Qur'an do not deal with social matters and politics.

<sup>99</sup>The verses in question are 57:25, 16:90, 4:58, 42:15, and 5:8.

<sup>100</sup>Huwaydi, *Al-Islam*, 122.

<sup>101</sup>*Ibid.*, 123.

<sup>102</sup>*Ibid.*, 125–26.

<sup>103</sup>*Ibid.*, 126.

<sup>104</sup>The Mu'tazila—a rationalist movement that flourished in the 8th and 9th centuries—did argue that one can demonstrate the validity of revelation by reason rather than having simply to accept it as God's entitlement, but this was a marginal development and was suppressed.

<sup>105</sup>Mardin, *Genesis*, 93.