

## **The Relevance of a Maqasid Approach for Political Islam Post Arab Revolutions**

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## THE RELEVANCE OF A *MAQASID* APPROACH FOR POLITICAL ISLAM POST ARAB REVOLUTIONS

*Halim Rane\**

### INTRODUCTION

The role of Islam in the politics of Muslim-majority countries has attracted a plethora of scholarly research over the past two decades that generally refers to this phenomenon as political Islam.<sup>1</sup> Much of the focus of this body of literature is concerned with the reconciliation of Islam and democracy.<sup>2</sup> In recent years, the leading scholarship in this field has attempted to anticipate the future of political Islam<sup>3</sup> and the prospect of post-Islamism.<sup>4</sup> Asef Bayet's work on post-Islamists examines various social movements in the Middle East, arguing that Muslims have made Islam democratic by how they have defined Islam in respect to their particular socio-political contexts.<sup>5</sup> However, others have expressed pessimism about the extent to which domestic conditions in Muslim-majority countries and external geopolitical factors will allow the development of an Islamic democracy.<sup>6</sup> Abdelwahab El-Affendi, for instance, sees four main options for Islamists: full revolutionary takeover of their respective countries; completely withdrawing from political office to become Islamic interest or pressure groups; building broader coalitions while maintaining their ideology; or radically restructuring in order to emulate the model of Turkey's Justice and

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1. *POLITICAL ISLAM: A CRITICAL READER* (Routledge 2011).
2. JOHN L. ESPOSITO & JOHN OBERT VOLL, *ISLAM AND DEMOCRACY* (Oxford Univ. Press 1996).
3. GRAHAM E. FULLER, *THE FUTURE OF POLITICAL ISLAM* (Palgrave Macmillan 2003).
4. ASEF BAYAT, *MAKING ISLAM DEMOCRATIC: SOCIAL MOVEMENTS AND THE POST-ISLAMIST TURN* (Stan. Univ. Press 2007).
5. *Id.* at 5.
6. Abdelwahab El-Affendi, *The Islamism Debate Revisited: In Search of Islamist Democrats*, in MICHELLE PACE, *EUROPE, THE USA AND POLITICAL ISLAM* (Palgrave Macmillan 2011).

Development Party (AKP).<sup>7</sup> What is missing in this discussion is attention to the capacity of Islamic political parties to draw on Islamic tradition and evolve in response to modernity through a focus on Islam's higher objectives or a *maqasid* approach.

As a religion that has come to be defined by its adherents inseparably from a pre-modern religious law, Islam has been seriously challenged by modernity. Islamic intellectuals such as Mohammad Hashim Kamali, Vali Nasr, Tariq Ramadan and Louay Safi, and increasingly Islamic political leaders including Malaysia's Anwar Ibrahim, Turkey's Recep Tayyip Erdogan, and Tunisia's Rachid Ghanouchi have striven to demonstrate Islam's compatibility with democracy, human rights, gender equality, pluralism and peaceful co-existence with non-Muslims.<sup>8</sup> I argue that a contextual-*maqasid* methodology of Quranic interpretation enables such values, principles and standards to be recognized as "Islamic."<sup>9</sup> Islamic political parties have struggled for decades to find the appropriate balance between Islam and modernity. This article thus concurs with a growing body of literature that advocates the *maqasid* as providing the basis of a methodology that provides this balance. I discuss the *maqasid* not as an Islamic legal philosophy but as an approach to understanding and practicing Islam that defines the identity and informs the policies of many contemporary Islamic-oriented parties. The *maqasid* approach enables these parties to maintain Islamic legitimacy while evolving from ideology-oriented to policy-oriented parties and thereby responding to the needs and aspirations of broad constituencies.

That Islam will continue to be relevant in society and politics of Muslim-majority countries is evidenced by the election of Islamic parties in the aftermath of uprisings in the Middle East and North Africa (MENA) region. The election of Islamic-oriented parties outside of this context, most notably in Turkey, as well as the electoral successes of Islamic-oriented parties in Malaysia and Indonesia also confirms this point. Such political victories should not be taken for granted, however. By the late 1990s, the first generation of Islamic political parties, which were generally anti-Western, ideology-oriented, focused on moralistic discourse and defined by their commitment to establishing an Islamic

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7. *Id.* at 7.

8. Halim Rane, *The Impact of Maqasid Al-Shariah on Islamist Political Thought: Implications for Islam-West Relations*, 2 ISLAM & CIVILISATIONAL RENEWAL 337 (2011) [hereinafter *Implications*].

9. HALIM RANE, ISLAM AND CONTEMPORARY CIVILISATION: EVOLVING IDEAS, TRANSFORMING RELATIONS (Melbourne Univ. Press 2010) [hereinafter *EVOLVING IDEAS*].

state based on the implementation of *shariah* as a law code, had lost much of the electoral support they attracted during the 1980s and early 1990s.<sup>10</sup>

Those twentieth-century parties that did not evolve were superseded by a second generation of Islamic-oriented political parties that seek positive relations with Western nations, are policy-oriented and do not advocate the concept of an Islamic state based on *shariah* law.<sup>11</sup> These parties, which include Turkey's AKP, Malaysia's People's Justice Party (PKR) and Indonesia's Prosperous Justice Party (PKS), developed in response to the needs and aspirations of their people for honest and sincere leadership. They seek to reduce corruption and unemployment, promote economic growth and raise living standards, and protect basic rights and freedoms.<sup>12</sup> Other key factors in their rise include the secular and/or pluralistic character of their respective countries along with the imperative to avoid the stigma of association with extremist violence and consequent risk of isolation by the West. In response, second generation Islamic-oriented parties developed comprehensive political programs, appealed to broad and diverse constituencies, and emphasized Islamic values, principles and objectives. In the context of South East Asia, the *maqasid* approach has been central to this process.<sup>13</sup> The concept of *maqasid* is not used by Turkey's AKP. However, Islam's higher objectives should be consistent with universal values is an idea prevalent within the party.<sup>14</sup> While it is still too early to tell, the *maqasid* approach does have the potential to reform *shariah*-based laws in Muslim-majority countries. Such reform is particularly relevant in the context of human and civil rights. A report published by Freedom House concerning women's rights in the MENA region states that "women throughout the Middle East continue to face systematic discrimination in both laws and social customs. Deeply entrenched societal norms, combined with conservative interpretations of *shariah*,

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10. Charles Kurzman & Ijlal Naqvi, *Do Muslims Vote Islamic?*, 21 J. DEMOCRACY APR. 2010 50, 50-51.

11. *Shariah* literally means a "path to a watering place" and in the context of Islam refers to a path toward the religion. Based primarily on the Quran and the traditions of the Prophet Muhammad, *shariah* broadly refers to the teachings, guidelines and rulings that direct a Muslim's life in terms of his/her worship of God and relations with other human beings. In modern times, *shariah* has come to be regarded by many Muslims as a legal code and the implementation of which is thought to be fundamental to establishing an Islamic society or state. For a more detailed definition of *shariah* and the issue of it representing a legal code, see MOHAMMAD HASHIM KAMALI, AN INTRODUCTION TO SHARIAH 1-7 (Ilmiah 2006).

12. RANE, EVOLVING IDEAS, *supra* note 9, at 140-42.

13. *Id.* at 139-43.

14. Interviews with senior members of the AKP in Istanbul, Turkey (Feb. 2010).

continue to relegate women to a subordinate status.”<sup>15</sup> The report also contends that in nearly all of the countries examined, “progress is stymied by the lack of democratic institutions, an independent judiciary, and freedoms of association and assembly. Excessively restrictive rules on the formation of civil society organizations make it more difficult for women’s advocates to effectively organize and lobby the government for expanded rights.”<sup>16</sup> Yet, the report documents that important steps have been made to improve the status of women over the last five years, and that women in fourteen out of seventeen countries in the region have recorded some gains in terms of economic opportunities, access to education, political participation, protection from domestic abuse, and equality before the law.<sup>17</sup> It is in this political context that the *maqasid* has the potential to make its most significant contribution to the reform of Islamic laws by contributing to a path towards democracy as well as the freedoms and institutions necessary for citizens to advocate for their rights.

Based on analysis of statements made by party leaders, political manifestos and programs of Turkey’s AKP, Malaysia’s PKR, Indonesia’s PKS, Morocco’s Justice and Development Party (PJD), Tunisia’s An-Nahda Party, and Egypt’s Freedom and Justice Party (FJP) as well as interviews conducted with representatives of the AKP, PKR and PKS, I describe the decline of the first generation of Islamic political parties, the rise of the second generation, and the role of the *maqasid* approach in this process. I will explicate the value of the *maqasid* approach for the sustainability of Islamic political parties emerging in the MENA region in the aftermath of the Arab uprisings. First, however, it is essential to begin with a discussion of the concept of *maqasid* and its revival in the twenty-first century.

## I. THE *MAQASID* REVIVAL

Since the turn of the century, there has been a revival of scholarly writing on the *maqasid*. To understand this phenomenon, the historical context of its development should be explained. The thirteenth century was a period of great turmoil for the Muslim world, particularly for those regions that suffered invasion by the Mongols. In the following

15. RANE, *EVOLVING IDEAS*, *supra* note 9, at 114, 2.

16. *Id.* at 114, 3.

17. Sanja Kelly, *Hard-Won Progress and the Long Road Ahead: Women’s Rights in the Middle East and North Africa*, in *WOMEN’S RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: PROGRESS AMID RESISTANCE* (chapter excerpt available at <http://www.freedomhouse.org/sites/default/files/270.pdf> (Freedom House 2010)).

century, scholarship sought to re-evaluate tradition in light of the social, political, commercial, and religious changes that had occurred.<sup>18</sup> Masud discusses these changes in some detail and summarizes their impact on legal thought as follows:

The spread of Sufi *tariqas* had contributed to idleness and an exaggerated ideal of Islamic piety that constricted the concept of legal obligation. The influence of Razism increased the influence of Shafi'i and Ash'ari schools of thought. The establishment of the *madrassa* system promoted education and widened its scope. The economic changes, especially the new developments in the Mediterranean trade, challenged the Andalusian Maliki legal concepts and theories on trade and commerce. In a number of situations, the new trade practices came into apparent conflict with the prevailing doctrines of Islamic law.<sup>19</sup>

Like the twelfth and thirteenth centuries, the nineteenth and twentieth centuries had a profound impact on the Muslim world because of the significant and lasting psychological, socio-cultural, religious, economic, and political impacts of European colonial rule. European colonial rule left a legacy of anti-Western sentiments, fragmentation of legal codes, inter-religious and inter-ethnic conflict, poverty and underdevelopment, and unrepresentative authoritarian rule.<sup>20</sup> The struggle to reassert an Islamic identity in the socio-political context gave rise to political Islam and the concept of the Islamic state based on the *shariah*. However, half a century since independence from European colonial rule has given Muslim-majority countries relative stability, sufficient for Islamic intellectuals to contemplate the appropriate role of Islam in state and society, the realities of modernity, relations with the West, and the value of Western systems and institutions. In this context, a revival of interest in the *maqasid* developed by the turn of the century.

As an approach to interpreting and applying the Qur'an, the *maqasid* can be traced back to the administration of the second caliph, Umar bin al-Khattab (d. 644) and the Maliki School of Islamic jurisprudence, which emphasizes public interest or *maslaha*.<sup>21</sup> The concept of *maqasid* was developed by the twelfth century theologian Abu Hamid al-Ghazali (d. 1111) in reference to five fundamental

18. MUHAMMED KHALID MASUD, SHATIBI'S PHILOSOPHY OF ISLAMIC LAW 86 (Islamic Book Trust 1995).

19. *Id.*

20. RANE, EVOLVING IDEAS, *supra* note 9, at 47-48.

21. AHMAD RAYSUNI, IMAM AL-SHATIBI'S THEORY OF THE HIGHER OBJECTIVES AND INTENTS OF ISLAMIC LAW 38-45 (Int'l Inst. Islamic Thought 2005).

protections: life, religion, property, progeny, and intellect.<sup>22</sup> However, this conception was revised and expanded in the fourteenth century by Ibn Taymiyyah (d. 1328) and was developed as a new philosophy of Islamic law by Abu Ishaq al-Shatibi (d. 1388).<sup>23</sup>

The expansion of *maqasid* beyond al-Ghazali's conception began with Izz al-Din Abd al-Salam's (d. 1261) work on the *qawa'id al-ahkam* or "legal maxims," which broadened the discussion of *maqasid* in terms of promoting benefit and preventing harm.<sup>24</sup> A more open-ended list of values, identified by Ibn Taymiyyah, which included fulfillment of contracts, preservation of kinship ties, honoring the rights of one's neighbors, sincerity, trustworthiness and moral purity further expanded the *maqasid*. Ibn Taymiyyah objected to the essential objectives of Islamic law being limited to the five *maqasid* expounded by al-Ghazali, stating that these five or six do not represent the highest or most significant of objectives.<sup>25</sup>

The work of al-Shatibi, however, made a more profound contribution to the theory of *maqasid* by focusing on the concept of *maslaha* (public interest)<sup>26</sup> as an approach to overcoming the rigidity imposed by literalism and *qiyas* (analogical reasoning). The *maqasid* theory of al-Shatibi is based on an inductive reading of the Qur'an in order to identify the higher objectives, intent and purpose of the Qur'anic verses, which are understood to preserve human interests in both this world and the next. In practical terms, however, the *maqasid* received little attention from Islamic jurists and legal scholars in the seven hundred years since al-Shatibi. Relatively few books have been written on Islamic law from a *maqasid* perspective. Moreover, *maqasid* has never presented a serious challenge to the *usul* methodology of the classical era, which is based on a fairly literal reading of the sacred texts and generally extends *ijtihad* (independent reasoning) only as far as *qiyas*.<sup>27</sup>

During the formative years of Islamic law, the eighth to the tenth century, jurists displayed a wider degree of confidence in a methodology that relied heavily on *qiyas*. Due to their close proximity to the time and space of the Prophet Muhammad (d. 632), the classical jurists could, to a greater extent, engage in literalism and be somewhat confident in

22. KAMALI, *supra* note 11, at 117.

23. MASUD, *supra* note 18 at SHATIBI'S PHILOSOPHY OF ISLAMIC LAW, 108-10.

24. KAMALI, *supra* note 11, at 116-18.

25. *Id.* at 118.

26. MASUD, *supra* note 18, at 127-28.

27. *Id.*

analogy as a reliable methodology. However, “when contemporary jurists function in the same manner and even repeat the old instructions word for word, there is obviously a lack of appreciation for the changes that have taken place.”<sup>28</sup> In a critique of the continued adherence to the *usul* methodology, AbdulHamid AbuSulayman writes:

Now that so much time has passed, and so many internal and external changes have accumulated, Muslims can no longer work within the framework of the classical model which required only a simple maintenance of the existing social system. Modern challenges make new demands on the Muslim methodology. The basic requirement now is to generate thought commensurate with the needs of internal and external affairs, and that does not contradict the intents and values of Islam.<sup>29</sup>

With dramatically changing realities and conditions over a fourteen hundred-year history, the challenge for Muslims has been to develop an approach to Islam that would ensure its continued relevance in respect to the functioning of state and society. Increasingly, Islamic scholars and leaders have looked to the *maqasid*. The first major contribution to the *maqasid* in the modern era was Muhammad al-Tahir Ibn Ashur’s (d. 1973) *Maqasid al-Shariah al-Islamiyah* first published in 1946, which was translated into English and republished in 2006.<sup>30</sup> This book is arguably the most important attempt of the twentieth century to develop and apply the theory of *maqasid*. Expressing the need for an objective-based approach to Islamic law in light of modern realities, Ibn Ashur discusses the preservation of the family system, freedom of belief, orderliness, civility, human rights, freedom and equality as objectives of Islamic law relevant to a theory of *maqasid*.<sup>31</sup>

Since the turn of the century, a number of books have been published on al-Shatibi’s theory of *maqasid*, including Muhammad Khalid Masud’s Shatibi’s *Philosophy of Islamic Law*<sup>32</sup> and Ahmad Raysuni’s Imam al-Shatibi’s *Theory of the Higher Objectives and Intents of Islamic Law*.<sup>33</sup> Other works, such as Gamal Attia’s *Towards the Realization of the Higher Intents of Islamic Law* provide a detailed

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28. ABDULHAMID A. ABUSULAYMAN, TOWARDS AN ISLAMIC THEORY OF INTERNATIONAL RELATIONS: NEW DIRECTIONS FOR METHODOLOGY AND THOUGHT 77 (Int’l Inst. Islamic Thought 1993).

29. *Id.* at 75.

30. MUHAMMAD AL-TAHIR IBN ASHUR, TREATISE ON MAQASID AL-SHARIAH (Int’l Inst. Islamic Thought 2006).

31. *Id.* at 142-60, 233-63.

32. MASUD, *supra* note 18.

33. RAYSUNI, *supra* note 21.

account of the concepts related to *maqasid*, both historical and contemporary. Attia contends that the *maqasid* is an essential form of *ijtihad* (independent reasoning) in response to contemporary realities.<sup>34</sup> Additionally, the work of Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*, offers the most comprehensive examination of the concept of *maqasid* in the context of Islamic legal thought. In documenting the evolution of *maqasid* from pre-modern to contemporary times, Auda highlights that such early conceptions as preservation of offspring, mind, honor, religion, and wealth respectively evolved into such *maqasid* as family care, pursuit of scientific knowledge, upholding human rights and dignity, freedom of belief, and economic development.<sup>35</sup> Other contemporary scholars including Mohammad Hashim Kamali, Tariq Ramadan, and Mashood Baderin have also advocated and contributed to the *maqasid* approach.<sup>36</sup> Additionally, Yusuf Qaradawi has further extended the *maqasid* list to include social welfare support, freedom, human dignity and human fraternity, while Kamali has added to this list the protection of fundamental rights and liberties, economic development and research, and development in science and technology. Kamali contends that the *maqasid* remains dynamic and open to expansion according to the priorities of every age.<sup>37</sup>

While interest in the *maqasid* among Islamic scholars has grown since the turn of the century, this phenomenon cannot be attributed to the *ulema* (religious clerics) whom have said and written very little about the *maqasid*. By comparison, university-based Islamic intellectuals have given considerably more attention to the *maqasid* over the past decade.<sup>38</sup> However, the rebirth of the *maqasid* approach in the political realm is primarily due to second generation Islamic-oriented political parties whose leaders assert that good governance, economic development, and protecting basic rights and freedoms are Islamic objectives.

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34. GAMAL EL-DIN ATTIA, TOWARDS REALIZATION OF THE HIGHER INTENTS OF ISLAMIC LAW (Int'l Inst. Islamic Thought 2007).

35. JASSER AUDA, MAQASID AL-SHARIAH AS PHILOSOPHY OF ISLAMIC LAW: A SYSTEMS APPROACH (Int'l Inst. Islamic Thought 2008).

36. See KAMALI, *supra* note 11; TARIQ RAMADAN, RADICAL REFORM: ISLAMIC ETHICS AND LIBERATION (Oxford Univ. Press 2008); MASHOOD BADERIN, INTERNATIONAL HUMAN RIGHTS AND ISLAMIC LAW (Oxford Univ. Press, 2005); HALIM RANE, RECONSTRUCTING JIHAD AMID COMPETING INTERNATIONAL NORMS (Palgrave Macmillan 2009) [hereinafter RANE, RECONSTRUCTING]; RANE, EVOLVING IDEAS, *supra* note 9.

37. KAMALI, *supra* note 11, at 119.

38. See, e.g., KAMALI, *supra* note 11; RAMADAN, *supra* note 36; and RANE, RECONSTRUCTING, *supra* note 36.

*Maqasid* is an Arabic word that means intent, purpose or objectives. The concept gained prominence in the fourteenth century as a philosophy of Islamic law. It has generally been used by Islamic scholars in reference to the higher objectives of *shariah* or *maqasid al-shariah*.<sup>39</sup> I contend, however, that confining *maqasid* to *shariah* diminishes the dynamism and functionality of the concept as well as its relevance for political Islam. The most appropriate approach is to consider the *maqasid* of Islam generally and in specific terms to identify the *maqasid* of particular issues contained in the Qur'an. In this respect, one might consult all of the verses in the Qur'an concerning matters of war and peace in order to identify the *maqasid* of *jihad* or all of the verses that mention women in order to identify the *maqasid* in respect to gender relations and the rights and status of women.<sup>40</sup> The *maqasid* approach emphasizes public interest and well-being (*maslaha*), rejects literal readings of sacred texts, and gives priority to the spirit of the message of the Qur'an and Prophetic traditions.<sup>41</sup> As opposed to reading verses of the Qur'an in isolation, the *maqasid* approach requires a comprehensive reading of the text as an integrated whole in order to identify the higher objectives and then interpreting particular verses on a given topic according to the identified *maqasid*. This methodology dictates that once the *maqasid* of a particular issue is identified, all verses in the Qur'an concerning that issue should then be read in light of the identified *maqasid* and none of these verses should then be interpreted in a way that contradicts the identified *maqasid*.<sup>42</sup>

## II. THE MATURATION OF POLITICAL ISLAM

An enduring perception among many Muslims until today is that European colonial rule attempted to remove Islam from the colonized Muslim-majority countries and replace an Islamic identity and culture with Western norms and values. The experience of European colonial rule continues to drive many Islamic political parties to fixate on asserting their Islamic identity and pursuing moralistic policies in order for society to retain or regain its Islamic identity. The rise and success of Islamic political parties in Muslim-majority countries is seen by many Muslims as completing the process of independence from European colonial rule and achieving meaningful freedom. The parties that

39. KAMALI, *supra* note 11, at 115.

40. See RANE, RECONSTRUCTING, *supra* note 36, at 159-201; RANE, EVOLVING IDEAS, *supra* note 9, at 75-99.

41. KAMALI, *supra* note 11, at 128-30.

42. RANE, EVOLVING IDEAS, *supra* note 9, at 75-99.

achieved independence from colonial rule and came to power were largely seen, in a cultural sense, as an extension of the former colonial rulers.

For many Muslims, the process of independence was not complete, and only the election of Islamic parties that reflect the identity and values of the people would finally mark the country's true independence from colonization.<sup>43</sup> A study conducted by World Public Opinion (WPO) and the Program on International Policy Attitudes (PIPA) found that the majority of Muslims agree that "all people should have the right to organise themselves into political parties and run candidates, including Islamist groups" in Azerbaijan (75%), Indonesia (81%), Jordan (50%), Pakistan (83%), Palestine (69%) and Turkey (53%). Only minorities of respondents agreed that "Islamists groups should not be allowed to organise and run candidates because their ultimate goals are not consistent with democracy" in Azerbaijan (24%), Indonesia (8%), Jordan (26%), Pakistan (16%), Palestine (30%), and Turkey (30%).<sup>44</sup>

However, Muslims vote for Islamic parties to a much lesser extent than most observers imagine. Research by Kurzman and Naqvi finds that over the past generation, Islamic parties have attracted a median of less than eight percent of the vote when they have participated in elections. Most notably, Islamic political parties tended to do better in the Arab countries and under conditions where the political environment is less free. Under such conditions, Islamist political parties have won a median of fifteen percent of the vote. However, the authors contend that in those Muslim-majority countries where elections were freest, Islamic parties performed worse.<sup>45</sup> This finding is critical for the emerging Islamic political parties in the MENA region where political conditions are now liberalizing. Kurzman and Naqvi analyzed forty-eight electoral platforms of Islamic parties dating from 1969 to 2009. Half of the platforms in this collection call for the implementation of *shariah*. Of those two dozen *shariah*-advocating platforms, half say that *shariah* would be decided according to Islamic principles (including *maqasid*).<sup>46</sup> Today, there is a tendency for Islamic political parties not to advocate the implementation of *shariah* but to endorse a *maqasid*-oriented

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43. MARK JUERGENSMEYER, *GLOBAL REBELLION: RELIGIOUS CHALLENGES TO THE SECULAR STATE, FROM CHRISTIAN MILITIAS TO AL QAEDA* 10 (Univ. Cal. Press 2009).

44. Steven Kull et al., *Public Opinion in the Islamic World on Terrorism, al Qaeda, and U.S. Policies*, available at [www.worldpublicopinion.org/pipa/pdf/feb09/STARTII\\_Feb09\\_rpt.pdf](http://www.worldpublicopinion.org/pipa/pdf/feb09/STARTII_Feb09_rpt.pdf) (Feb. 25, 2009).

45. Kurzman & Naqvi, *supra* note 10, at 51.

46. *Id.*

approach to their policies. Included in this category are the Malaysian parties UMNO, PKR and PAS; Indonesia's PKS, Morocco's PJD, and most recently Tunisia's An-Nahda. For example, the leader of Malaysia's PKR, Anwar Ibrahim asserts:

[T]he *maqasid al-shariah* (higher objectives of the *shariah*) sanctify the preservation of religion, life, intellect, family, and wealth, objectives that bear striking resemblance to Lockean ideals that would be expounded centuries later. Many scholars have further explained that laws which contravene the *maqasid* must be revised or amended to bring them into line with the higher objectives and to ensure that they contribute to the safety and development of the individual and society. Notwithstanding the current malaise of authoritarianism plaguing the Muslim world, there can be no question that several crucial elements of constitutional democracy and civil society are also moral imperatives in Islam—freedom of conscience, freedom of expression, and the sanctity of life and property—as demonstrated very clearly by the Koran, as well as by the teachings of the Prophet Muhammad.<sup>47</sup>

This approach is reflected in PKR's political manifesto in which priority is given to economic development, poverty reduction, safe and fair working conditions, education, healthcare and housing.<sup>48</sup>

The preservation of an Islamic identity and desire for society to be based on Islamic values and norms remains strong among many Muslims today, which in large part explains the electoral success of Islamic-oriented parties even in more secular Muslim counties such as Turkey, Indonesia and Malaysia. This phenomenon also largely explains the success of Islamic parties in the post-uprising elections in Tunisia and Egypt where the largest plurality of votes was won by the An-Nahda Party<sup>49</sup> and the Muslim Brotherhood's Freedom and Justice Party respectively.<sup>50</sup> The leaders of both parties have emphasized their respective party's commitment to the principles of democracy and their respect for the will of their people. However, representatives of both parties have expressed reservations and even opposition to secularism

47. Anwar Ibrahim, *Universal Values and Muslim Democracy*, 17 J. DEMOCRACY 7 (July 2006).

48. Parti Keadilan Rakyat (PKR), "Basic Goals and Political Struggle," available at <http://www.keadilanrakyat.org/wp-content/uploads/2012/09/Belanjawan-Pakatan-Rakyat-2013-vAakhir.pdf>.

49. Yasmine Ryan, *Ennahdha claims victory in Tunisian poll*, ALJAZEERA, Oct. 26, 2011, available at <http://www.aljazeera.com/news/africa/2011/10/2011102421511587304.html>.

50. Al-Jazeera, "Islamists sweep early results in Egypt vote," <http://www.aljazeera.com/news/middleeast/2011/12/201112320622436522.html> (Dec. 5, 2011).

while reassuring liberal and secular opposition and electorates as well as Western powers that they do not intend to impose *shariah* law.<sup>51</sup> Because the issue of an Islamic state based on the implementation of *shariah* law has been so central to political Islam and continues to be a yardstick against which Islamic political parties are measured, it needs to be addressed in some detail.

The idea of an Islamic state characterized by the implementation of *shariah* is a modern phenomenon developed by Abul A'la Maududi (d. 1979) in the context of British colonial rule and the identity politics of the Indian Subcontinent in the years preceding partition. In response to the Muslim League's calls for a Muslim state of Pakistan, Hindu calls for a secular India, and communist calls for a socialist state, Maududi perceived a threat to the Islamic identity and called for the establishment of *hukumat-e-ilahiya* (Allah's government) or an Islamic state.<sup>52</sup> Although the concept became a central pillar of the Islamic resurgence across the Muslim world by the latter half of the twentieth century, so without foundation in Islamic thought was Maududi's concept of Islamic state that he initially struggled to convince the Indian *ulema* and those in his own party of its legitimacy. He was forced to engage in an elaborate reconceptualization of the concepts of God, lordship, worship, and religion in relation to politics in order to lay the theological foundations for his case.<sup>53</sup>

Maududi's concept of an Islamic state found support among other influential Islamic thinkers and leaders. Along with Maududi, Sayyid Qutb (d. 1966) in Egypt and Ayatollah Ruhollah Khomeini (d. 1989) in Iran popularized the vision of an Islamic state among Muslim masses globally.<sup>54</sup> In the context of South East Asia, for instance, Kamal Hassan remarks that several factors contributed significantly to the spread of the concept of an Islamic state, including the translation of Maududi and Qutb's works into Malaysian, Indonesian and English languages where Muslim students studying in the United States and Britain encountered such writings through the Muslim Student Associations on their university campuses. Other influences were the adoption of Maududi and Qutb's books as required reading by such institutions as the International Islamic University Malaysia; and the

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51. See, e.g., Stefano Maria Torelli, *The AKP Model and Tunisia's al-Nahda: From Convergence to Competition?*, 14 INSIGHT TURKEY Summer 2012, at 65, 77; Mahmoud Hamad, *The Constitutional Challenges in Post-Mubarak Egypt*, 14 INSIGHT TURKEY Winter 2012 51, 59.

52. Irfan Ahmad, *Genealogy of the Islamic State: Reflections on Maududi's Political Thought and Islamism*, J. ROYAL ANTHROPOLOGICAL INST. May 2009 Supplement 1, at 145, 154.

53. *Id.* at 155.

54. Frederic Volpi, *Introduction*, *supra* note 1, at 271, 271-76.

adoption of their ideas among Muslim youth movements such as ABIM and Islamist political parties such as Pan-Malaysian Islamic Party (PAS).<sup>55</sup> Hassan finds “clear influence of Maududi’s ideas” on PAS, particularly the concepts of Islamic state and God’s sovereignty.<sup>56</sup> Such ideas characterized the first generation of Islamic political parties.

Infused with a belief in Islam as the solution to the social, economic and political problems of Muslim-majority countries, the first generation of Islamic political parties were able to capitalize on a wave of post-colonial public frustration with the existing political order and a longing for stability, justice and prosperity envisioned through the implementation of *shariah* and the establishment of an Islamic state. The first generation of Islamic political parties were anti-Western and generally exclusivist, appealing to only so-called pious Muslims, and thereby alienating non-Muslims, liberals, secularists, and segments of the business community. Their moralistic rhetoric and ideology-oriented politics attracted distrust and opposition from a range of constituencies including secularists, moderate Muslims, and non-Muslim minorities as well as Western governments. These parties failed to deliver on good governance and socio-economic advancement in accordance with the expectations of the masses. Post-9/11, they were also stigmatized by the violence of Islamist groups with which they were rightly or wrongly believed to be associated, which were perceived to be a risk to the nation’s reputation within the international community. An example of which involves Morocco’s PJD. When a series of bombings occurred in Casablanca in 2003, which left forty-five dead and over one hundred wounded, the reputation of the PJD was tarnished. Perekli explains that although the bombings were carried out by an extremist Islamist group with which the PJD had no affiliation, the party “was stigmatized by the state authorities, leftist secular parties, and the secular media alike.” Opponents argued that it had been the PJD’s anti-Western and anti-Israel rhetoric which had laid the ideological groundwork for the attacks.<sup>57</sup>

Even while Islamists were enjoying some political successes in the 1990s, their victories came amid discussion about the failure of political Islam.<sup>58</sup> The two central charges of failure have been political Islam’s

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55. Kamal Hassan, *The Influence of Mawdudi’s Thought on Muslims in Southeast Asia: A Brief Survey*, 93 MUSLIM WORLD 429, 444 (2003).

56. *Id.* at 440.

57. Feriha Perekli, *The Applicability of the Turkish Model to Morocco: The Case of the Parti de la Justice et du Development (PJD)*, 14 INSIGHT TURKEY Summer 2012 85, 99.

58. OLIVIER ROY, *THE FAILURE OF POLITICAL ISLAM* (Carol Volk trans., Harvard Univ. Press 1994).

inability to provide an effective blueprint for an Islamic state based on a *shariah* law code and the abandonment of the pan-Islamic or caliphate model in favor of acquiescence to a world order based on nation-states.<sup>59</sup> However, this is largely a failure only to the extent that it has not met the vision of Maududi and Qutb.

The implementation of *shariah* should not be seen as the yardstick for the success of political Islam. Even when *shariah* (in its modern, conventional conception) is fully or near-fully implemented, as in the case of Afghanistan under the Taliban, Iran, Pakistan, Saudi Arabia, or Sudan, the state has not fulfilled basic Islamic ideals as discussed by Fazlur Rahman, Louay Safi and others.<sup>60</sup> Rather, such states are among the poorest in terms of performance on key social, economic and political measures. No positive correlation is observable between a more full or comprehensive implementation of *shariah* and progress toward a more just and equitable social order in terms of human, gender and minority rights; political participation and stability; good governance and government accountability and transparency; economic advancement; equitable distribution of wealth; educational attainment; and national power.<sup>61</sup> In large part, the problem is that these values, goals and standards are not the emphasized priorities of the modern conventional conception of *shariah*. Rather, they are often associated with the West, devalued, dismissed by Islamists and not included as part of the Islamic agenda.<sup>62</sup> This point has been reaffirmed in a study by Rehman and Askari, which found an Islamicity Index to measure a country's adherence to Islamic principles, with four sub-indices related to economic, legal and governance, human and political rights, and international relations, and concludes that so-called Islamic countries rated poorly against all measures.<sup>63</sup>

Amid the ascendancy of the concept of the Islamic state as envisioned by Maududi, Qutb and Khomeini, Islamic scholars of political science were already questioning the vision. Louay Safi cautioned as early as 1991 that Muslims were confusing the concept of state with that of *ummah* (community or civil society). He contends that

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59. OLIVIER ROY, *GLOBALISED ISLAM: THE SEARCH FOR A NEW UMMAH 1-2* (Colum. Univ. Press 2004).

60. *See, e.g.*, FAZLUR RAHMAN, *MAJOR THEMES OF THE QURAN 62* (Islamic Book Trust 1989) in which he contends that the central aim of the Quran is the establishment of a just and ethically-based social order.

61. FULLER, *supra* note 3, at 198-200.

62. *Id.*

63. Rehman Scheherazade & Askari Hossein, *How Islamic are Islamic Countries?*, 10 *GLOBAL ECON. J.*, 13-21 (May 2010).

an Islamic state is one in which “legal order is based on and derived from the principles of the *shariah*,” which he adds “should not, however, be interpreted to mean that the Islamic state’s purpose is to impose a narrowly defined code of behavior on society.”<sup>64</sup> In terms of legislation, the domain of the state is to regulate individual behavior in relation to the society as a whole or what might be termed *maslaha mursalah* (public good), while matters of morality and worship (*akhlaq* and *ibadat*) as well as the regulation of behavior between members of society (*mu’amalat*) fall within the domain of the *ummah* or civil society. Thus, the purpose of the Islamic state is to “facilitate the realization of the human mission . . . to coordinate the activities of the *ummah* in ways that will enable a society to cope with economic and political challenges and to enhance the quality of life in the community.”<sup>65</sup> It is the pursuit of these objectives within the framework of *shariah* that makes a state “Islamic.” However, the legitimacy of the state is derived from the will of the *ummah*, including the *ulema*, which historically controlled or at least held influence over judicial, educational and social institutions, so that the power to enact law remained with the people rather than the ruler. Moreover, as the legitimacy of the state depends upon the extent to which its organization and power reflects the will of the *ummah*, Islamic legitimacy is conferred upon political systems based on elected representative rule.<sup>66</sup>

By the late 1990s, the first generation of Islamic political parties either evolved or was eclipsed by a second generation with a more comprehensive political program, broader electoral appeal, and a focus on Islamic values and principles rather than the letter of *shariah* law. The first generation of Islamic political parties lost the confidence of the Muslim electorate due to their lack of effective response to the major social, political and economic problems of Muslim-majority countries; their inability to connect with non-Muslim minorities and secularists; and the suspicion and concern they evoke among Western powers. Today, Muslims do not necessarily vote on the basis of religious identity but according to their values and interests.

If Islam is to contribute positively to society, it must offer an alternative approach inspired by or derived from Islam that integrates democratic political institutions that have been most successfully

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64. Louay Safi, *The Islamic State: A Conceptual Framework*, 8 AM. J. ISLAMIC SOC. SCI. 221, 227 (1991).

65. *Id.*

66. *Id.* at 231-33.

developed by Western nations.<sup>67</sup> Recent decades have witnessed that those who have come to be as labeled as Islamists lose considerable political ground to more centrist Muslim political parties that have incorporated Muslim values into their political program or have otherwise Islamized certain public policies. The work of Nasr, for instance, documents this trend in the context of Pakistan in 1997, Bangladesh in 2001, Turkey in 2002, Indonesia in 2004 and Malaysia in 2004. He rightly identifies that those most likely to attract the Muslim vote are parties that successfully “integrate Muslim values and moderate Islamic politics into broader right-of-center platforms that go beyond exclusively religious concerns.”<sup>68</sup>

In Malaysia, as one example of integration, then Prime Minister Abdullah Badawi’s landslide victory over PAS in the 2004 elections (where UMNO won fifty percent of the seats and PAS managed to secure only three percent) can be attributed to a combination of two decades of Islamization policies and economic prosperity under former Prime Minister Mahathir Mohamad along with Badawi’s personal Islamic credentials, education and Islam Hadhari (Civilisational Islam) policy.<sup>69</sup> This development marked a reversal of the previous election in 1999 when PAS was able to capitalize on the discontent among Malay voters over perceived corruption of the Mahathir government and particularly the unjust mistreatment of Anwar Ibrahim by the government and judiciary, increasing the party’s seats in parliament from eight to twenty-seven.<sup>70</sup> In the 2008 elections, PAS won fourteen percent of the vote, increasing its seats in parliament to twenty-three.

However, the 2008 elections cannot be interpreted as a shift back to conservative Islam among Malay voters. On the one hand, Badawi’s Islam Hadhari had lost appeal with Malay voters.<sup>71</sup> On the other hand, the once-dominant *ulema* among PAS’ leadership has been replaced by a new generation of educated, professional and pragmatic leaders<sup>72</sup> who have been instrumental in the party replacing its call for an Islamic state with a more appealing “welfare state,” engaging with non-Muslim voters, and joining the People’s Front Coalition with the PKR and the

67. FULLER, *supra* note 3, at 201.

68. Seyyed Vali Reza Nasr, *The Rise of Muslim Democracy*, 16 J. DEMOCRACY 13, 14 (Apr. 2005).

69. Ahmad Fauzi Abdul Hamid, *Islamist Realignment and the Rebranding of the Muslim Youth Movement of Malaysia*, 30 CONTEMP. SOUTHEAST ASIA 215, 222 (2008).

70. William Case & Liew Chin-Tong, *How Committed is PAS to Democracy and How Do We Know It?*, 28 CONTEMP. SOUTHEAST ASIA 385, 389 (2006).

71. Robert Hunt, *Can Muslims Engage in Interreligious Dialogue? A Study of Malay Muslim Identity in Contemporary Malaysia*, 99(4) MUSLIM WORLD 581, 597 (2009).

72. Case & Chin-Tong, *supra* note 70, at 389.

Democratic Action Party (DAP) based on a multi-ethnic platform led by the popular Anwar Ibrahim.<sup>73</sup> Anwar Ibrahim personally advocates a *maqasid* approach that is in contrast with the more literal conception of *shariah* that the Islamic party PAS has historically displayed.<sup>74</sup> However, for several years now, the new generation of PAS leadership also endorses a *maqasid* approach<sup>75</sup> as does its main political rival, Malaysia's ruling United Malays National Party (UMNO).<sup>76</sup>

Vali Nasr<sup>77</sup> and others<sup>78</sup> use the term "Muslim democrats" to refer to Muslim political parties that do not pursue the establishment of a state based on *shariah* but advocate "viable electoral platforms and stable governing coalitions to serve individual and collective interests—Islamic as well as secular."<sup>79</sup> For Nasr, Muslim democrats include the Pakistan Muslim League (PML), Turkey's AKP, and Malaysia's UMNO—parties with a secular foundation (AKP excluded) that have come to occupy the center of politics in Muslim-majority countries by pragmatically integrating Muslim religious values into their political platforms.<sup>80</sup> This strategy has attracted voters who previously supported Islamist political parties, while their secular foundation has enabled their pursuit of Islamization policies without attracting the ire of Western governments. Other scholars, however, contend that Muslim democrats also include Egypt's Muslim Brotherhood (MB), Indonesia's PKS, and Turkey's AKP—parties that did not start from a secular origin only to later adopt Muslim values for political expediency, but rather have a genuine Islamic foundation and have genuinely internalized the principles of democracy.<sup>81</sup>

The Arab uprisings in the MENA region since the end of 2010 are a clear and profound expression of support for democracy among Muslims. The protests were not Islamist in their demands but are framed by the protestors as movements for freedom and democracy. With the notable exceptions of Libya and Syria, the uprisings,

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73. Hunt, *supra* note 71, at 595.

74. Anwar Ibrahim, *Universal Values and Muslim Democracy*, 17 J. DEMOCRACY at 5, 7 (July 2005).

75. Interview with Muhammad Nur Manuty in Kuala Lumpur (Feb. 5, 2010).

76. *Malaysia Adopts the Principles of the Maqasid Al-Shariah*, THE KUALA LUMPUR POST, July 16, 2012 available at <http://www.kualalumpurpost.net/malaysia-adopts-the-principles-of-the-maqasid-al-shariah-an-islamic-concept-based/>.

77. Nasr, *supra* note 68, at 13.

78. ANTHONY BUBALO, GREG FEALY & WHIT MASON, ZEALOUS DEMOCRATS: ISLAMISM AND DEMOCRACY IN EGYPT, INDONESIA AND TURKEY 14 (Lowy Inst. Int'l Policy 2008).

79. Nasr, *supra* note 68, at 13.

80. *Id.*

81. BUBALO, FEALY & MASON, *supra* note 78, at 15.

particularly in the case of Tunisia and Egypt, were nonviolent (in terms of the actions of protestors who faced violent repression from the state). Even in the case of Libya and Syria, the armed resistance of rebels was not portrayed in the media as *jihadist* but as freedom fighting. The uprisings were also not framed as Islamist movements or led by those who are identifiably Islamist.<sup>82</sup> In this context, justice, dignity, freedom and democracy came to be seen as higher objectives of the people and their cause. Such slogans as “Islamic state” and “Islamic solutions” have been discredited as lacking in substance and viability<sup>83</sup> and were notably absent from the protests. This shift in thinking has created space for the emergence of social movements that are consistent with Islamic values and principles but without the modern conventional Islamist label and slogans. Consequently, the uprisings have been more inclusive, comprised of Muslims and Christians as well as Islamists and secularists.<sup>84</sup> Islamic political parties such as An-Nahda in Tunisia as well as Egypt’s Freedom and Justice Party have found a base of support among such social movements. However, among the challenges confronting these parties is how they will balance their Islamic identity with the demands of governance in the context of modernity.

### III. MAQASID AND THE FUTURE OF POLITICAL ISLAM

The second generation of Islamic-oriented political parties, including Turkey’s AKP, Malaysia’s PKR, and Indonesia’s PKS, are not inherently secular, having adopted Muslim values and Islamized public policies for pragmatic political purposes; nor are these parties Islamist, having adopted democracy as a political tactic. Their approach to politics and policies have been accepted by Muslims as Islamically legitimate largely on account of these parties’ leaders’ personal qualities, their sound Islamic credentials, previous experience with Islamic groups and movements, and their personal commitment to the Islamic faith.

Moreover, second generation Islamic-oriented political parties are the product of the evolution of their leaders, members, and constituencies. These parties have evolved from earlier political parties as in the case of Turkey’s AKP or from Islamist organizations as in the case of Indonesia’s PKS and Tunisia’s An-Nahda, which evolved from Islamic *da’wah* and revivalist social movements respectively.<sup>85</sup> To give

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82. Halim Rane & Sumra Salem, *Social Media, Social Movements and the Diffusion of Ideas in the Arab Uprisings*, 18 J. INT’L COMMUNICATION 97, 99 (2012).

83. Rane, *Implications*, *supra* note 8, at 344.

84. Rane & Salem, *supra* note 82, at 100.

85. See Gordon Means, *Political Islam in Southeast Asia* 309-16 (Petaling Jaya: Strategic

another example, Morocco's PJD originates from the revolutionary Islamic Youth (al-Shabiba al-Islamiyya), which became the Islamic Group (al-Jama'a al-Islamiyya) in 1983, Reform and Renewal (al-Islah wal-Tajdid) in the early 1990s, National Renewal Party in 1992, which then joined the Popular Democratic Constitutional Movement (MPDC), which changed its name to the Justice and Development Party (PJD) in 1998.<sup>86</sup> This windy road reflects the restrictions imposed on Islamic political parties in the MENA region generally. Moreover, it was not until 2004, under internal pressure from the monarchy and public opinion over links with Islamic extremism, when PJD "differentiated" itself from its Islamic base, the United Reform Movement (MUR), that PJD was able to "devise public policies to find practical solutions to day-to-day problems, while leaving the discussions of how to consolidate religiosity with society to the MUR."<sup>87</sup> Perekli explains that this effectively meant that MUR retained responsibility for "Islamic idealism" while PJD could become policy-oriented with "an Islamic reference" as emphasized by the party.<sup>88</sup>

With the exception of Turkey's AKP, evolution from an Islamic social movement to an ideology-oriented political party to a policy-oriented political party has often correlated with the adoption of a *maqasid* approach. This approach is well developed within PKR and PKS and is beginning to take root among other parties including Malaysia's PAS, Morocco's PJD, and more recently in Tunisia's An-Nahda Party.<sup>89</sup> It should be highlighted that Turkey's AKP does not regard itself as Islamic but as a conservative democratic party and it does not use Islamic concepts such as *maqasid*. Although the party does not and cannot use the term, individual members of the party acknowledge that the AKP exhibits a *maqasid*-oriented approach in the sense that the party's policies are consistent with Islam's higher objectives and what have become universal norms and ideals.<sup>90</sup>

Islamic beliefs and values are an important part of the identity of most Turkish people and the success of the AKP is due to the fact that this party and its leadership respects and reflects the beliefs and values

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Information & Research Development Centre 2009) GORDON MEANS, POLITICAL ISLAM IN SOUTHEAST ASIA 309-16 (Lynne Rienner Pub. 2009); and Torelli, *supra* note 51, at 69-79.

86. Perekli, *supra* note 57, at 93-94.

87. *Id.* at 85, 99.

88. *Id.*

89. Rachid Ghanouchi, 2012, speech given at the Center for the Study of Islam and Democracy (CSID) "Tunisia: Secularism and Relation between Religion and the State from the Perspective of the Nahdha Party" (Mar. 2, 2012).

90. Interviews with senior members of the AKP in Istanbul (Feb. 2010).

of the people. Its political program is not focused on the issues of implementing *shariah* laws or establishing an Islamic state in the modern conventional sense, but issues of greater substance and centrality to Islam. While the AKP is restrained by the Turkish constitution and military from openly defining itself as an Islamic party, “Islamic ideas and an Islamic worldview are still included in the identity of its leadership and might also be included in the AKP’s deep-seated philosophy.”<sup>91</sup>

Since the 1990s, Turkey has been suggested by successive U.S. administrations as an appropriate political model for Muslim-majority countries to emulate.<sup>92</sup> However, it was not until the rise of Turkey’s current government led by the AKP that Turkey has received significant attention from the Muslim world, particularly the countries of the MENA region, as a “model.” The attraction of the AKP as a model is based on four main factors: successful balancing of Islam and democracy; sustained economic growth and development; bringing the military under government control; and regional influence, including championing such causes as Palestinian rights and statehood.<sup>93</sup> The AKP’s prominence in the MENA region has increased since the onset of the Arab uprisings. According to the most recent Arab public opinion poll conducted by the Brookings Institution and Zogby International,

Turkey is the biggest winner of the Arab Spring. In the five countries polled, Turkey is seen to have played the “most constructive” role in the Arab events. Its prime minister, Recep Erdoğan, is the most admired among world leaders, and those who envision a new president for Egypt want the new president to look most like Erdoğan. Egyptians want their country to look more like Turkey than any of the other Muslim, Arab and other choices provided.<sup>94</sup>

When asked to name the two countries that played the most constructive role in the uprisings, fifty percent of respondents chose Turkey, followed by France (30%) and the U.S. (24%). Respondents were also asked who they would like their future leader to look like; thirty-one percent selected Erdogan. The next closest leaders were King

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91. *Id.* at 69.

92. FAWAZ GERGES, *AMERICA AND POLITICAL ISLAM: CLASH OF CULTURES OR CLASH OF INTERESTS?* 195 (Cambridge Univ. Press 1999).

93. Alper Dede, *The Arab Uprisings: Debating the Turkish Model*, 13 *INSIGHT TURKEY* 23 (Spring 2011).

94. Shibly Telhami, *The 2011 Arab Public Opinion Poll*, Brookings Institution and Zogby International, Nov. 21, 2011, available at <http://www.brookings.edu/research/reports/2011/11/21-arab-public-opinion-telhami>.

Abdullah of Saudi Arabia, Mandela of South Africa, and Nasrallah of Hezbollah all polling nine percent. Most importantly, forty-four percent of Egyptian respondents chose Turkey when they were asked to name the political system they would prefer Egypt's political system to look like. The next closest were France (10%); Saudi Arabia, China and Germany (8%); the United States (5%), the United Kingdom (4%), and Iran (with less than two percent).<sup>95</sup>

Sixty-one percent of people in the MENA region regard Turkey as a model for their country with the highest levels of support coming from respondents in Libya, Tunisia and Egypt.<sup>96</sup> Importantly, this sentiment is shared by many of the emerging Islamic political parties in the region. Mohammad Shaqfah, leader of the Syrian Muslim Brotherhood, has expressed his support for the Turkish model and stated that his party would follow the Turkish governance system.<sup>97</sup> The leader of Libya's National Transitional Council (NTC) Mustafa Abdul Jalil has called Turkey a model for Libya and the other Arab Spring countries. He stated in *Today's Zaman* that "Turkey's democratic structure is an example to Libya and the other countries that experienced the Arab Spring. Libya will look to Turkey as a model for its own political and democratic structure."<sup>98</sup> Additionally, Tunisian Prime Minister Hammadi Cibali has repeatedly endorsed the Turkish model. In an interview with *Today's Zaman*, he explained that Tunisian reforms would be based on Turkey's parliamentary system.<sup>99</sup> For the Tunisian Foreign Minister Rafik Abdessalem, the Turkish model is appealing because it demonstrates that Islam and democracy can co-exist.

The current appeal of the AKP and the widespread perception of the party as a model for the emerging Arab parties requires some elaboration of the party's program and electoral performance. The AKP came to power in 2002, winning thirty-four percent of the vote.<sup>100</sup> Proving its democratic credentials, the AKP held scheduled elections in

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95. *Id.*

96. *Id.*

97. Massoud Derhally, *Syria's Muslim Brotherhood Favors Turkey Model Over Iran in Plan for Power*, BLOOMBERG, Nov. 28, 2011, available at <http://www.bloomberg.com/news/2011-11-28/syria-s-muslim-brotherhood-favors-turkish-model-over-iran-s-leader-says.html>.

98. *Libya's transitional council calls Turkey model for Arab Spring countries*, TODAY'S ZAMAN, Feb. 13, 2012, available at <http://www.todayszaman.com/news-271297-libyas-transitional-council-calls-turkey-model-for-arab-spring-countries.html>.

99. *Tunisian prime minister says Turkey model for Tunisia*, TODAY'S ZAMAN, Dec. 12, 2011, [http://www.todayszaman.com/newsDetail\\_getNewsById.action;jsessionid=7B15A574A6E756B0B578188AE0FF9892?newsId=265524](http://www.todayszaman.com/newsDetail_getNewsById.action;jsessionid=7B15A574A6E756B0B578188AE0FF9892?newsId=265524) [hereinafter *Model for Tunisia*].

100. Justice and Development Party, *Nov. 3, 2002 Parliamentary Elections Results*, available at <http://www.akparti.org.tr/english/secimler/2002-parliamentary-elections>.

2007 and achieved an overwhelming victory, winning forty-seven percent of vote.<sup>101</sup> Most recently, the AKP were returned to power, winning fifty percent of the vote in Turkey's 2011 elections.<sup>102</sup> The party has a comprehensive and progressive political program that covers fundamental rights and freedoms; the economy; public administration; foreign policy; and social policies that include education, culture and art, health, social security, labor, equal participation and rights for women, family and social services, youth and sports, urbanization and housing, environmental protection, science and technology, written and visual media, and road safety.<sup>103</sup> The AKP aims to achieve its political program through the promotion of universal rights and freedoms; addressing Turkey's social, economic and administrative problems; mobilizing the country's human and physical resources; raising living standards of all and reducing the income distribution gap; supporting civil society and including non-governmental organizations in public administration; and ensuring public sector transparency and accountability.<sup>104</sup>

With respect to foreign policy, the AKP recognizes Turkey's strategic location between the Middle East and Europe and seeks to maintain positive relations with both. The AKP sees Turkey as an important contributor to the security and stability in the region and increasingly central to more positive relations between Islam and the West.<sup>105</sup> The AKP is committed to achieving Turkey's membership in the European Union and maintaining the country's importance within NATO. It seeks to maintain Turkey's positive relations with the United States, expanding the relationship from one based primarily on defense cooperation to also include economic matters, investment, science and technology.<sup>106</sup> Simultaneously, the AKP desires positive relations with the Russian Federation, China, South East Asia and the Middle East.<sup>107</sup> Moreover, the championing of Palestinian rights and statehood has also significantly contributed to the positive perception of Turkey in the

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101. Justice and Development Party, *July 22, 2007 Parliamentary Elections*, available at <http://www.akparti.org.tr/english/secimler/2007-parliamentary-elections>.

102. Justice and Development Party, *2011 Parliamentary Elections*, available at <http://www.akparti.org.tr/english/secimler/2011-parliamentary-elections> (2012).

103. Justice and Development Party, 'Political Program: AK Parti Official Website, <http://www.akparti.org.tr/english/akparti/parti-programme>.

104. *Id.*

105. Justice and Development Party, *Political Program: Foreign Policy*, AK Parti Official Website [http://www.akparti.org.tr/english/akparti/parti-programme#bolum\\_](http://www.akparti.org.tr/english/akparti/parti-programme#bolum_) (in the dropdown menu, click sec. VI).

106. *Id.* at 77.

107. *Id.*

region.<sup>108</sup> Erdoğan was “received like a rock star” when he visited Egypt on his Arab tour in September 2011, following his government’s strong stance against Israel’s blockade of Gaza and the May 31 attack on the flotilla of ships carrying humanitarian aid to Gaza.<sup>109</sup>

However, there is significant doubt about the viability of the Turkish model for the Islamic parties of the MENA region due to their differing perceptions of secularism stemming from contrasting historical and political experiences of Turkey and the Arab world. In the aftermath of Mubarak’s overthrow and the establishment of Egypt’s FJP, representatives of the party suggested that Turkey would provide a model for the party and the country. While this position has been maintained by some such as Momhammad Badie of the Muslim Brotherhood, FJP deputy leader Essam El-Erian has been a vocal critic of Erdoğan’s remarks that Muslims should not be wary of secularism, which the Turkish PM made on Egyptian television during a visit in September 2011.<sup>110</sup> Although Erdoğan explained that “secularism doesn’t mean a lack of religion but creating respect for all religions and religious freedoms for all people” the term has a strongly negative connotation among Islamists. Essam El-Erian stated in response that secularism has “a very bad perception among Egyptians” and that “we have no need for this term.”<sup>111</sup> It should be noted that according to Gallup World Polling, almost two-thirds of Egyptians want *shariah* to be the only source of legislation.<sup>112</sup> Additionally, in an interview with *Hurriyet Daily News*, the Tunisian Foreign Minister Rafik Abdessalem conceded that a different interpretation of secularism from that of Turkey would be needed in Tunisia as his country strongly values its Arab, Muslim identity.<sup>113</sup>

It is also important to highlight that Turkey differs from much of the Muslim world, and the MENA region in particular, in respect to the appeal of Islamism. Since the 1980s, most Muslim governments,

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108. Steven Everts, “An Asset but not a Model: Turkey, the EU and the Wider Middle East,” Centre for European Reform, available at <http://www.cer.org.uk/publications/archive/essay/2004/asset-not-model-turkey-eu-and-wider-middle-east>.

109. Rania Abouzeid, *Why Turkey’s Erdogan is Greeted like a Rock Star in Egypt*, TIME, Sept. 13, 2011, available at <http://www.time.com/time/world/article/0,8599,2093090,00.html>.

110. Marc Champion & Matt Bradley, *Islamists Criticize Turkish Premier’s “Secular” Remarks*, THE WALL ST. J., Sept. 15, 2011, available at <http://online.wsj.com/article/SB10001424053111904491704576570670264116178.html>.

111. *Id.*

112. Magali Rheault & Dalia Mogahed, *Iranians, Egyptians, Turks: Contrasting Views on Sharia*, GALLUP WORLD, July 10, 2008, available at <http://www.gallup.com/poll/108724/iranians-egyptians-turks-contrasting-views-sharia.aspx>.

113. *Model for Tunisia*, *supra* note 100.

including those of South East Asia, South Asia, and the Middle East Islamized policies or appealed to Islamic symbols and values to improve their legitimacy or counter the appeal of Islamic opposition.<sup>114</sup> The most significant exception is Turkey, whose leaders have never been pressured to Islamize policies or appeal to Islam.<sup>115</sup> This could well be due to the restraint the secular regime imposed on Islamists in Turkey but an equally likely explanation is that the Turkish population has not expressed significant demand for Islamic policies or law.<sup>116</sup>

The experience of European colonial rule had a profound impact on the Arab countries in terms of the development and orientation of their Islamic organizations and especially their views of the West and such concepts as secularism. Islamic political parties in the Arab world generally developed as social movements that opposed the political status quo and rejected secularism in favor of Islam playing a comprehensive role in state and society. By contrast, not having experienced European colonial rule, Turkey's Islamic political parties operated within the existing political system, did not challenge the legitimacy of the state, and while they proposed alternative definitions of secularism, they did not oppose the concept.<sup>117</sup> Moreover, Turkey's AKP has the benefit of evolving out of earlier Turkish Islamic political parties, namely the Welfare Party (WP) followed by the Virtue Party (VP). In the 1990s, WP began the transition from an Islamic identity-oriented party to a policy-oriented party with a broader electoral appeal. However, it was officially closed down as part of a crackdown on Islamist activism and anti-secular activities.<sup>118</sup> WP's successor, VP was more observant of the constraints of the secular regime and moved further toward policies based on human rights, democracy and practical solutions to the social and economic problems faced by the country. It too was closed down in 2001 on the grounds of anti-secular activities.<sup>119</sup> This experience enabled those associated with WP and VP not only to gain valuable experience in party politics but also to further refine their message and views on the appropriate relationship between Islam and politics. In an interview in 2001, one of the founding leaders of the AKP, the current President of Turkey Abdullah Gul offered five principles that encapsulate the AKP's approach to the question of

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114. RANE, *EVOLVING IDEAS*, *supra* note 9, at 135.

115. Torelli, *supra* note 51, at 65, 68.

116. Rheault & Mogahed, *supra* note 113.

117. Perekli, *supra* note 57, at 85, 87-88.

118. *Id.* at 88.

119. *Id.*

religion and politics. He explained that there is no benefit in a political party making religious references; religious propaganda is not the function of a political party; a political party must serve all people; religious observance is a matter for individuals, not the government; and religion is relevant only in the political context of ensuring individual freedoms.<sup>120</sup>

In respect to historical experiences and contemporary contexts, Turkey's AKP differs significantly from the Islamic political parties of the MENA region. Political parties such as Egypt's FJP, Tunisia's An-Nahda, and Morocco's PJD, for instance, are yet to complete the transition from identity or ideology-oriented parties to policy-oriented parties. They remain skeptical of, if not opposed to, secularism; and they operate in a context where the prospect of implementing *shariah* law appeals to a significant proportion of their respective populations. These factors detract from the extent to which the AKP can be considered a model for the emerging Islamic political parties of the MENA region.

#### IV. ALTERNATIVE *MAQASID* MODELS: MALAYSIA AND INDONESIA

The example of the Islamic-oriented political parties of South East Asia may be more instructive than Turkey because of their more similar countries. Malaysia's PKR and Indonesia's PKS do not face the same constitutional constraints as the AKP and are more overt in their commitment to a *maqasid* approach. PKR and PKS are deeply committed to policies that advance justice, human rights, education, government accountability and transparency and economic development, which they regard as the *maqasid* or higher objectives of Islam. In Malaysia's most recent elections in 2008, the PKR won nineteen percent of the vote, thirty-one seats of the 222-seat parliament making it the strongest opposition party in the country.<sup>121</sup> In Indonesia's most recent elections in 2009, the PKS won eight percent of the vote, fifty-seven seats of the 550-seat parliament, and as part of the governing coalition the party has four ministers in the government.<sup>122</sup>

The central pillar of the PKR is to uphold justice, a commitment rooted in the origins of the party, specifically the mass calls for an end to corruption following the ousting of Anwar Ibrahim from the United Malays National Organization (UMNO), his trials, and years of

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120. *Id.*

121. Means, *supra* note 85, at 356-57.

122. Interview with Luthfi Hasan Ishaq in Jakarta (Apr. 9, 2010).

imprisonment. Among the seventeen points that comprise the PKR's objectives are establishing "a society that is fair and democratic, progressive and united," upholding "the rule of law, independent media and judicial and security institutions of the sovereign principles of professionalism," ensuring "the freedom to think, speak, move, assemble and association for all" and expanding "the role of religion and values to uphold universal truth of justice, moral conduct, humanitarian and human dignity."<sup>123</sup> The party is also committed to the development of "a just and dynamic economy, which emphasizes growth and equitable distribution; is free from injustice, inconsistency and waste; while overcoming poverty and prevents wealth concentration in one party."<sup>124</sup> Also in terms of social justice, the PKR is concerned with the provision of "education, healthcare, housing, and public transport at reasonable cost in accordance with social responsibility, especially for low and middle income groups" as well as policies that "protect the right to work, fair wages, safety at work and the quality of life for all," including women's "rights and interests and ensuring that they can enjoy equal status and do not become victims of discrimination and exploitation." Other objectives of the PKR extend to the protection of the environment and the rights of indigenous populations.<sup>125</sup> The absence of specific invocation of Islam or Quranic concepts in this document is noteworthy.

Muhammad Nur Manuty, head of the PKR's Bureau for Religious Understanding, contends that the PKR's commitment to *maqasid* is central to its identity and what distinguishes the party from the first generation of Islamist parties in Malaysia. He regards an Islamic state as one in which "people have full equal rights, there is democracy, plurality, human rights are respected, and there is education for people, health care, and welfare services."<sup>126</sup> Similarly, PKS president Luthfi Hasan Ishaq is critical of such countries as Sudan, Pakistan, and Afghanistan that adopt the title of "Islamic state." He argues that "it is not necessary to have the name [Islamic state] but move to develop, to serve the interests of the communities of the nation. . . . Just serve the nation, the basic needs should be fulfilled, the services should be provided. This is Islam."<sup>127</sup>

Both the PKR and PKS have become instrumental in promoting

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123. Parti Keadilan Rakyat (PKR), "Basic Goals and Political Struggle," available at <http://www.keadilanrakyat.org/wp-content/uploads/2012/09/Belanjawan-Pakatan-Rakyat-2013-vAkhir.pdf> (2010).

124. *Id.*

125. *Id.*

126. Interview with Muhammad Nur Manuty in Kuala Lumpur (Feb. 5, 2010).

127. Interview with Luthfi Hasan Ishaq in Jakarta (Apr. 9, 2010).

democracy that is conscious of Islamic values based on the *maqasid* approach. Through this approach, they have not only demonstrated the consistency of Islam with good governance and socio-economic development but have shown that such an approach is attractive to a broad constituency that includes Muslims and non-Muslims. Manuty contends that the *maqasid* is gaining ground among Islamic political parties because “the traditional approach has failed and . . . secondly [because of] pressures from the realities of non-Muslims . . . we are now living in a very globalized world and it is inter-connected with other parts of the world.”<sup>128</sup> In the words of Ishaq, “the international community is now concerned about the [issues] similar to the *maqasid*, the universal values. It’s time to declare the original objectives of Islamic teaching . . . the *maqasid shariah*. We are now moving to that.” He goes on to explain that the main priorities of the PKS are education, public service, health-care, income levels, and the standard of living which reflect the *maqasid*.<sup>129</sup>

On this point, Syed Husin Ali, deputy president of the PKR, adds that for an Islamic-oriented political party in a pluralistic society, the *maqasid* “is the best approach because I think it can be easily understood not only by the Muslims but by the non-Muslims alike. If you approach from a fundamentalist angle then it becomes very difficult to explain.”<sup>130</sup> The potential of the *maqasid* approach to enable a change of discourse would benefit such parties as Tunisia’s An-Nahda in its transition to a policy-oriented party. Torelli’s analysis of Rachid Ghanouchi’s speeches and An-Nahda’s political manifesto shows that the party’s vocabulary is very dependent on Islamic culture and Quranic concepts, which narrows the appeal of the party, restricts its ability to evolve from an ideology-oriented to a policy-oriented party, and leaves it open to criticism from liberals, secularists, and non-Muslim constituents.<sup>131</sup> Moreover, just as An-Nahda finds itself in a political environment still dominated by the secular institutions of the previous regime, the example of Indonesia’s PKS is instructive given the secularism of Indonesian politics as a consequence of the nation’s commitment to the principles of Pancasila since independence.<sup>132</sup> In this respect, PKS found the *maqasid* approach to be beneficial also in terms of how the party reconciles its identity with the secular nature of the state.

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128. Interview with Muhammad Nur Manuty in Kuala Lumpur (Feb. 5, 2010).

129. Interview with Luthfi Hasan Ishaq in Jakarta (Apr. 9, 2010).

130. Interview with Syed Husin Ali in Kuala Lumpur (Feb. 3, 2010).

131. Torelli, *supra* note 51, at 65, 76.

132. Means, *supra* note 85, at 65.

While many Muslims hear anti-religion or anti-Islam when the word secularism is mentioned, this conception is now being challenged by current Islamic discourse. The leader of the Tunisian An-Nahda Party, Rachid Ghanouchi, has previously declared his opposition to secularism and commitment to all Tunisian laws being compatible with *shariah*.<sup>133</sup> However, in the aftermath of the uprisings in Tunisia, he said “I envisage an AKP-style structure. They prove that Islam and democracy can go together.”<sup>134</sup> In a recent speech at a forum hosted by the Centre for the Study of Islam and Democracy (CSID), Ghanouchi went even further and made a case for the place of secularism within an Islamic worldview: “The greater part of the debate taking place nowadays in our country is a misunderstanding of such concepts as secularism and Islam. . . . secularism is not an atheist philosophy but merely a set of procedural arrangements designed to safeguard the freedom of belief and thought.”<sup>135</sup>

Ghanouchi explained that within the legal tradition of Islam, there is an acknowledgement of the distinctions between (or separation of) the civil (*mu’amalat*) and the religious (*ibadat*) in terms of human action and interaction. He added:

It is not the duty of religion to teach us agricultural, industrial or even governing techniques, because reason is qualified to reach these truths through the accumulation of experiences. The role of religion, however, is to answer the big question for us, those relating to our existence, origins, destiny, and the purpose for which we were created, and to provide us with a system of values and principles that would guide our thinking, behaviour, and the regulations of the state to which we aspire.<sup>136</sup>

In reconciling Islam and secularism, Ghanouchi draws on the *maqasid*, referring specifically to its historical and contemporary founders:

This distinction between the religious and the political is also clear in the thought of Islamic scholars/jurists. They have distinguished between the system of transactions/dealings (*mu’amalat*) and that of worship (*ibadat*). Whereas the latter is the domain of constancy

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133. *Id.*

134. Sahin Alpay, *Turkey, not Iran, will inspire Arab democracies*, TODAY’S ZAMAN, Feb. 7, 2011, available at <http://www.todayszaman.com/columnist-234720-turkey-not-iran-will-inspire-arab-democracies.html>.

135. Rachid Ghanouchi, 2012, speech given at the Center for the Study of Islam and Democracy (CSID) Tunisia, “Secularism and Relation between Religion and the State from the Perspective of the Nahdha Party” (Mar. 2, 2012).

136. *Id.*

and observance i.e. reason cannot reach the truth, the former is the domain of searching for the general interest, for Islam came to realize people's interests as confirmed by such great jurists as Al-Shatibi and Ibn Ashur. These scholars have agreed that the highest objective of all divine messages is to establish justice and realize people's interests, and this is done through the use of reason in light of the guidelines, objectives, values, and principles provided by religion. Thus, there is a domain of transactions/dealings which is constantly evolving and represents the sphere of variables, and there is the domain of creed, values, and virtues which represents the sphere of constants.<sup>137</sup>

External relations, particularly with the United States, will be another significant challenge for the emerging Islamic parties in the MENA region. Comments made by the U.S. Secretary of State on her first visit to the region since the election of Mohammad Morsi as Egypt's president indicate that the United States is concerned about the role *shariah* may play in domestic policies, particularly concerning women and minority groups.<sup>138</sup> Again, the experiences of Islamic parties in South East Asia are instructive. In addition to providing the PKR and PKS the scope and flexibility to effectively operate amidst diverse and competing internal social forces, the *maqasid* approach also allows these parties to avoid objections from external forces that generally hold pejorative views of Islam and are suspicious of Islamic-oriented parties. PKS president Ishaq contends that Western countries such as the United States and Australia are better able to identify with parties such as the PKS that adopt the universal values enshrined in the *maqasid* than the first generation Islamists that retain literalist views of *shariah* and advocate an Islamic state. The Islamic values derived from a *maqasid* perspective, he explains, are "al-Ma'ruf, the acceptable values [that] everybody will accept even if they don't believe in God."<sup>139</sup>

In the aftermath of 9/11, senior Western diplomats and policymakers encouraged their respective governments to differentiate between radical Islamists who advocate the use of violence and Islamic-oriented political parties that reject the use of violence and advocate democracy.<sup>140</sup> Edward Djerejian contends that dialogue between the

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137. *Id.*

138. Hamza Hendawi & Bradley Klapper, *Egypt-U.S. Relations Post-Mubarak Leave America's Role Unclear*, THE HUFFINGTON POST, July 15, 2012, available at [http://www.huffingtonpost.com/2012/07/15/egypt-us-relations-post-mubarak\\_n\\_1674275.html](http://www.huffingtonpost.com/2012/07/15/egypt-us-relations-post-mubarak_n_1674275.html).

139. Interview with Luthfi Hasan Ishaq in Jakarta (Apr. 9, 2010).

140. See EDWARD DJEREJIAN & WILLIAM MARTIN, DANGER AND OPPORTUNITY: AN AMERICAN AMBASSADOR'S JOURNEY THROUGH THE MIDDLE EAST 3 (Threshold 2008); EMILE NAKHLEH, A NECESSARY ENGAGEMENT: REINVENTING AMERICA'S RELATIONS WITH THE

United States and Islamist organizations should focus on five key issues: whether the *shariah* is desired as a or the source of law; human, minority and women's rights; elections and the transfer of power; use of violence and interpretation of *jihad*; and views on the Arab-Israeli conflict.<sup>141</sup> The *maqasid* offers a systematic and Islamically legitimate approach that can be reconciled with the third pillar of U.S. foreign policy in the Muslim world—"support for human rights, pluralism, women's and minority rights, and popular participation in government . . . rejection of extremism, oppression, and terrorism."<sup>142</sup> Djerejian is among those who have come to acknowledge that such parties as the AKP and PKS "represent important Islamic schools of thought" that have "engaged in the political process and "abide by the rules of the game."<sup>143</sup>

It should be appreciated that the second generation of Islamic political parties in Turkey, Indonesia and Malaysia were able to develop due to the opportunity for political participation in the respective countries. Such opportunities have been denied to the people of the MENA region, which was a central factor to the uprisings that began in Tunisia at the end of 2010. In the aftermath of the uprisings, the elections and debates over the constitutions of Tunisia and Egypt reveal that the challenges ahead for An-Nahda and FJP are associated with the characteristics of first generation Islamic parties discussed above. Violent clashes have erupted in Tunisia between secularists and Islamists and in Egypt between Islamists and secularists and the Coptic Christian community.<sup>144</sup> Egypt's FJP seeks to retain the wording of the constitution in respect to the law being based on Islamic principles. However, the more conservative An-Noor Party is pushing for a more comprehensive and explicit reference to *shariah*, while the secular and liberal parties are seeking the removal of all references to religion.<sup>145</sup> It is in this context that the *maqasid* is instructive as an approach that could ensure that Islamic legitimacy is maintained but that the freedom, rights, dignity and aspirations of all are respected and upheld without reference to the "Islamic" label. The political programs of the PKS, PKR and AKP show that it is not necessary to invoke the name of Islam

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MUSLIM WORLD xv (Princeton Univ. Press 2009).

141. DJEREJIAN, *supra* note 141, at 61.

142. Edward Djerejian, *The US and the Middle East in a Changing World*, 14 DEF. INST. OF SEC. ASSISTANCE MGMT. J., 32, 35 (Summer 1992), available at [http://www.disam.dsca.mil/pubs/Vol%2014\\_4/Djerejian.pdf](http://www.disam.dsca.mil/pubs/Vol%2014_4/Djerejian.pdf).

143. Edward Djerejian, *Danger and Opportunity: An American Ambassador's Journey through the Middle East*, 49, 41 (Threshold 2008).

144. *Crowds rally against Islamists in Egypt*, ALJAZEERA, Oct. 19, 2012, <http://www.aljazeera.com/news/middleeast/2012/10/20121019152742363411.html>.

145. Hamad, *supra* note 51, at 51, 59.

in order to pursue Islamic objectives. In this respect, the *maqasid* approach has enabled the second generation of Islamic-oriented political parties to redefine the conception and application of Islam in the contemporary socio-political context.

#### CONCLUSION

Islamic political parties continue to be challenged by the realities of modernity as well as the demographics of their own countries. Indonesia, the world's most populous Muslim nation, developed a more secular political regime than neighboring Malaysia despite the fact that Muslims are only a slight majority of the Malaysian population. Malaysian Islamic political parties, however, are challenged by the religio-ethnic pluralism of their country. In both countries, Islamic political parties have had to appeal to broad and diverse constituencies; develop effective policies that address their nation's social, economic and political challenges; counter negativity associated with extremist Islamist groups; and maintain productive international relations while maintaining their commitment to Islamic values and principles. Both the Indonesia's PKS and Malaysia's PRK, later followed by PAS and UMNO, have found the *maqasid* approach to be effective in meeting these demands.

The development of the *maqasid* approach among South East Asian Islamic political parties is instructive for the emerging Islamic political parties of the MENA region. While there is currently a fixation on Turkey's AKP as the model for such parties as Egypt's FJP, Tunisia's An-Nahda and Morocco's PJD, opposing views on secularism stemming from contrasting historical experiences and different experiences with political Islam between Turkey and the Arab countries detract from the viability of the so-called "Turkish model." Like the leaders of Muslim-majority countries of South East Asia, the leaders of various Arab regimes were all impacted by the resurgence of Islam in the second half of the twentieth century; and in response, they made appeals to Islam and they Islamized certain policies. However, such concessions to Islam were never made in Turkey, which reflects the contrasting position of Islam in the socio-political context in Turkey compared to the broader Muslim world. While studies show that majorities of Muslims in the Arab world want their state and society to be consistent with Islamic values and norms, the majority does not necessarily vote for Islamic parties. The data suggests that with the liberalizing of political participation in the Arab world, the appeal of

Islamic political parties will decrease if all they have to offer is ideology.

The first generation of Islamic political parties had some appeal as they were seen to respect and reflect Islamic values and norms in countries where the masses felt their identity and independence threatened by the experience of European colonial rule followed by repressive authoritarian regimes. However, these parties were ideology-oriented, narrow in their appeal, and deficient in terms of policies capable of addressing social, political and economic needs. Such parties also attracted opposition from Western powers, liberals and secularists as well as ruling regimes hostile to political Islam. Consequently, the first generation of Islamic political parties evolved into or was superseded by a second generation comprised of parties that have broad electoral appeal, and are policy-oriented. For them, Islam is relevant in terms of values, principles and higher objectives. It is in this context that the *maqasid* approach has developed.

Given the demands on the emerging Islamic political parties of the MENA region to respect and reflect Islamic values and principles while developing policies that deliver on governance, economic growth, employment opportunities and protection of basic rights and freedoms, the *maqasid* approach should be expected to become more widely embraced. This development will have profound implications for the conception and application of Islam in the socio-political context and is likely to result in the emergence of a system that could accurately be termed “Islamic democracy.” Moreover, the *maqasid* approach has significant implications for Islamic legal thought and for the reform of *shariah*-based laws in Muslim-majority countries. This reform rests upon the potential of the *maqasid* approach to contribute to the democratization process.