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Religion, Law, and Politics. The Unresolved Riddle of Contemporary Islam(s)¹

Introduction

When I first decided to come to terms with, and appreciate, Islam in the contemporary world, the task at hand somehow seemed much less daunting than I had previously imagined. I started my research with a lot of typical “Western” misconceptions, deeply ingrained into my “European” psyche. Misconceptions abound. One of the most common clichés tells us that Islam is a monolithic bloc, an ahistorical, timeless phenomenon, always unchanging, always, essentially, “the same”. In the same vein, we – non-Muslim Europeans – all too easily tend to believe that, somehow, there exist universal “Islamic” practices, all-encompassing, across the broad “Islamic” way of life, that there is a magical repository of supposedly “Islamic” practices and beliefs that every “true Muslim” adheres to and follows. As I will argue throughout this essay, there is no such thing as one, true Islam. We do not have an “Islamic” essence, against which we can measure the degree of being a Muslim. Rather, we need to face the fact that there are many competing and often rival versions and visions of Islam, and that each and every one of them has a group of staunch followers.

It is with these points in mind that I first wrote about Islam several years ago. My starting point was the question of the “Islamization” of Europe – is Europe “threatened” with Islamization? How much of a threat is it? And what exactly are we facing? These were the first questions I asked of myself, and of leading researchers in the field. The term itself

¹ This article grew out of researched that formed an unpublished chapter of my MA dissertation: *Politics and religion. The question of “islamisation” of Europe*, defended in the Faculty of International and Political Studies of the University of Lodz in June 2011.

is not without its problems – what does it mean that Europe could become “Islamized”? Do we focus on demographics, the fact that the majority of Europe’s children born today belong, in one way or another, to variously defined Islamic traditions? Or do we point, for example, to the controversial issue of implementing parts of Sharia law into the European or national public and legal order?

These questions seem to still be current today. I am writing these words a couple of days after the chemical gas attack in Syria, as the conflict involving Syrian, ISIS and rebel forces escalates and the hope of the peace talks that were to be held is now more distant than ever. As I write, I keep in mind religiously inspired attacks in Paris and Brussels in 2016, several attacks in Turkey, including the shooting of the Russian ambassador Andrei Karlov, the terrorist truck attacks in Nice in July 2016 and in Berlin in December 2016, as well as more recent events in London (the attack on the British Houses of Parliament just last month – March 2017) and yet another truck attack in Stockholm earlier last week (end of March 2017). Christopher Stewart, a program associate of British the Institute for Strategic Dialogue, states that in 2016 we witnessed a “wave” of such attacks and that in 2017 they will continue to happen, unfortunately². These acts of violence, inspired as they have been by the most radical, fanatical version of Islam, on top of an ongoing refugee/immigration crisis within the European Union, are all good reasons to reflect on the nature of religion, law and politics in the Islamic tradition.

We cannot dismiss the importance of demographic changes on the European continent. Estimates vary, but it is safe to say that there are between 14 to 20 million Muslims in countries belonging to the European Union³. It is also worth noting that Russia alone has a Muslim population of 14 million people, the largest Muslim population in Europe (if we exclude Turkey). This is as much as 10% of the country’s total⁴. Moreover, that is still less than the total Muslim populations of France and Germany combined⁵. Nevertheless, the proportion of Muslims in the European populace is increasing; one of the projections has it that, by 2030, Muslims will account for 8% of Europe’s inhabitants⁶.

This is a trend that should not be ignored, to be sure; on the other hand, I believe that the public discourse on Islam in Europe has been centred on the demography of Europe to such extent that it risks oversimplification. There is more to the issue than meets the (immigration-fixated) eye. In my view, the question of Islam’s presence in Europe is not so much the point of crude population numbers or demographic shifts; what seems a lot more important, is, first, whether Islam will be able to free itself from the chain of politics and, second, whether the Muslim population in Europe will be open to embracing a truly European, liberal concept of citizenship, independent of ethnicity or religion.

² C. Stewart, Stewart, *Taming the solo terrorist*, “The World Today”, Feb-March 2017, p. 19.

³ K. Pędziwiatr, *Od islamu imigrantów do islamu obywateli*, Nomos, Kraków 2007, p. 48.

⁴ C. Hackett, *5 facts about the Muslim population in Europe*, <http://www.pewresearch.org/fact-tank/2016/07/19/5-facts-about-the-muslim-population-in-europe/> [accessed: 28.03.2017].

⁵ Ibidem.

⁶ Ibidem.

Religion and politics in Islam

The uneasy and notoriously difficult to break link that exists between Islam and politics has been part and parcel of researchers' work on Islam for quite some time now. Polish Arabist Marek M. Dziekan has stated – using a very apt metaphor – that, in Islam, politics and religion constitute an “amalgam”, impossible to break⁷.

*Islam is not just tied to politics – because things which are tied together can be separated. Islam is not so much tied to politics as it is mixed, amalgamated with politics. Let us say we mix juice with water; reversing the process and getting back to the state of having pure water, without the juice, will not be possible*⁸.

Before we turn to a more thorough analysis of the interlocking of religion and politics, though, I would like to focus on the issue I hinted at in the first paragraph of this study – the misconception that Islam is a homogenous social phenomenon, a unitary block of traditions, laws and precepts.

Let us consider, for argument's sake, an example of approaches to religion among rank and file citizens: we have a very wide array of self-describing labels that Polish people use when they talk about their beliefs. You can hear them say, for example: “I believe in God, but not the church”, “I am a non-practising (Catholic/Christian etc). Others still will be “cultural Catholics” in the sense that they will stick to a multitude of religious traditions (such as putting up a Christmas tree or having a family supper on Christmas Eve) but, for them, these will be quasi-secular traditions, possibly with religious overtones but without deep religious meaning.

The reason I am mentioning this here is that, when dealing with Islam, we encounter, essentially, the exact same issue; we simply cannot treat Islam as if it were a homogenous and coherent ideology, or as if it were understood by every Muslim person in one and the same way. Rather, in the words of political scientist Bassam Tibi, what we are actually dealing with is a multitude of “Islams”, or – put in another way – a multitude of different visions and perceptions of what a particular group of Muslims subjectively interprets as an embodiment of an Islamic ideal⁹. According to Tibi, it is not Islam as such that is the bone of contention here, but, rather, the whole issue is caused by the in-fighting of divergent, and sometimes outright hostile, visions of what the “real Islam” should look like. There is no “Islamic matrix”, no singular set of doctrines followed throughout the whole of the Islamic world, and, more importantly, no single point of reference or duly appointed authority that would have sole responsibility for defining orthodoxy and heterodoxy. According to M. Dziekan:

The problem with Islam boils down to the fact that there exists no universally recognized office – similar, for example, to that of the pope (in the Catholic context – P.A.);

⁷ M.M. Dziekan, *Muzułmańskie myślenie a Zachód*, “Liberte”, April 9th, 2011, <http://liberte.pl/muzulmanskie-myslenie-a-zachod/> [accessed: 20.03.2017].

⁸ Ibidem.

⁹ B. Tibi, *Political Islam, World Politics and Europe: Democratic Peace and Euro-Islam versus Global Jihad*, Routledge, New York 2008, p. xiii. It should be noted here that this is a problem that affects *all* religions, albeit in different ways and to varying degrees.

*because of this, the meaning of all religious terms and definitions in Islam is very fluid. As a result, every Muslim can interpret them as he/she sees fit and they will be correct, essentially. There is no one final and correct interpretation of any part of doctrine – God knows best and that is the end of it*¹⁰.

While Tibi would, in all likelihood, agree with Dziekan on the above point, he does, on the other hand, emphasise the issue of “politicization” of Islam¹¹, thus suggesting – unlike Dziekan – that a non-political version of Islam is a real possibility.

The instrumentalization of religion for political ends is, of course, nothing new; religion has been used to justify political decisions (often of questionable or outright condemnable nature) since time immemorial. Religion legitimized the power and status enjoyed by the priestly caste in the Egypt of the pharaohs; religion provided the rulers of Medieval Europe with the essential divine mandate as the enforcers of God’s will on earth; oftentimes an accusation of “heresy” time and again proved a convenient way to dispose of undesirable social groups or political rivals – like in the Castille and Aragon of Catholic monarchs Ferdinand and Isabella or in England of the Tudor era.

Today, religion also lends itself to being used for political purposes, and one of the visions of Islam is particularly prone to this abuse. I shall now briefly – after Tibi – discuss several approaches of Muslims themselves to practising Islam. The first approach is practised by those Muslims who consider themselves as simply pious, faithful Muslims in a strictly religious sense; they would have nothing to do with radicalism. They use the ethics of Islam as a guiding principle of their lives and engage in Islamic religious practices, but they do so in complete respect of the freedom and human dignity of non-believers – they do not proselytize and have no desire for any kind of aggressive religious expansion. For them, Islam is all religion and no politics.

There are, however, certain groups of Muslims that wish to see their religion encroach upon the political sphere. We could call them Islamists, and, by extension, we also call their radical ideology – Islamism. In this context, Islamists consider Islam to be the only true religion and maintain that – precisely because it is the only true religion – it should triumph over every human society and subject it to the rule of the Sharia law, thus creating an Islamic and earthly version of the Augustinian “City of God” – *haqimiyyat Allah*. For Islamists, there is no other way forward for Europe than utter and complete Islamization. This approach practically rules out any sort of peaceful coexistence of “Europe” and “Islam” within any sort of meaningful framework, much less within the framework of an open, civic society that we treat as a given in the Western tradition. What is more, Tibi asserts that any attempt by non-radical Muslims to forge such a peaceful coexistence could be treated by the radical Islamists as “betrayal” of Islamic orthodoxy. Naturally, according to this viewpoint, it is the imams and the legal-religious scholars – *ulema* – who are authorized to define what is and what is not orthodox¹². They issue *fatwas* and interpret

¹⁰ M.M. Dziekan, *Obcy islamu nie zrozumie*, „Gazeta Wyborcza”, 22.05.2015, http://wyborcza.pl/magazyn/1,124059,17958879,Prof_Marek_Dziekan_Obcy_islamu_nie_zrozumie.html?disableRedirects=true [accessed: 30.03.2017].

¹¹ Ibidem.

¹² B. Tibi, *Political Islam*, p. 17.

the Sharia and the Quran; they, in effect, realise a reality which Guy Sorman has called a “mullah-crazy”¹³.

Another factor that needs to be considered is that Islam nowadays becomes, for radicalized young people, a framework within which they can vent their frustration and rebel against society. It is against the backdrop of youth radicalization that Olivier Roy, professor of the European University in Florence, disagrees with Islam being the cause of such radicalization¹⁴. The process, he claims, is rather reversed in comparison to the one conventional wisdom holds to be true; young people first get radicalized due to external factors (conditions of life) and then they „discover” Islam, which becomes their internalized ideology and motivation for terrorist attacks. He also points out that it’s not rare for some of them to never even practise Islam prior to their radicalization¹⁵.

Islamism, however, does not need to be interpreted in a strictly negative way. According to Jenny White, Islamists are Muslims who reject inherited Islamic traditions in favor of their own interpretation of reality through the Islamic lens. That interpretation does not have to be aggressive – what matters here is that they want their faith to influence their daily life and to shape their everyday experience, rather than just being a part of their heritage from the distant past¹⁶. In other words, Islamism in this perspective entails nothing more than a redefinition of what it means to be a Muslim, a conscious inward reflection of what makes me a Muslim. This reflection is nowadays not only possible, but essential; it does not seem feasible that Muslim tradition can be mechanically transferred, without any alterations, onto European soil, just like it has proven impossible to seamlessly implement Western liberal democracy in traditionally Islam-dominated countries¹⁷.

Sharia, the Qur’an, and Europe

As we are discussing the issue of religion, it is only natural that we should turn to religious, as well as secular, sources in the process of our enquiry. As ancient biblical wisdom would have it, “no one pours new wine into old wineskins. Otherwise, the wine will burst the skins, and both the wine and the wineskins will be ruined”¹⁸. The contemporary democratic and pluralistic culture of the Western world is our „new wine”, and its „god” is liberty and individualism, guaranteed by the secular law. On the other hand, the culture of Islam, we could say, is “the old wineskins” here. It is “the old wineskins” because, according to Hasan Hanafi, it is still in the „medieval” stage of its historical development. Just like the “new wine” cannot last in the “old wineskins”, without going from its “Middle Ages”

¹³ G. Sorman (trans. by W. Nowicki), *Dzieci Rifa’y. Muzulmanie i nowoczesność*, Prószyński i S-ka, Warszawa 2003, p. 14; English edition: (trans. by Asha Puri), *The Children of Rifa’a. In Search of Moderate Islam*, Penguin Books, Gurgaon 2004.

¹⁴ O. Roy, *Lure of the death cult*, “The World Today”, Feb-March 2017, p. 18.

¹⁵ *Ibidem*.

¹⁶ J. White, *Islamist Mobilisation in Turkey*, University of Washington Press, Seattle, 2003, p. 23.

¹⁷ P. Kłodkowski, *O pęknięciu wewnątrz cywilizacji*, Dialog, Warszawa 2005, pp. 40–41.

¹⁸ Mark 2,22 after: The Bible Gateway, <https://www.biblegateway.com/passaje/?search=Mark%202:22> [accessed: 1.04.2017].

through its “Enlightenment”, Islam will not be able to thrive and last in the modern world, in which the right to personal freedom and liberty – although often abused – is nonetheless a prized ideal and a hallmark of society.¹⁹ For only liberty is able to guarantee the progress and development of individuals and of society as a whole. I believe it is not enough for Islam merely to “be present” in Europe – what good will come for believers from having a religion that is misunderstood and viewed as hostile by their non-Muslim neighbours, what good will come of letting oneself be closed off in a “ghetto” of sectarian mentality?

When we talk about the “Medieval” stage of Islam, what is meant here is that Islam has not yet gone through its own period of Enlightenment, similar to the one which set Christianity free from the rigid framework of scholastic theology and transformed Christianity’s link with politics in such a way that it could be accommodated within the new civic society. Islam and the Qur’an in my opinion require, therefore, a new, “modernized”, critical interpretation, of which the fundamentalists and integrists within Islam seem to be incapable, because, for them, the Qur’an as a holy book cannot be approached with any sort of scientific criticism and is to be accepted in whole as the revealed Word of God, and as such it is to be applied literally to every sphere of life. In other words, everything written in the Qur’an and only that which is written in the Quran can objectively be considered as true²⁰. If we were to accept this approach, it would soon become evident that the Qur’an, because it escapes interpretation (which is forbidden), is detached from the specific circumstances of the time and place in which it was created, as well as from the values and biases of human writers who compiled the texts and who lived in particular circumstances, which informed their way of thinking, living, and writing. In other words – such an approach practically excludes any meaningful “exegesis”.

This view is not unique to Islam. This is exactly how the Bible was approached by scholastic theologians before the age of scientific and literary criticism took hold. For hundreds of years, no one would seriously question the “fact” that the world was created in literally seven days; in all likelihood, the story of Jonah’s three day sojourn inside a large fish’s belly was also thought of as „real”. Nowadays, however, biblical scholars agree that the “seven days” are merely a symbolic representation of a much longer process and that the story of Jonah is exactly that – a didactic story with a moral²¹. This is possible because, after hundreds of years, biblical sciences and theology have matured to such a stage as to concede that the Bible, important as it is for matters pertaining to faith and religion, does not at the same time constitute an authoritative source of knowledge in all other areas of human activity, which are best left to natural (and other) sciences²².

Furthermore, when discussing the place and relationship of the Sharia and the Qur’an to European culture, we cannot pass over the complicated question of the Sharia’s com-

¹⁹ J. Wronecka, *Rodzime elementy demokracji w świetle źródeł arabskich. Kryzys czy odnowa współczesnej myśli arabsko-muzułmańskiej?*, [in:] A. Mrozek-Dumanowska (ed.), *Islam a demokracja*, Askon, Warszawa 1999, pp. 41–42.

²⁰ G. Sorman, *Dzieci Rifa’y*, pp. 26–27.

²¹ *Wstęp do Księgi Jonasza (Introduction to the Book of Jonah)*, *Biblia Tysiąclecia*, Pallottinum, Poznań 2003.

²² J.M. Rianza Morales SI (trans. by S. Jędrusiak), *Kościół i nauka. Konflikt czy współpraca?*, http://www.opoka.org.pl/biblioteka/T/TI/TIA/kosciol_i_nauka-05.html [accessed: 3.04.2017].

patibility with European legal culture. The problem of implementation of Sharia law into the legal order of European states is of paramount importance here. Radical Muslim groups would like to see Sharia incorporated wholesale, so that the religious law would be brought to bear on every aspect of our everyday life. Law as such, even in the “Western” tradition, usually has restrictive connotations and is often understood in its negative sense, as a system of imperatives and prohibitions. That is precisely how the Sharia is presented in the popular discourse. This happens even though the word “Sharia” itself signifies “a path to the water hole”²³, an etymology not widely known and much less understood (also by Muslims themselves), it seems. In the language of peoples traditionally spending their lives in the aridity of a desert, where water is the ultimate and most cherished resource, the “water etymology” points to Sharia as a positive law, which exists to protect and guide rather than restrict and punish.

It is only natural that Muslim communities living in Europe wish to live their lives according to their cultures and traditions, which of course include the religious and legal dimensions. Janusz Balicki, after Roman Tokarczyk, points out the first issue we encounter in this regard: Sharia is a total law. It is not merely religious, but also **moral and political at the same time**. Sharia regulates human life in its entirety, without regard for the division between various spheres of life that we take for granted.²⁴ And herein lies the first problem: can we even so much as contemplate the inclusion of such a religious-moral-political order into the legal order of a modern European democratic state, in which strict separation of Church and state (at least in principle) is a given?

One of the solutions to this conundrum could be to allow Sharia-based arbitration in matters pertaining strictly to Muslims – if all parties involved should agree for their case to be adjudicated based on Sharia, then the ruling of such a court would be binding just like the ruling of the general court.²⁵ This idea is, in a way, nothing new; in Great Britain we can find courts which adjudicate financial, religious and family matters in accordance with the religious Jewish law (so called *bet din*). The condition of validity of the proceedings is that all parties involved are Jewish and agree to submit the case to the *bet din* for arbitration²⁶. In Muslim populations similar “courts”, not recognized by British law, already exist²⁷.

In relation to Islamic law, two questions arise here. One, whether something that is already in operation (informal usage of Sharia law by Muslims in everyday life) should not somehow be sanctioned by general law and two, how this could be implemented in practice, given the fears that allowing the application of Sharia law in a country like the

²³ J. Balicki, *Imigranci z krajów muzułmańskich w Unii Europejskiej. Wyzwania dla polityki integracyjnej*, UKSW, Warszawa 2010, p. 121. However, the *Online Etymology Dictionary* offers another, more “religiously inclined” meaning of this word – a “revealed law” from the word *shar* – revelation, see: <http://etymonline.com/index.php?term=sharia> [accessed: 5.04.2017].

²⁴ R. Tokarczyk, *Współczesne doktryny polityczne*, Kantor Wydawniczy Zakamycze, 1998, p. 432 after: J. Balicki, *Imigranci z krajów muzułmańskich...*, p. 121.

²⁵ In Europe there already exists the institution of courts of arbitration.

²⁶ See, for example, *My Jewish Learning*, <http://www.myjewishlearning.com/article/the-beit-din-rabbinic-court/> [accessed: 7.04.2017].

²⁷ J. Balicki, *Imigranci z krajów muzułmańskich...*, p. 128.

UK would essentially lead to the creation of an alternative legal order, independent of the general British civil and criminal code. That such fears are a real issue is evident. Already in 2008, a so called “Sharia row” broke out in the aftermath of the then Archbishop of Canterbury’s suggestion that the introduction of certain elements of Sharia law to the general UK law would be “unavoidable”.²⁸ Archbishop Williams’s statement was greeted with opposition and condemnation from the majority of UK MPs; he was also heavily criticized by other Anglican UK bishops, some of whom – most notably his predecessor, George Carey – called on him to resign. One voice of criticism came from a Pakistani-born Anglican bishop of Rochester, Michael Nazir-Ali, who, in direct reference to the statement of Archbishop Williams, said that it was “simply impossible” to bring Sharia law into British law “without fundamentally affecting its (i.e. British law’s) integrity”²⁹. The then Archbishop of York John Sentamu, second in the UK Anglican hierarchy after Williams, apparently declined to comment.

Williams was said to have been deeply shocked by the responses to his comments. He emphasized that he had no intention of suggesting that a new legal order should be created; rather, he merely meant to point to the possibility of accommodating the Sharia in situations where it was in fact applied by Muslims anyway. According to the Archbishop, this was supposed to contribute to the social cohesion of the UK³⁰. Bishop Nazir-Ali warned, however, that this could potentially constitute another step towards the Islamization of the country, pointing to several aspects in which the application of Sharia could prove controversial: polygamy, divorce law, inheritance laws, severity of penalties imposed by Sharia for blasphemy and apostasy, as well as freedom of speech and expression³¹. Tellingly, even the reaction of the Muslim community was lukewarm at best. Opinions were voiced to the effect that statements similar to the one made by Dr Williams might have the unintended effect of creating a climate of hostility towards Islam, because they would create an impression that Muslims want an alternative legal order of their own. The Dewsbury constituency Muslim MP Shahid Malik stated, for example, that Muslims had not been making mass demands for the incorporation of the Sharia into the UK law³².

The relationship of Islam to the political and legal system of a „Western” state

The question of the fruitful and meaningful adaptation of democracy in countries with Islamic culture and tradition in the future is, in my opinion, crucial in the context of searching for the means to peaceful relations between Europe and Islam. In attempting to answer this question, we first need to say that, in all likelihood, the mechanical transfer of

²⁸ R. Butt, *Archbishop backs sharia law for British Muslims*, “The Guardian”, 07.02.2008, <https://www.theguardian.com/uk/2008/feb/07/religion/world> [accessed: 8.04.2017].

²⁹ Author unknown, *Sharia law row: Archbishop in shock as he faces demands to quit and criticism from Lord Carey*, “London Evening Standard”, 09.02.2008, <http://www.standard.co.uk/news/sharia-law-row-archbishop-is-in-shock-as-he-faces-demands-to-quit-and-criticism-from-lord-carey-6649342.html> [accessed: 8.04.2017].

³⁰ Ibidem.

³¹ Ibidem.

³² Ibidem.

democratic processes and principles as we know them in Europe to Muslim countries in the foreseeable future has zero chance of success. The fiasco of this approach was proven in practice by failed US interventions in Iraq and, earlier, in Afghanistan. In these futile attempts of the forced “democratisation” of the Middle East, little attention was paid, it would seem, to factors such as tribal, clan and religious loyalties, the Sunni-Shia divide (Iraq) as well as ethnic diversity and the country borders cutting through territories of different tribes and clans (Afghanistan).

One of the foundations of the democratic society is its legal order, with strict separation of church and state. In Islamic tradition, however, culture, religion, politics and daily life together form an inextricable whole. All the important, and the less important, activities of the day are “religious” in the sense that each and every one of them carries a moral aspect attached to it and is regulated by the Qur’an, Sharia or, simply, tradition. Selim Chazbijewicz would say that the Qur’an contains statements about every major aspect of everyday life, down to the minute detail³³. This happens because God is here the centre and the lord of the universe, as well as the most important point of reference for all human activity. God permeates everything and nothing exists without him. Islamic theocentrism is close to absolute – there is no sphere of human life that would be exempt from God’s Law. It is God who creates everything *ex nihilo*, who gives life and provides sustenance. Naturally, Islam is not the only religion that sees God this way. The biblical Psalmist says: “For He spoke, and it came to be; He commanded, and it stood firm”³⁴ and (God) “opens His hand and satisfies the desires of every living thing”³⁵.

God also demands complete obedience and submission to His divine will. A Muslim (from *muslimin*: obedient, submissive; *aslama*: “he resigned”³⁶) ought to live his or her life in a way that fulfills God’s plan for his or her, as God alone is worthy of worship and power. The Muslim *Shahada* states: “There is no god but *Allah* (God), therefore – there is no God but One Lord God. The idea implicit in this confession bears a striking resemblance to the traditional daily Jewish prayer from the Book of Deuteronomy, the *Shema Israel*: *Hear, Israel, and be careful to obey so that it may go well with you and that you may increase greatly in a land flowing with milk and honey, just as the LORD, the God of your ancestors, promised you. Hear, O Israel: **The LORD our God, the LORD is one.** Love the LORD your God **with all your heart and with all your soul and with all your strength.** These commandments that I give you today are to be on your hearts. Impress them on your children. Talk about them when you sit at home and when you walk along the road, when you lie down and when you get up*³⁷.

In the Book of Isaiah, God would admonish the prophet: I am the Lord and **there is no other**³⁸. God is the supreme Sovereign and the Lawgiver here, and it is also in this context

³³ S. Chazbijewicz, *Zasady muzułmańskiego systemu politycznego*, [in:] R. Backer, S. Kitab (eds.), *Islam a świat*, Mado, Toruń 2004, p. 37.

³⁴ Ps 33,9.

³⁵ Ps 145,16.

³⁶ *Online Etymology Dictionary*, <http://www.etymonline.com/index.php?term=Muslim> [accessed: 8.04.2017].

³⁷ Deuteronomy 6,3–6.

³⁸ Isaiah 45,6.

that radical Islam interprets the Sharia. If “there is no God but Allah”, we can perhaps say that “there is no law but Law”, which can be found in the Qur’an – treated as the living word of God, and in the Sharia. Only the Qur’an and Sharia are law and the God, as the sole Sovereign, is the source and guarantor of the truth of both. It is God who is the source of all earthly power, and those who rule the people do so only through the divine mandate, given to them for the purpose of the enactment of God’s will on earth. The categories of “nation” and “state” pale into insignificance – in their stead, it is the *umma* that matters, the community of believers, the only condition of membership in which is the profession of belief in God and His Prophet. Marek Dziekan emphasizes, therefore, that, given the above context, speaking of the politicization of Islam is, in a sense, tautological, because Islam was always, by definition, political. Tellingly, according to Dziekan, internal disputes in Islam have always centred on concepts related to power and authority and not – like, for example, in Christianity – on strictly theological matters³⁹.

The *umma* is, essentially, a theocratic community, where there is no separation between the sacred and the profane. It is symptomatic that the Qur’an itself, as well as Islamic legal tradition, do not provide for a separate treatment of politics as a distinct sphere of human activity. This is because there is no need for mediation between God and the believer. Furthermore, in a theocratic society of this kind there is no place for an alternative, irreligious source of legitimate authority or any sort of political decision-making centre which would be somehow “independent” from God’s will.

Nevertheless, it is possible to find certain institutions or traditions within the Islamic world which could in the future become the cradle of democracy. One such element could be the *shura* – the process of the ruler’s consultation with “the people”, which often, in practice, has meant the “council of the clan/tribe”. The highlight of the *shura* was that it was meant to provide a realistic outcome which would be beneficial for all parties concerned⁴⁰. From history we also know about *divaniyyas* – general meetings held by rulers, during which (at least in theory) even “commoners” could bring a petition before the king⁴¹. Both institutions, *shura* and *divaniyya*, could perhaps, at some point in the future, serve as a sort of historic template for the “progressives” wishing to liberalize and democratize societies in countries like Saudi Arabia or Qatar. It is important especially because the role of parliaments in these countries is marginal. In 1992, the rulers of Saudi Arabia created a sort of “rump parliament” (*Majlis-as Saud*), which has no significant prerogatives⁴². Things are not much better in other countries of the region. In Oman, its ruler has reserved the right to expel any MP he sees fit, even though the parliament in Oman does not really have a say in the way the country is run⁴³. Kuwait is one of the countries of the Gulf which, compared to its neighbors, has made relative progress on the

³⁹ M.M. Dziekan, *Muzułmańskie myślenie a Zachód*.

⁴⁰ A. Mrozek-Dumanowska, *Islam i demokracja*, [in:] A. Mrozek-Dumanowska (ed.), *Islam a demokracja*, Askon, Warszawa 1999, pp. 18–19.

⁴¹ *Ibidem*, p. 20.

⁴² *Ibidem*, p. 16.

⁴³ R. Stefanicki, *Demokracja i świat islamu*, “Gazeta Wyborcza”, 18.03.2005, <http://wyborcza.pl/1,75399,2609275.html> [accessed: 9.04.2017].

road to greater participation; unexpectedly, it is the emir of Kuwait who is the “modernizing factor” there. The ruler would like to grant the right to vote to women but he is being opposed in that by the Kuwaiti parliament, which itself is composed (in an overwhelming majority) of elected MPs⁴⁴.

Concluding remarks

In this short study we have explored several dimensions of the relationship between law, politics and the system of government within the broadly understood tradition of Islam. As we can see, there is no agreement even among established scholars of the discipline as to the nature of Islam’s approach to politics and governance. While one approach claims that Islam is *per se* political and there is not much that can be done to rectify this, another claims that Islam is dangerous only when it becomes political, but that it is in no way political by default. Whatever perspective we assume, there seems to be no doubt that the extrication of Islam from the clutches of politics, as well as a thorough modernization of Islamic thought on law and politics, followed by the real liberalization of political norms and institutions, is absolutely essential if the scenario of the “clash of civilizations” is to become a thing of the past.

Bibliography

Author unknown, *Sharia law row: Archbishop in shock as he faces demands to quit and criticism from Lord Carey*, “London Evening Standard”, 09.02.2008, <http://www.standard.co.uk/news/sharia-law-row-archbishop-is-in-shock-as-he-faces-demands-to-quit-and-criticism-from-lord-carey-6649342.html> [accessed: 8.04.2017].

Balicki J., *Imigranci z krajów muzułmańskich w Unii Europejskiej. Wyzwania dla polityki integracyjnej*, UKSW, Warszawa 2010.

Butt R., *Archbishop backs Sharia law for British Muslims*, “The Guardian”, 07.02.2008, <https://www.theguardian.com/uk/2008/feb/07/religion.world> [accessed: 8.04.2017].

Dziekan M.M., *Muzułmańskie myślenie a Zachód*, “Liberte”, 9.04.2011, <http://liberte.pl/muzulmanskie-myslenie-a-zachod/> [accessed: 20.03.2017].

Dziekan M.M., *Obcy islamu nie zrozumie*, “Gazeta Wyborcza”, 22.05.2015, http://wyborcza.pl/magazyn/1,124059,17958879,Prof_Marek_Dziekan__Obcy_islamu_nie_zrozumie.html?disableRedirects=true [accessed: 30.03.2017].

Hackett C., *5 facts about the Muslim population in Europe*, <http://www.pewresearch.org/fact-tank/2016/07/19/5-facts-about-the-muslim-population-in-europe/> [accessed: 28.03.2017].

Chazbijewicz S., *Zasady muzułmańskiego systemu politycznego*, [in:] R. Backer, S. Kitab, (eds.), *Islam a świat*, Mado, Toruń 2004.

Kłodkowski P., *O pęknięciu wewnątrz cywilizacji*, Dialog, Warszawa 2005.

⁴⁴ Ibidem.

Mrozek-Dumanowska A., *Islam i demokracja*, [in:] A. Mrozek-Dumanowska (ed.), *Islam a demokracja*, Askon, Warszawa 1999.

Online Etymology Dictionary, <http://www.etymonline.com> [accessed: 5.04.2017].

Pędziałowski K., *Od islamu imigrantów do islamu obywateli*, Nomos, Kraków 2007.

Riaza Morales SI, J.M., (trans. by S. Jędrusiak), *Kościół i nauka. Konflikt czy współpraca?*, http://www.opoka.org.pl/biblioteka/T/TI/TIA/kosciol_i_nauka-05.html [accessed: 3.04.2017].

Roy O., *Lure of the death cult*, "The World Today", Feb-March 2017.

Stefanicki R., *Demokracja i świat islamu*, "Gazeta Wyborcza", 18.03.2005, <http://wyborcza.pl/1,75399,2609275.html> [accessed: 9.04.2017].

Stewart C., *Taming the solo terrorist*, "The World Today", Feb-March 2017.

Tibi B., *Political Islam, World Politics and Europe: Democratic Peace and Euro-Islam versus Global Jihad*, Routledge, New York 2008.

White J., *Islamist Mobilisation In Turkey*, University of Washington Press, Seattle 2003.

Wronecka J., *Rodzime elementy demokracji w świetle źródeł arabskich. Kryzys czy odnowa współczesnej myśli arabsko-muzułmańskiej?*, [in:] A. Mrozek-Dumanowska (ed.), *Islam a demokracja*, Askon, Warszawa 1999.