THE COMPATIBILITY OF SHARIAH AND CONSTITUTIONAL DEMOCRACY: AN EVALUATION OF CURRENT DEBATES

SHEHU, Ajepe Taiwo

Department of Public Law, Faculty of Law, University of Ilorin, Nigeria

ABSTRACT

The goal of this paper is to contribute to knowledge the current debate on the compatibility, or rather the incompatibility of Islam and Shariah with Democracy and Constitutionalism. A careful synthesis of the arguments on the subject-matter show fundamentally problems of semantics and lack of proper appreciation of the issues involved because of the divergent construction of the basic rules and normative concepts. The paper explores the problems of the tendency for cultural prejudice and intolerance shaping in large the direction of the debate and enduring not only an imaginary “clash of civilizations”, but also, in reality, a clash of normative concepts. The paper concludes that Islam is democratic in nature and that Shariah itself is a system of constitutionalism and the foundation of thoughts on human rights which is compatible with democracy.

Keywords: Democracy, Shariah, Constitutionalism