THE INTERNATIONAL INSTITUTE OF ISLAMIC THOUGHT AND
CIVILIZATION (ISTAC)

POLITICAL OPPOSITION IN CONTEMPORARY ISLAMIC POLITICAL THOUGHT IN THE ARAB WORLD
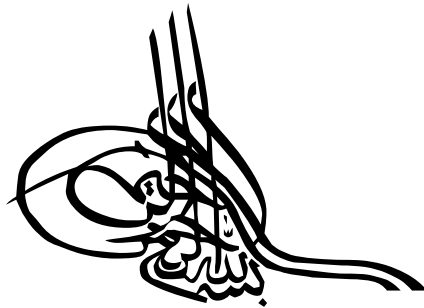
A THESIS SUBMITTED TO THE INTERNATIONAL INSTITUTE OF ISLAMIC
THOUGHT AND CIVILIZATION (ISTAC) IN PARTIAL FULFILLMENT FOR
THE M.A. DEGREE

BY

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JUNE 1999

بسم الله الرحمن الرحيم

To my parents and sisters, with love and prayers

There is no good in you if you do not say it (i.e., the criticism of the rulers), and there is no good in us if we do not listen to it.

'Umar ibn al-Khaṭṭāb

The people and the state need Opposition as much as they need leadership and government. And the supposed/alleged opposition inside one and the only party is a deception for oneself and for others.

Fatḥī 'Uthmān, *Fī al-Tajribah al-Siyāsiyyah li al-Ḥarakah al-Islāmiyyah al-Mu'āṣirah*

Islam is the religion of oneness in everything: God is one and has no partner; the Prophet - SAW- is one and there is no prophet after him; the Qiblah is one; the successful, victorious community of Muslims is one; the truth which is to be followed is one and does not multiply; . . . and the Party of God is one. "What then remains after the Truth except falsehood?" [*Sūrat Yūnus*, 10: 32]

'Abd al-Mun'im Muṣṭafā Ḥalīmah, *Ḥukm al-Islām fī al-Dīmuqrāṭiyyah wa al-Ta'addudiyyah al-Ḥizbiyyah*

Islamic movements should shift their priorities from focusing on political power to targeting instead the hearts and minds of men within and without Muslim societies. They should endear themselves to others by projecting a vision of Islamic society in which non-Muslims, women and dissenters retain their dignity and their rights.

Muhammad Nejatullah Siddiqi, "Towards Regeneration: Shifting Priorities in Islamic Movements," *Encounters*

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ABSTRACT

This thesis proposes to study the positions, arguments, trends, and the main features of contemporary Islamic discourse on opposition, dissent and political pluralism. It ventures to investigate whether there is any reason to believe that the Muslim world would be any better off in terms of freedom under Islamic rule than it is now. To accomplish that task the researcher has used the comparative historical approach with elements of the normative approach.

Among the findings of the study is the confirmation of the currently prevalent conviction that one of the root causes of the presently encompassing predicament of the *Ummah* is its failure to manage social conflict and deal successfully with dissent. While ambiguity is the main feature of the Islamic historical heritage on the issue of opposition, the rapid evolution towards its validation and diversity, if not contradiction and inconsistency, are the main characteristics of the contemporary Islamic discourse on opposition. On the one hand the study identified positive evidence including: 'freedom of religion' (*lā ikrāh fī al-dīn*), the commitment to independent judgment and reasoning (*ijtihād*), the principle of diversity and disagreement (*ikhtilāf*), mutual consultation (*shūrā*), the concept of public interest (*maṣlaḥah*), and some maxims of Islamic law. On the other hand it found negative evidence in the form of moral restrictions, legal norms regarding apostasy, blasphemy, rebellion, pledge of allegiance, giving of advice, and the unity of Muslims. Three well established Islamic concepts, namely *ḥisbah*, sovereignty of God and *fitnah* are often legitimately invoked as positive and negative evidence simultaneously. The difficult and painful process of reinterpreting the ambivalent sources and heritage is taking place in conditions of unenviable realities at home, foreign pressure and intervention from outside, and continued uncertainty about outcome.

Most contemporary Islamic thinkers and movements look with favor upon pluralism under the roof of the *Sharī'ah*. I named them 'shariatocrats.' An ever-diminishing group of 'Islamic authoritarians' believe that theological absolutism should be paralleled by political authoritarianism embedded in a single party and an unquestionable single leader. A completely opposite perspective is favored by 'Islamic pluralists/liberals' who, though rejecting agnosticism, secularism, moral relativism and religious indifference strongly believe that diversity of opinion and beliefs was primordially vested by God in Man and should accordingly be welcomed not merely allowed to exist. There is also a growing understanding among this group that freedom from the state like that from colonizers does not come free of charge; that it is seldom, if ever awarded, and that it has to be won. Only a few appear to support the establishment of a 'pious tyranny.' However, wavering between pluralism and shariatocracy is common.

Finally, we found that the gap between Western and Islamic positions on opposition is somewhat exaggerated and that Western liberals often demand from Islamists what they themselves are not ready to concede or undertake. We found sufficient evidence to believe that provided the right conditions - such as genuine democratization of Muslim states - are maintained, Islamic thought will develop further in the direction of a vigorous Islamic pluralism/liberalism.

INTRODUCTION

> Without comparison to make, the mind does not
> know how to proceed.
>
> Alexis de Tocqueville

The Problem and Its Context. The present state of the *Ummah* can hardly satisfy any conscious Muslim. Diagnoses and recommended remedies differ and sometimes even contradict each other. However, one point recurs all the time: lack of freedom to recommend and work for improvement, to express different viewpoints and put forward alternatives, to criticize, contest, oppose, and dissent is paralyzing us. This invariably includes infringement of 'freedom to choose better' or freedom to full obedience to God. Or, as Abdelwahab El-Affendi puts it, "[t]he problem of most, if not all, Muslim societies is that they do not have freedom to be anything."[1] Consequently the Muslim world suffers from pervasive dis-organized or un-institutionalized political conflict, which is a sign of political underdevelopment. Frustration, radicalism, extremism, fanaticism, political alienation, and terrorism of all sorts and sources are our daily realities. Most of all, we are getting used to it - which is the worst part of it. Paul Kennedy identifies the attitude of Muslims towards dissent as one of the causes of their decline in the last few centuries,[2] while Anwar G. Chejne wrote: "The Muslims . . . did not escape the unhappy consequences resulting from the unsettled state of affairs as regards the transmission of power. They were, perhaps, one of the most important causes of the decline of the Islamic state."[3]

This thesis is going to address this malign phenomenon present in practice and justified in the theory of most secular fundamentalists and many Islamic activists in the Arab world from quite a specific angle. Many Islamists have suffered horribly on the hands of the tyrants they supported.[4] According to Saʿīd Ḥawwā, the *Ikhwān* with other Islamists supported Ṣaddām Ḥusayn against Iran in 1985, al-Ghannūshī embraced him in 1990 after the invasion of Kuwait, while Ḥizb al-Taḥrīr reportedly called on him to declare himself the new caliph of all Muslims.[5] This was the same Ṣaddām who systematically wiped out Islamists in Iraq. It is, indeed, a pity that those who suffer from dictatorship most refuse to reject it unequivocally. In that way

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[1] Abdelwahab El-Affendi, *Who Needs an Islamic State?* (London: Grey Seal, 1991), 87.

[2] Paul Kennedy, *The Rise and Fall of Great Powers* (New York: Vintage Books, 1989), 11.

[3] Anwar G. Chejne, *Succession to the Rule in Islam: With Special Reference to the Early ʿAbbasid Period* (Lahore: Sh. Muhammad Ashraf, 1979), 2.

[4] Fathi Osman, *The Muslim World: Issues and Challenges* (Los Angeles: Islamic Center of South California, 1989), 254, 265, hereafter cited as *The Muslim World.*

[5] Saʿīd Ḥawwā, *Hādhihī Tajribatī wa Hādhihī Shahādatī* (Cairo: Maktabat Wahbah, 1987), 147-8, hereafter cited as *Hādhihī Tajribatī*; John Waterbury, "Democracy without Democrats?: The Potential for Political Liberalization in the Middle East," in *Democracy without Democrats?: The Renewal of Politics in the Muslim World,* ed. Ghassan Salame (London: I. B. Tauris Publishers, 1994), 34, hereafter cited as "Democracy without Democrats?"; Youssef Choueiri, "The Political Discourse of Contemporary Islamic Movements," in *Islamic Fundamentalism*, ed. Abdel Salam Sidahmed and Anoushirvan Ehteshami (Boulder, CO: Westview Press, 1996), 19, hereafter cited as "Political Discourse."

Islamic activists play into the hands of their oppressors.[6] For, if those who want change state or imply in advance that they themselves will not allow any change more repression on the part of existing regimes is the only logical outcome. In other words, when the victims of oppression fail to denounce oppression, it is hardly surprising that few Muslims and even less non-Muslims sympathize with their suffering, let alone struggle for their cause.

The reasons for this suicidal attitude are multiple. Perhaps the first is misunderstanding of the nature, merits, advantages (and disadvantages) of the institution of political opposition and its place in Islamic political systems. The other possible reason is what one contemporary Muslim scholar calls the '*mu'tazila disease*': Muslim intellectuals unable to make their point to the Muslim community ally themselves with dictators or, when in power, opt for force and suppression of alternative political platforms and programs. Yet another reason might be that these Islamic activists partake in the political culture shaped by political and educational institutions of existing regimes that do not allow dissent. One objective of this study, among others, is to figure out what these reasons are. Because of all the above-mentioned reasons, for concerned Muslims of today the study of this topic is more than an academic exercise.

Significance and Justification. I am fully aware of the limits – but not futility - of political remedies for the *Ummah*'s present crisis, yet I consider them indispensable and integral to any would-be solution. The organization and institutionalization of political conflict is a pressing issue in the Muslim world, in general and the Arab world, in particular. Conflict itself is a human instinct and, like any other instinct, it can be left un-addressed only at our own peril. Muslims have done it long enough. Ignoring is no solution. Like any other instinct, conflict, and the accompanying differences, cannot possibly be eliminated. The best we can do about it is to understand it, make it predictable and controllable as much as possible through legalization, organization and institutionalization of its acceptable forms.

The current state of knowledge on this issue in the West was surveyed in the first chapter and that of the Arab world partly in the first but mainly in the second chapter. Here, I would just like to draw attention to the deficiency of research on opposition, theoretical and empirical alike, among Muslim scholars.[7] Most materials on the subject of opposition are either pamphlets or ill-thought-out articles in the popular press. Apologetics predominate. According to the best of my knowledge this is the first extensive treatment of this subject in English based largely on the primary sources. It is my hope that with this study I have contributed somewhat in filling this lacuna.

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[6] A Ḥamās leader, Maḥmūd Zahhār in a 1995 interview called democracy 'an original form of dictatorship.' *Muslim World* (Spring 1995), quoted in Judith Miller, *God Has Ninety-Nine Names* (New York: Simon & Shuster, 1996), 474.

[7] Many Muslim scholars have pointed out this deficiency. See, e.g., Ibrāhīm al-'Ibādī, "al-Mu'āradah fī al-Dawlah al-Islāmiyyah," *Qaḍāyā Islāmiyyah Mu'āṣirah*, no 2 (1998), 155, hereafter cited as "al-Mu'āradah"; Muḥammad Mahdi Shams al-Dīn, "Ḥiwār Fikrī Ḥawl al-'Almāniyyah wa al-Shūrā wa al-Dīmuqrāṭiyyah wa al-Mujtama' al-Madanī wa al-Sharī'ah," *Minbar al-Ḥiwār*, 9, no. 334 (Fall 1994), 18, hereafter cited as "Ḥiwār Fikrī"; Rāshid al-Ghannūshī, *al-Ḥurriyyāt al-'Ammah fī al-Dawlah al-Islāmiyyah* (Beirut: Markaz Dirāsāt al-Waḥdah al-'Arabiyyah, 1993), 249, hereafter cited as *al-Ḥurriyyāt al-'Āmmah*; Ṭāriq al-Bishrī, *al-Ḥiwār al-Islāmī al-'Almānī* (Cairo: Dār al-Shurūq, 1996), 39, hereafter cited as *al-Ḥiwār*; Ḥasan al-Turābī, "Qirā'ah Uṣūliyyah fī al-Fiqh al-Siyāsī al-Islāmī," *al-Tajdīd* 2, no. 3 (February 1998): 79, hereafter cited as "Fī al-Fiqh al-Siyāsī al-Islāmī."

Scope. 'Political Opposition' is a sub-subject or co-subject, meaning that it does not stand on its own. The study of opposition requires the study of its *altera pars* - government. Government and opposition are Siamese twins and cannot be separated from each other without running the risk of sacrificing, at least, one of them. However, this does not mean that it is impossible to focus on one while keeping an eye on the other. That is precisely what I did in this study; while concentrating on opposition I have often allowed myself to digress in order to clarify the relationship between the subject under consideration and related subjects of power, government, parliaments, constitutionalism, democracy, civil society, human rights, parties and party systems, social conflict and integration, political culture, political institutions, rebellions, revolutions, etc. Staying focused in the study of such a complex subject turned out to be a difficult task, but it would be even more harmful to neglect certain important relations of opposition to other subjects from the outset. As indicated in the title, the subject was pursued on limited scale; namely in the Islamic political thought of the Arab world since the abolition of the Caliphate (*khilāfah*) in 1924. This was taken as the cut-off date because with the abolition of the caliphate "a system of legitimation and symbolic identity that had lasted 1,300 years came to an end."[8]

History was invoked only when necessary. My prime interest has been in the views and arguments of the Islamic thinkers and Islamists of the Arab world regarding legal norms pertaining to opposition in Islamic law and thought, forms of its efficient organization / institutionalization and the fostering of opposition-tolerating / tolerant political culture. Throughout the study political culture was especially taken care of because my impression so far is that, as the old Arab proverb goes, it is the singer, not the song which counts, meaning that more often than not it is the inadequacy of our attitudes and beliefs (culture) not our institutions which underpin our present political failings.

The issue of opposition can be studied at yet another level, one of higher abstraction, that of modernity *versus* tradition; authenticity *versus* westernization, universalism *versus* the relativism of western human rights discourse, clash of civilization, etc. Indeed, at certain points of my study I have found that some issues pertaining to the subject of opposition cannot be settled except at that level. For instance, democrats and liberals themselves concede that the issues concerning the very identity and boundaries of a community can hardly be resolved through democratic or opposition politics. Those issues have been settled even in the United States through wars and civil wars. Most democrats and Islamists agree that the opposition that asks for legitimization must pledge loyalty to the constitutional framework of the state. The question of the best constitutional framework falls already outside the strictly defined problem of opposition, and thus, outside the scope of this research.

Objectives. After providing some basic definitions and a brief exposition of the principles and institution of political opposition in the West the present work proceeds to explore the issues in question with a view to answering the following questions: (1) What are the principal trends in Islamic Thought and Movements of the contemporary Arab world with respect to the issue of opposition in the sense defined above? (2) What are the arguments put forward and what are the legal

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[8] Edmund Burke, III, and Ira M. Lapidus, preface to *Islam, Politics, and Social Movements* (Barkeley: The University of California Press, 1988), xiv.

concepts and techniques invoked by different parties in the debate? (3) What is the socio-economic and political background of these opinions? (4) To what extent are these views responsible for the sustained wave of anti-Islamic propaganda *a la* 'Islamic threat' and for the continued Western support of authoritarian regimes in the Middle East?

Methodology. This is an essay in the history of ideas viewed and interpreted in their social context; a *historical/comparative analysis* with elements of *normative/legal research.* The historical portion has been downsized in order to allow for more thorough analytical and comparative study of the subject. Why this approach? The answer is rather simple: in addition to being the best and usually preferred way of approaching the subject under consideration it was also seemingly the only viable choice in my case. Adopting the historical or normative/legal research methods exclusively would, I think, arbitrarily exclude important aspects of the subject from the study. On the other hand, empirical methods in spite of their apparent utility for this kind of study was left out because of several reasons which include lack of resources, my limited knowledge of the tools of empirical research such as statistics and statistics related skills (SPSS application, etc.), as well as time and financial constraints.

The West and its experience of political opposition are not paradigmatic in our case. However the Western-liberal paradigm is preferred to other paradigms as it underpins the best present working model and thus I used it as the frame of reference for heuristic reasons.[9] While I do not believe – as Fukuyama, and others do - that liberal democracy is the ultimate socio-political system, I am prepared to concede that - at the moment - it is the least evil at hand. I have spent some time spelling out the details of the evolution and working of Opposition in the West because I realized that many Muslims reject it without having a satisfactory insight into the institution itself and its role. It is my conviction that most of them denounce it because of the misconceptions which they hold about it. As this is meant to be a comparative study, I thought it appropriate to dwell on the pioneering Western experience with Opposition.

Literature Review. The subject of political opposition as a separate topic is a late-comer to the field of political science even in the West where the institution of opposition in some of its forms is centuries old. In brief, interest in the subject surged in mid-1960s. In the course of the following decade a number of - by now - classic studies on the sources, nature, functions, and forms of opposition emerged. This was also the time that witnessed the establishment of the journal, *Government and Opposition.* As a rule, the point of reference in these studies was liberal democracy. Interest in the subject was subsequently aroused by 'the end of history' and 'the democracy's third wave' debates.

In the first full-fledged study of the legal opposition (usually designated the Opposition) *Political Oppositions in Western Democracies* (New Haven: Yale University Press, 1966) Robert A. Dahl observed that the right to legally protected opposition is a particularly modern phenomenon. In this and two subsequent works

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[9] Aziza Y. al-Hibri, *Islamic Constitutionalism and the Concept of Democracy* (Washington, D. C.: American Muslim Foundation, n.d.), 1, hereafter cited as *Islamic Constitutionalism.* Al-Turābī even thinks that people are unable to understand Islam unless it is presented in comparative perspective. Al-Turābī, "Fī al-Fiqh al-Siyāsi al-Islāmī," 81.

of his, Dahl introduced some powerful concepts and hypotheses in the study of opposition which include the observation that the tolerance or lack of tolerance by authorities towards 'loyal' opposition is a function of calculations by governments about the political costs of otherwise attempting to coerce opponents and the distinction between structural and non-structural opposition.

Another important source of studies on opposition has been the group of scholars writing in *Government and Opposition*. In the early issues of the journal and the book produced by the editors of the journal, Ionescu and de Madariaga (*Opposition: Past and Present of a Political Institution.* London: C. A. Wath, 1968) it was reiterated that 'the presence or absence of institutionalized political opposition can become the criterion for the classification of any political society in one of two categories: liberal or dictatorial, democratic or authoritarian, pluralistic-constitutional or monolithic' (p. 16).

These works were severely criticized because of their overtly liberal bias and celebration of the existence of opposition *per se* instead of focusing on the forms and contents of oppositions at large. This kind of criticism that has been formulated by Rodney Barker, Juan J. Linz and others resulted in more attention being paid to alternative sources and forms of opposition in non-Western societies. Of special importance are the latest discussions of civil society in South East Asia with some of them helping researchers to break away from the dominant liberal framework.

As far as the study of the subject by Muslims is concerned the first thing to notice is the absence of sufficient research on this important issue. The principle and institution of political opposition became a subject of study on its own in Islamic political thought only in 1980s. Before that other, allegedly more important topics such as colonialism, unity and the re-establishment of the caliphate consumed the attention Muslim thinkers. Until the 1990s the only serious study dealing exclusively with the subject was Nevīn Muṣṭafā's published Ph.D. Dissertation *al-Muʿāraḍah fī al-Fikr al-Siyāsī al-Islāmī* (Cairo: Maktabat al-Malik Fayṣal al-Islāmiyyah, 1985). The study is a good pioneering work which concentrated on the normative aspect of the subject, and historically confined to first two and a half centuries after the *Hijrah*. However very little was said about opposition in modern Islamic thought, especially that of the Middle East. Apart from this study a variety of pamphlets and journalistic articles rather than academic analysis of the subject have appeared. Fortunately numerous studies on related topics (democracy, civil society, etc.) with special reference to the Arab world have been produced, mainly by Western Scholars. In addition to ample information available in the mass media and publications and published documents of the Islamic movements of the Middle East, these studies proved to be a rich source of raw materials for our analysis. I have prepared an extensive bibliography of the books and articles that I have used on this and related subjects. However only the most important of them are included in the bibliography which is to be found at the end of the thesis.

Outline. I have divided this research into an introduction, three chapters and conclusion. In the first chapter I have examined the different definitions put forward by Western and Arab-Muslim scholars. Next I explored the functions, taxonomy, and evolution of Opposition in the West from simple statement of disagreement to legally protected alternative government. Historical forms of civil society and Opposition in the Arab-Muslim world have been considered. Special attention was paid to the assumptions/presuppositions of Opposition, the relationship between

Opposition, party systems and democracy, and the issue of the possibility of Opposition in religious politics. This chapter was meant to provide the backdrop against which the study of ideas concerning Opposition in the contemporary Islamic thought of the Arab world was conducted. The second chapter, though largely descriptive, provides some necessary insights into contemporary Islamic political thought in the Arab world with regard to Opposition. Since the Islamic sources, intellectual heritage and history are ambivalent about the right to contest and dissent, I have surveyed the positive and negative evidence invoked in the contemporary debate, and produced a possible spectrum of opinions on the subject-matter of Opposition. Towards the end of the chapter the specific answers to the questions pertaining to the legitimization and validation of different types of Opposition were pursued. The last chapter, is mainly analytical and revolves around four issues: the evolution of the contemporary Islamic discourse with regard to the topic under consideration, its defining features, the real motives of Islamic thinkers and leaders, and selectivity/double-standards of the West in its presumed 'support' for democratic movements in the Muslim world.

CHAPTER I

BACKGROUND CONSIDERATIONS

> 'Government' without 'opposition' must be either a tyranny or an illusion.
>
> Leonard Schapiro

> You can do anything with bayonets except sit on them for long.
>
> An old English saying

In this chapter I intend to clarify the meaning(s) of opposition and related terms by analyzing alternative definitions and taxonomies, and by identifying the main functions of Opposition in Western and Islamic political thought. I will also try to establish the relationship between opposition, on the one hand, and democracy and party, on the other hand, through an overview of historical socioeconomic and political conditions in which opposition first emerged as a fully fledged functional political institution. By doing this I hope to provide a backdrop against which an insightful analysis and critical assessment of the views of contemporary Muslim thinkers about the issue will be possible in subsequent chapters.

The present chapter opens with etymology, moves on to definitions, functions and patterns of opposition, and concludes with a brief account of the origins and evolution of opposition in the West, together with an overview of those traditional Islamic institutions which historically fulfilled some of the functions of modern opposition. The issue of whether these institutions can effectively substitute for the institution of political opposition in the contemporary Muslim world or, alternatively, serve as a sound platform for the development of one, will be briefly considered.

1.   Etymology

According to *The Oxford English Dictionary* and *Webster's New World Dictionary*[10] the word opposition is of Latin origin. It came into Medieval English (where it read *opposicioun*) from the Old French term *opposition*, and its roots ultimately going back to the Latin verb *opponere* (to place oppositely; to oppose in argument, question, etc.). It refers to the act of opposing, to an opposed condition; to resistance, antagonism, contradiction, contrast, hostility etc., as well as to any person, group, or thing that opposes (i.e., actors or opponents). More specifically, it denotes (*often* with a capital 'O-') a political party opposing, and serving as a check

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[10]   Leonard Schapiro, inftroduction to *Political Opposition in One-Party States*, ed. Leonard Schapiro (London: The Macmillan Press, 1972), 2.

on, the party in power. In addition, it is used as a technical term in astrology, astronomy, logic, rhetoric, semantics, linguistics and law. So far as politics are concerned Prof. L. Schapiro asserts that it is of 18th century origin when 'the idea took root that the 'party' of opposition stood 'opposed' to the administration of the day, the 'party' of government, ready and anxious to take its place." As such it has "a peculiarly English connotation."

Opponent, a word of the same etymological root, denotes "a person who opposes; one person against another in a fight, game, debate, etc.; adversary." According to an explanatory note in *Webster's N. W. Dictionary*, it is 'an unemotional word, refers to anyone who is opposed to one, as in a fight, game, debate, etc.', while its near synonymy antagonist, adversary, enemy and foe express different, more active levels of opposition with the last one connoting most active hostility.[11]

This relatedness of the term opposition to words expressing different levels of antagonism is an interesting phenomenon and it keeps recurring in different languages,[12] including English, as we have just seen, notwithstanding the opinion expressed by Rodney Barker[13] who would have us believe that this relatedness is alien to English; contemporary English, perhaps, but not 18th and 19th English. The survey of meanings which were associated with the term opposition as mentioned in *the Oxford English Dictionary* clearly proves our point.[14] In 16th and 17th century we read about opposition mostly on the battlefield. In 1704 one could read about opposition thought of as bribed by a foreign government; in 1747 it was accused of immorality; and as late as 1847 one author speaks about 'bark[ing] all the year round, in opposition.' As we will see, it took the English-speaking world several centuries to dissociate opposition from hostility, immorality, disloyalty, treason and other pejorative connotations. Ionescu's assertion[15] that one source of opposition is 'the instinct of hostility' is equally true for Britons and others.

More specifically, in an interesting observation, Professor de Jouvenel claims that "[i]n juridical language, opposition is a procedure which suspends the execution of a sentence," i.e., intercession. He asserts that "[i]n classical writers the right of opposition does not simply mean freedom to express dissatisfaction and seek to persuade others to share it, but a formal right to check the action of the government."[16] As such, he continues, the term was applied particularly to the

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[11]   Victoria Neufeldt and David B. Guralnik, eds., *Webster's New World Dictionary of American English: Third College Edition* (New York: Prentice Hall, 1994), 950; J. A. Simpson and E. S. C. Weiner, eds., *The Oxford English Dictionary*, 2d ed. (Oxford: Clarendon Press, 1989), 10: 866-70.

[12]   Schapiro, "Foreword," 2.; Nevīn Muṣṭafā, *al-Muʿāraḍah fī al-Fikr al-Siyāsī al-Islāmī* (Cairo: Maktabat al-Malik Fayṣal al-Islāmiyyah, 1985), hereafter cited as *al-Muʿāraḍah*; Abū al-Faḍl Jamāl al-Dīn Muḥammad ibn Mukram Ibn Manẓūr, *Lisān al-ʿArab* (Beirut: Dār Ṣādir/Dār Bayrūt, 1956), 7:185-6.

[13]   Rodney Barker, introduction to *Studies in Opposition*, ed. Rodney Barker (London: Macmillan Press, 1971), 4.

[14]   See especially 5.a., b. and d., and 6.a. under the entry 'opposition' in *the Oxford English Dictionary,* 10: 869.

[15]   Ghita Ionescu and Isabel de Madariaga, *Opposition: Past and Present of a Political Institution*, 2d ed. (Harmondsworth: Penguin Books, 1972), 14, hereafter cited as *Opposition*.

[16]   Bertrand de Jouvenel, "The Means of Contestation," *Government and Opposition* 1, no. 2 (1965-66), 159.

potestas or *tribunicia potestas,[17]* the power of the Roman tribunes to oppose or veto decisions of the Senate and to prosecute the magistrates attempting to implement them.[18] The Roman tribunes were initially set up to oppose the violence and abuses of the government. This right of a tribune to intervene in person, on his own or a plaintiff's initiative, and to block the effects of the acting court's decisions, known legally as intercession (*intercessio*), was soon lost even by the Roman tribunes to the overpowering emperors. Nothing in today's political systems resembles these powers. The nearest (but still far away) parallel is the *ombudsman*. We will come back to the Roman tribunes in the section on the evolution of means of contestation.

2.   Defining Opposition

A. Opposition in Western Political Thought: An Inflated Concept?

If democracy is essentially a contested term, opposition is essentially an 'inflated' one,[19] meaning that it is used with reference to too many things. Political scientists have differently defined the concept of opposition. Though their definitions vary, it is hard to conclude that the very concept of opposition is contested in the same ways as democracy, for instance, is. Most of the differences we encounter in definitions of opposition are matter of the angle from which a particular scholar approaches the subject, or an aspect that he/she puts emphasis on (or, perhaps, the theoretical orientation to which he/she subscribes; normative, institutionalist, or functional, respectively). While some writers stress the notion of 'right' to oppose, others are more inclined to talk about the role or institution of opposition. Now that we have looked at the general meaning of the word 'opposition,' we may have a closer look at some of the definitions of opposition put forward by political scientists.

For Eva Kolinsky, herself an editor of a book on opposition in the West, "the term refers to the right of minorities to criticize the majority, to exercise control, and to seek popular/electoral support by advocating alternative positions."[20] Her definition appears to be unjustifiably narrow. If opposition means the right of minorities to challenge the majority, does it imply that the challenge of a ruled majority to a ruling few should not be called opposition? Perhaps, the definition would be more acceptable if the terms minorities and the majority are replaced by governed and government, respectively. It is quite obvious that this definition was designed to suit the liberal-democratic environment of the West where, at least presumably, the majority rules. This definition points to some of the functions of opposition to which we will come back later.

Unlike Kolinsky, David Robertson puts more emphasis on opposition's institutional aspect. For him "[a]n opposition is a political grouping, party, or loose association of individuals who wish to change the government and its policies."[21]

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[17]   The power of the Senate to make decisions was known as *imperium*. Ionescu and de Madariaga, *Opposition*, 21.

[18]   Ionescu and de Madariaga, *Opposition*, 21.

[19]   Barker, introduction to *Studies in Opposition*, 25.

[20]   Eva Kolinsky, "Opposition," *The Blackwell Encyclopedia of Political Science,* ed. Vernon Bogdanor, 2d ed. (Oxford: Blackwell, 1992), 397-400.

[21]   David Robertson. *The Penguine Dictionary of Politics* (London: Penguin Books, 1993), 357-8.

While its emphasis on the institutional aspect is hardly objectionable, I find it rather unsatisfactory because of the arbitrary exclusion of certain types of opposition such as the one which tries to change the existing system, regime or socioeconomic structure, or even the borders of the given state. In addition, defining opposition in such a way would exclude an interesting phenomenon of intra-party opposition taking place in both ruling and opposition groups.[22] Furthermore, it is sometimes hard, if at all possible, to locate the opposition; the best example is the United States in the last fifteen years. In Dahl's words, in certain systems opposition dissolves into the system. In such situations Robertson's definition would be of little help.

In their acclaimed study *Opposition: Past and Present of a Political Institution*, professors Ionescu and de Madariaga used the term political opposition only for "the most advanced and institutionalized form of political conflict." According to them,

> [the] term should be used of situations where an opposition is not merely allowed to function, but is actually entrusted with a function. As such, it becomes an institution . . . the crowning institution of a fully institutionalized political society and the hallmark of those political societies which are variously called democratic, liberal, parliamentary, constitutional, pluralistic-constitutional, or even open or free.[23]

While, again, such a strict and specific definition might be useful for the study of the opposition in the West, it is difficult to justify its use in comparative studies of sharply different regimes such as those of the United Kingdom, Saudi Arabia and Iran, for example. Of course, professors Ionescu and de Madariaga were fully aware of this deficiency in the definition, and subsequently developed other complementary terms, such as *control*, *dissent*, and *contestation*, when speaking of the challenges to the authority or 'non-institutional and non-constitutional opposition' in non-parliamentary, poorly institutionalized, or one-party regimes. Building upon Sartori's notion of control, Ionescu means by opposition "anything that checks absolute power, taking 'into account the multiple and overlapping forms of control implied by the existence of independent courts, of pressure groups, of trade unions, of youth movements, and for developing countries, of traditional or tribal groups, modernizing elites.' In this sense, control, or political control, obviously loses its earlier institutional connotations."[24]

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[22] R. M. Punnett, *Front-Bench Opposition: The Role of the Leader of the Opposition, the Shadow Cabinet and Shadow Government in British Politics* (London: Heinemann, 1973), 24, hereafter cited as *Front-Bench Opposition*; Kolinsky, "Opposition," 397.

[23] Ionescu and de Madariaga, *Opposition*, 16.

[24] G. Ionescu, "Control and Contestation in some One-Party States," *Government and Opposition* 1, no. 2 (1965-66), 240, hereafter cited as "Control and Contestation"; See also: Geovani Sartori, "Opposition and Control: Problems and Prospects," in *Studies in Opposition*, ed. R. Barker (London: McMillan, 1971), 36-37, hereafter cited as "Opposition and Control." Note how checks and balances built-in-the-government apparatus or institutional opposition (e.g., independent courts) are mixed with non-governmental checks. An interesting distinction between opposition which is to be found in certain systems emanating from sub-system independence (federalism) and separation of powers, from opposition coming from other sources (even when institutionalized) was suggested by Punnett, *Front-Bench Opposition*, 22. The former he called institutional opposition. It is equivalent to what R. Barker mentions as the fifth use of the term opposition. (See below). 'Institutional opposition', used in this sense, should not be confused with 'institutionalized opposition' which, usually, refers to any kind of opposition sanctioned by law. Ionescu and de Madariaga, *Opposition*, 161.

However, control in this sense does not exhaust all the meanings of the non-constitutional and non-institutional opposition in the said regimes. Thus a new term is introduced: contestation. In full agreement with Sartori again, Ionescu claims that it should be used 'to describe the anti-system, basic and permanent postulates of any opposition on the grounds of fundamental, dichotomous differences of opinion and ideologies."[25] As such it is neither responsible, nor constitutional.[26]

Regarding the basic difference between control and contestation we are told that whereas in control principal actors are of socioeconomic and professional nature with interest as their main motive, in contestation 'the specific actors are the centers and catalysers of moral and political influence: factions, national-cultural groups, churches, universities, reviews,' their main motive being that of dissent.[27] Thus political conflict can take three forms: contestation, control, and opposition, whereby the notion of opposition is specific, limited, and that of control general. In fact, the term opposition is reserved for constitutional, peaceful, constructive, loyal, responsible opposition that agrees with the government on fundamentals, denounces separatism, and abides by the rules of the game even when it means its fall from power.[28]

Of similar attitude are J. Jerzy Wjatr and Adam Przevorski who reiterate that opposition is usually 'identified with the control of the governed over the government' and, when used in this sense, has three characteristics: a) it is political, b) it is institutionalized in the form of a party or parties, c) it is supposed to be 'responsible', i.e., not obstructionist. Thus, opposition, defined in this narrow manner, is but one of the means of control over the government exercised by the governed.[29] Somewhat loosely, Hagan defined opposition as "those groups in the political system who challenge the current regime's hold on power and/or program of policies."[30]

Our objection to the previous definitions is their specificity where generality is required.[31] Roy C. Macridis, Leonard Schapiro and Garry Rodan also find the traditional definition to be too restrictive.[32] In reality, the phenomenon of opposition is very diverse and difficult to capture accurately by any of the above mentioned

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[25] Ionescu, "Control and Contestation," 241.

[26] Sartori, "Opposition and Control," 36; Bernard Crick supports such a distinction. B. Crick, "On Conflict and Opposition," a review of Robert Dahl, ed., *Political Oppositions in Western Democracies*, in *Studies in Opposition*, ed. Rodney Barker (London: McMillan, 1971), 39.

[27] Ionescu and de Madariaga, *Opposition*, 160.

[28] Sartori, "Opposition and Control," 31-36.

[29] J. Jerzy Wjatr and Adam Przevorski, "Control without Opposition," *Government and Opposition* 1, no. 2 (1965-66): 227-39. For the somewhat detailed critique of narrow definitions of opposition see Garry Rodan, "Theorising Political Opposition in East and Southeast Asia," in *Political Opposition in Industrializing Asia*, ed., G. Rodan (London: Routledge , 1996), 1-34 passim, hereafter cited as "Theorising."

[30] Joe D. Hagan, *Political Opposition and Foreign Policy in Comparative Perspective* (Boulder: Lynne Reinner Publishers, 1993), 2, 16, hereafter cited as *Political Opposition*.

[31] If one adopts Ionescu's definition it would be very much possible to claim that there is no opposition in the most states of the Middle East. Consequently, this study should be entitled differently.

[32] Roy C. Macridis, "Oppositions in France: An Interpretation," *Government and Opposition*. 7, no. 2 (1972): 167, hereafter cited as "Oppositions in France." (Reprinted in Barbara N. McLennan, ed., *Political Opposition and Dissent* (New York: Dunellen Publishing Company, 1973), 51-72); Schapiro, "Foreword," 3.

definitions. While it is perfectly legitimate to try to discern its different forms and patterns, the need for an overarching concept remains. None of the so far proposed alternatives has attained the wide popularity of the term 'opposition' (not even in academic writings) so as to be recommended as a substitute. True, if we stick to a broad meaning of opposition we may run the risk of imprecision which can spoil any deeper insight into the phenomenon. As a solution, we will try to avoid using the unqualified term opposition. The practicability of this solution will become more clear after the exposition of the different types of opposition.

Today, opposition is utilized with reference to so many different types of contesting power and challenging authority that some, like Rodney Barker, refused to define it as such and went immediately to enumerate the different meanings of opposition, i.e., its types, without giving any specific definition. Consequently, he ended up with a taxonomy rather than a definition. He says:

> In the first place, opposition may mean total resistance to the form and basis of the state, and a determination to overthrow it by whatever means . . . . Secondly, the word may denote resistance to the power of the state when the letter is viewed as an oppressive institution. Thirdly, the word 'opposition' may refer to resistance to the group, faction, or dynasty in command of the state, and to a denial of its legitimacy. Fourthly, it may be used to denote a loyal opposition which opposes the commanding group without either contesting its legitimacy or threatening or rejecting the basis of the state or the constitution. Fifthly, the opposition may be used to mean the system of checks and balances whereby the constitution guards against and corrects its own excesses, or to identify a belief in a composite or divided sovereignty . . . . Finally, the term has been used to describe the methods whereby the citizen or group, without condemning government as inherently oppressive, modifies its action, mellows its harshnesses, and prevents its tyrannies . . . .[33]

Other authors, while developing definitions that would be applicable to all patterns of opposition, have been cautious enough to avoid the trap of specificity. The result is 'a deliberately broad and vague' definition which seems to me to be the most appropriate for this research. I am talking about Prof. Robert Dahl's definition. After admitting the difficulties that one invariably encounters in defining the term, he proposes the following:

> Suppose that *A* determines the conduct of some aspect of the government of a particular political system during some interval. . . . . Suppose that during this interval *B* cannot determine the conduct of the government; and that *B* is opposed to the conduct of government by *A*. Then *B* is what we mean by "an opposition." Note that during some different interval, *B* might determine the conduct of the government, and *A* might be "in opposition." Thus it is the role of opposition that we are interested in; we are concerned with *A* and *B* only in so far as they perform that role in different ways.[34]

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[33] Barker, introduction to *Studies in Opposition*, 5-6. See also Barbara N. McLennan, "Approaches to the Concept of Political Opposition," in *Political Opposition and Dissent*, ed. Barbara McLennan (New York: Dunellen Publishing Company, 1973), 2, hereafter cited as "Approaches."

[34] Robert A. Dahl, preface to *Political Oppositions in Western Democracies* (New Haven, Yale University Press, 1966), xvi.; Robert A. Dahl, "Governments and Political Oppositions," in *Handbook of Political Science*, ed., Fred I. Greenstein and Nelson W. Polsby, vol. 3, *Macropolitical Theory* (Reading, Mass.: Addison-Wesley Publishing Company, 1975), 116-7.

This definition seems suitable primarily because it is not prejudiced against any goals, strategies, functions, organizational forms or means, and, perhaps, motives of opposition.[35] Being so broadly defined the term will need constant qualification, and that is what we intend to do. In such a way we will also be able to relate our terms to alternative ones of control, contestation, dissent, etc. developed by Sartori, Ionescu and others.

Another advantage of this definition is that it puts opposition in its proper relation to the government as its *altera pars*. Furthermore, by emphasizing that *A* (or *B*) may be in a position to determine only '*some aspect of the government*' it takes care of opposition 'dissolved into the system.'

Thus, following Dahl's definition, for the purposes of this research opposition will be used to refer to all those organized and unorganized, legal and illegal forces in a polity that during some interval, for one reason or another, actively or passively oppose policies, or personnel of its government, or even its socioeconomic structure, regime and boundaries, inside and outside the parliament, irrespective of its intentions to take over the reins of power or not.

A final note is in place here. Professor Dahl developed the above mentioned definition in the introduction to his classic collection of empirically oriented essays aimed at identifying the socioeconomic and political conditions and traits in a political culture which are conducive to the existence of opposition. The present study is of a different nature and consequently we are not looking for answers to the same set of questions. However, this does not make his definition obsolete in our case. We are looking for answers in contemporary modern Islamic political thought on the following, primarily normative, questions pertaining to opposition as a *role* in political system: Would an Islamic system allow for something like it?, How much opposition is desirable?, What goals are permissible?, What means are acceptable?, Who is allowed to play that role?, etc.

Before one can attempt to give answers to the preceding questions one has to be clear about the values which an Islamic political system is supposed to advance. Only by juxtaposing these values with the functions of opposition as we know it today (see below), can one give reasoned answers to the above raised questions. To attempt to give answers before delineating the goals of the Islamic political system is, in our judgment, a futile exercise. In other words, to assess opposition in an Islamic political system, is to assess that system itself.

In the case of liberal democracy Robert Dahl thinks that the desirability of opposition in a democratic polity should be judged by the extent to which different patterns of opposition help a democratic polity to achieve its goals, namely: liberty of thought and expression, participation, majority rule, rationality, consensus, peaceful politics, expediency, and loyalty to democratic polity.[36] We eagerly wait to see if any of our contemporary thinkers has done such a thorough assessment of opposition.

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[35] However, this is not to say that Dahl, as one of the most prominent advocates of democracy, has been less Eurocentric in his, especially early, work. In fact, his *Political Oppositions in Western Democracies* was accused of liberal bias. He reportedly tried to redress that in his later work by inviting one of his critics (e.g., Juan Linz) to contribute to his *Regimes and Oppositions* (New Haven: Yale University Press, 1973).

[36] Dahl, "Reflections," 7-19.

B. Opposition in Islamic Political Thought: Obsession with Controlling
   Despots

The English term 'opposition' is regularly translated as '*mu'āraḍah*' in Arabic.
The word '*mu'āraḍah*' is an original Arabic word which can be traced back in Arabic
literature to pre-Islamic times. Among its meanings are discussion, rivalry, studying
together, pursuit, imitation, to be opposite to, struggle, challenge (*muqābalah,
mubārāh, mudārasah, mutāba'ah, muḥākāh, muḥāḍhāh, mughālabah, taḥaddī*).[37]
When Ḥasan al-Baṣri was invited to participate in the revolution against al-Ḥajjāj he
declined and advised his disciples 'not to oppose (*lā tu'āriḍū*) God's punishment with
sword.'[38] A great *ṣūfī*, Sahl ibn 'Abd Allāh al-Tustari (d. 283), entitled his work "*al-
Mu'āraḍah wa'l-Radd 'alā Ahl al-Firaq, wa Ahl al-Da'āwi fī al-Aḥwāl*," a work in
which he criticized some Islamic sects and their teachings.[39] This title indicates that
already in the third century A.H. the term was used to mean criticism and difference
of opinion. On the basis of this and examination of classic Arabic dictionaries we can
conclude that the term '*mu'āraḍah*' is an authentic Arabic term.[40] However in modern
times it acquired new meanings namely those of the English term 'opposition' and
today it is used to refer to all or some of the meanings of 'opposition.' Jamāl al-Dīn
Muḥammad Maḥmūd considers the right of opposition to be one of the foundations
of government in Islam and defines it as "the right to publicly declare views different
from those of the government on the affairs of the Community and its policy." He
cites a huge number of precedents form early Islamic history to establish this right.
He would not specify any particular type of organizing opposition but puts forward
two conditions that must be secured in the Islamic state. First, that the act of
opposition does not bring trouble upon the one who does it. Second, that it be
possible for a person with different views to express them publicly, because
organizing people secretly and their incitement against state is *fitnah* which Islam
refutes.[41] Aḥmad al-'Awaḍi defines political opposition as "disapproval of the
ra'iyyah or some of it of government's action which goes against the laws of the
state or the interest of the *Ummah*. Its essence being the commanding of good and
prohibiting evil . . . ."[42] This is in fact the opposition he approves of.[43] As we will see
in the section on the functions of opposition, contemporary Arab-Muslim thinkers

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[37] Ibn Manẓūr, *Lisān al-'Arab*, 4: 7, 184-6; Nevīn Muṣṭafā, *al-Mu'āraḍah fī al-Fikr al-Siyāsī al-
Islāmī*, 8-14. Al-Bāqillānī discusses on several pages issues related to *mu'āraḍat al-Qur'an* or
imitation and challenging of the Qur'an. Abū Bakr al-Bāqillānī, *Tamhīd al-Awā'il wa Talkhīṣ al-
Dalā'il*, ed. 'Imād al-Dīn Aḥmad Ḥaydar (Beirut: Mu'assasat al-Kitāb al-Thaqāfī, 1987), 172-77,
hereafter cited as *Tamhīd*.

[38] Nevīn Muṣṭafā, *al-Mu'āraḍah*, 309.

[39] Edited by Muḥammad Kamāl Ja'far (Cairo: Dār al-Insān, 1980).

[40] Nevīn Muṣṭafā, *al-Mu'āraḍah*, 9-10.

[41] Jamāl al-Dīn Muḥammad Maḥmūd, *al-Dawlah al-Islāmiyyah al-Mu'āṣirah: al-Fikrah wa al-Taṭbīq*
(Cairo: Dār al-Kitāb al-Miṣrī, Beirut: Dār al-Kitāb al-Lubnānī, 1992), 156-60, hereafter cited as *al-
Dawlah*.

[42] Aḥmad al-'Awaḍī, *Ḥukm al-Mu'āraḍah wa Iqāmat al-Aḥzāb al-Siyāsiyyah fī al-Islām* (Amman:
Dār al-Nafā'is, 1992), 9, hereafter cited as *Ḥukm al-Mu'āraḍah*.

[43] al-'Awaḍī promised to publish a separate booklet on the difference between political opposition
(as defined above) and opposition of principle (*mu'āraḍat al-mabda'*), and between political
competition (*al-munāfasah al-siyāsiyyah*) and competition of principle (*munāfasat al-mabda'*). As
of this moment I am not aware if this booklet has come out of print. al-'Awaḍī, *Ḥukm al-
Mu'āraḍah*, 9.

while, usually, not providing definitions strongly emphasize certain functions of opposition (criticism and checking the power of government, protection of the individual from the capricious power of state) while regularly neglecting others (interest representation, alternative government). When we compare what we have said about terms 'opposition' and '*muʿāraḍah*' we see mainly similarities; the important difference being that 'opposition' acquired new meanings under the pressure of developments in the political life of the English world, while '*muʿāraḍah*' acquired those meanings under foreign influence.

Having opted for the broadest of all definitions, it is extremely important to identify different patterns of opposition; an exercise which will enable us to be more precise when discussing the views and arguments of contemporary Islamic political thinkers. Indeed, much of the talk about opposition gains meaning only when the opposition is somehow qualified. After seeing the list of meanings assigned to the term 'opposition,' ranging from 'revolution to mild criticism of housing programs,' to make such a point is something of a truism. Various authors have produced various taxonomies and we shall try to synthesize without following anyone in particular. It should be noted that these differences in classifying different types of opposition stem mainly from the different criteria employed. For instance, some authors do the classification according to the goals, others according to the strategies, and yet others according to the site of operation or action. While all of these taxonomies can help us a great deal in grasping fully the phenomenon of opposition, some of them are obviously of higher significance for our discussion. This will be self-evident from the next section.

3.   Taxonomies

Perhaps the most important classification of opposition is the one based on the differences of objectives pursued. The distinction between structural and nonstructural opposition, which Robert Dahl made some thirty years ago, is still one of the best ways of going about it. Nonstructural opposition, also designated as "normal,"[44] limited, up-to-a-point,[45] pragmatic, programmatic,[46] and semi-opposition[47] is the one whose goal is to change or prevent change in personnel of the government or specific policy while being in general agreement with the government over the political system or regime and socioeconomic structure of the state. On the other hand, structural opposition (also opposition of principle, antisystem, systemic,[48] fundamentalist, ideological opposition, and opposition to the regime[49])

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[44]   Dahl, "Governments and Political Oppositions," 167.
[45]   Punnett, *Front-Bench Opposition*, 13.
[46]   Macridis, "Oppositions in France," 166.
[47]   Rodan, "Theorising," 11; Norman Blume, "Sedes: an Example of Opposition in a Conservative Authoritarian State," *Government and Opposition* 12, no. 3 (1977): 351, 359.
[48]   Hans Daalder, "The Netherlands: Opposition in a Segmented Society," in *Political Oppositions in Western Democracies*, ed. Robert Dahl (New Haven: Yale University Press, 1966), 232-3, hereafter cited as "The Netherlands"; O. Kirchheimer, "Germany: The Vanishing Opposition," in *Political Oppositions in Western Democracies*, ed. Robert Dahl (New Haven: Yale University Press, 1966), 237; Sartori, "Opposition and Control," 33; Kolinsky, "Opposition," 397.
[49]   Macridis, Oppositions in France," 166.

aims at change or prevention of change in each of the four areas mentioned here.[50] Most importantly, it advocates the change in the rules of the political game. The most common example of the former would be the major parties in the United Kingdom and the United States today, and of the latter the Communist parties in Italy and France until recently, or Islamic parties in the existing regimes in the Muslim world.

If a group contests the boundaries of the community in which it functions it is often labeled as separatist, and, usually, is not permitted to function legally, although exceptions have existed. The most famous instance is that of the Irish Nationalists in British Parliament until 1922.[51] Our last example testifies that structural opposition needs not necessarily be illegal, un-constitutional or extra-parliamentary, although it often is, even in Western democracies.[52] If it is allowed to function, it is known as anti-system opposition within the system.[53] Indeed, only strong, well-established regimes with a very tolerant political culture can afford this.

A further important sub-classification is in order here. Regarding nonstructural opposition it can be: (1) office-seeking, (2) policy concerned, or (3) both. [54] That a certain group of people may be interested only in influencing a policy (cause-oriented groups) and not directly interested in taking over power is an important point, having in mind that some Muslim scholars have argued that opposition is unlawful because, allegedly, no contestation of power (*munāza'ah*) is allowed in Islam.

On the other hand, structural opposition can be sub-divided into violent (radical, revolutionary) or reform-minded opposition. The main advantage of non-revolutionary opposition is that it is often allowed a place and role in the system, while revolutionary opposition can hardly expect the same. Yet, because of non-revolutionary opposition's loyalty to the system it is 'largely valueless as a force for fundamental change.'[55] Thus, revolutionary opposition may be more meaningful, but it still has to look for other than 'official' means through which to operate.

We have just mentioned that opposition may be legal (henceforth Opposition) or illegal. Empirically speaking, the deciding factor of an opposition's legality are not goals it advocates or strategies it adopts, but the degree of disagreement and dissent

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[50] Robert Dahl, "Patterns of Opposition", in *Political Oppositions in Western Democracies*, ed. Robert Dahl (New Haven: Yale University Press, 1966), 341-2; Rodan, "Theorising," 5; Hagan, *Political Opposition*, 80.

[51] Allen Potter, "Great Britain: Opposition with a Capital "O," *Political Oppositions in Western Democracies*, ed. Robert Dahl (New Haven: Yale University Press, 1966), 25-27, hereafter cited as "Great Britain."

[52] Ionescu and de Madariaga, *Opposition*, 85.

[53] Ibid., 128.

[54] Punnett, *Front-Bench Opposition*, 4, 9-13; Harold Crouch, *Government and Society in Malaysia* (Ithaca: Cornell University Press, 1996), 89, hereafter cited as *Government*. In the context of communist regimes, L. Schapiro calls this type of opposition, somewhat confusingly I should say, dissent. See L. Schapiro, introduction to *Political Opposition in One-Party States*, 3.

[55] Punnett, *Front-Bench Opposition*, 30. Also: Macridis, "Oppositions in France," 166. Indeed, Hannah Arendt has argued that revolution is the only possible form of radical change, which is, at least, implicitly thought as good and desirable. Hannah Arendt, *On Revolution*, 1963, Introduction, quoted in Carl J. Friedrich, "Opposition, and Government, by Violence," *Government and Opposition* 7, no. 1 (1972): 14.

that a given system permits/tolerates. To say that opposition in a certain political system is illegal says more about that system than about opposition itself.

It is not always clear what is meant by constitutional. Usually it implies that the given constitution allows for opposition and that a particular group does pledge loyalty to that constitution, and that its means do not go beyond it. Ironically, in authoritarian regimes, especially those combining elements of democratic and authoritarian rule,[56] there is a possibility that a group be constitutional but illegal. Obviously, these classifications are often crosscutting.

Qualifications 'parliamentary' (also opposition-in-parliament)[57] and 'extra-parliamentary' refer to the site and means employed by opposition, the assumption being that there is parliament as the central political stage. An opposition group may be nonstructural, constitutional and legal but still use extra-parliamentary means because it is too week to gain a seat in parliament, or it does not believe in the effectiveness of it, or because it is organized in a way which does not allow it to use parliament (pressure groups, NGOs, etc.). In addition, even parliamentary opposition may choose to work directly upon public opinion (through strikes, etc.) as has often been the case with Communist parties in Italy and France. In fact, with the formation of modern parties with extensive machinery of local divisions it is no more possible to talk about strictly parliamentary opposition that existed in Britain before the formation of the grass-root organizations of the two leading parties around 1870.[58]

To say that opposition is parliamentary does not necessarily mean that it is organized as a party or parties. Indeed, it can take the form of a party, parties, faction(s) or independent member(s) of parliament. Where parliamentary opposition consists of a single, clearly distinguishable party, as is the case in two-party parliamentary systems (e.g., Britain) it is usually referred to as *the* Opposition, while other patterns of opposition are designated as oppositions.[59] This kind of distinction does not usually apply to presidential systems, in which different parties may control different branches of government, nor to multi-party systems. In the former case (e.g., the United States since the early 1980s), opposition, in Dahl's words, 'dissolves into the system.'[60] In the latter case most governments are actually coalitions of several parties. As coalition governments are, in principle, unstable, most parties tend to often go in and out of government; the only exception being extreme parties.

On the other hand, extra-parliamentary opposition can take so many different forms that they almost evade enumeration.[61] It would suffice to mention some of the forms it may take: individual citizens, political parties not represented in parliament, mass-media, interest and pressure groups, social movements, social and cultural

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[56] These regimes are variously designated as semi-, guided, organic, limited, tutelary and hard democracies, and *democraduras*, or soft, constitutional, liberalized and pluralist dictatorships, or *dictablandas*, etc. Crouch, *Government*, 4, 6.

[57] Ionescu and de Madariaga, *Opposition*, 72.

[58] Kolinsky, "Opposition," 397; Punnett, *Front-Bench Opposition*, 21; H. J. Hanham, "Opposition Techniques in British Politics: 1867-1914," in *Studies in Opposition*, ed. Rodney Barker (London: Mac Millan, 1971), 139-43, hereafter cited as "Opposition Techniques."

[59] Punnet, *Front-Bench Opposition*, 9, 20.

[60] Dahl, preface to *Political Oppositions in Western Democracies*, xvii; Daalder, "The Netherlands," 222.

[61] Rodan, "Theorising," 17-20.

organizations, corporations, trade unions, NGOs, educational and religious organizations, non-organized, *ad hoc* opposition according to social and economic interests, intrigue at the court, intrigue at some other court, the hoped-for future court of the heir to the throne,[62] violence, terror, resistance, revolution, *coups d'etat*, etc.[63] Extra-parliamentary opposition fulfills two major functions; it 'challenges the legitimacy of parliament and its ability to generate political change' and 'articulates issues which have been ignored/omitted by parliamentary oppositions and catch-all parties.'[64] Of course, once they are sufficiently established as valid causes these issues are often cherished by those same parties.

Yet another interesting distinction is the one between "*active* opposition, which occurs when *B* undertakes a deliberate course of action intended to modify the conduct of government, and *passive* opposition, which exists when *B* recognizes the conflict but does not deliberately undertake any action . . .".[65] A subclass of the first would be, what E. Shils calls "mute opposition" by which he means the obstinate non-compliance, apathy, uninformedness and indifference of the peasantry, for example, in the former East-European Communist states.[66] Mute opposition generally takes place in circumstances where voicing opposition is too risky and the state needs the cooperation of its subjects in order to succeed in its development or other plans.

However, if we utilize D. Ehlers' definitions of passive and active opposition/resistance, mute opposition will better fit into the former category. For him passive opposition (in a totalitarian regime) includes suicide, emigration, desertion, obstruction, disobedience, strikes, resignation from office, and remaining in office to sabotage. Active opposition includes all possible kinds of opposition which fall into one of the two categories: opposition by intellectual means and by the use of force.[67] It is also possible to distinguish organized from unorganized, spontaneous opposition.[68] Further, continuous, regular opposition should be distinguished from sporadic, episodic opposition.[69]

Here another distinction of important practical relevance is in place; namely the one between responsible and irresponsible opposition. By responsible opposition we mean an opposition that behaves 'in a restrained and realistic fashion.'[70] Having in

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[62] B. Crick, "On the Loyal opposition," review of *His Majesty's Opposition, 1714-1830*, by A. S. Foord, in *Government and Opposition* 1, no. 1 (1965-66): 119.

[63] Garry Rodan, preface to *Political Opposition in Industrializing Asia*, ed. Garry Rodan (London: Routledge, 1996), xi-xvi; Idem, "Theorising," 1-39; Potter, "Grate Britain," 20-23; G. Zellentin, "Forms and Functions of the Opposition in the European Communities," in *Studies in Opposition*, ed. Rodney Barker (London: MacMillan, 1971), 310.

[64] Kolinsky, "Opposition," 397-8. On the decline of parliament and its negative effects on parliamentary opposition see Ionescu and de Madariaga, *Opposition*, 90-11; Stein Rokkan, "Norvay: Numerical Democracy and Corporate Pluralism", in *Political Oppositions in Western Democracies*, ed. Robert Dahl (New Haven: Yale University Press, 1966), 105-110.

[65] Dahl, preface to *Political Oppositions in Western Democracies*, xvi-xvii.

[66] Edward Shils, "Opposition in the New States of Asia and Africa," in *Studies in Opposition*, Rodney Barker (London: MacMillan, 1971), 67, hereafter cited as "Opposition in the New States."

[67] K. D. Bracher, "On Opposition in Totalitarian Regimes," review of *Techmik und Moral einer Verschworung. Der Aufstand an 20 Juli 1944*, by Dieter Ehlers, in *Government and Opposition* 1, no. 1 (1965-66): 111.

[68] Hagan, *Political Opposition*, 68, 99.

[69] Ibid., xii, 68. For an alternative taxonomy see Hagan, *Political Opposition*, 79-80.

[70] Sartori, "Opposition and Control," 35.

mind the amount of influence that well organized groups can exercise on the behavior of their followers by excessive claims and unrealistic promises, it is of crucial importance that opposition does not so behave. But how would it be possible to make opposition behave responsibly without restricting its freedoms of expression, assembly, etc.? According to Giovani Sartori, Robert Dahl, and others, the best way to do it is to make sure that opposition is not a 'permanent/unsuccessful' opposition, i.e., to make sure that it has a reasonable chance to govern, or to have access to governmental responsibility. The assumption is that a group which knows that it may be called upon to deliver what it had promised, and if found unable to act accordingly may be voted out of office, is likely to be restrained in its criticism of, and attacks on the existing government. Obviously, only an office-seeking opposition with substantial backing can be disciplined (or 'domesticated'[71]) in this way.

E. Shils puts the issue at hand in the following way:

> It is both discouraging to opposition and injurious to its action when one heavily dominant party appears to be immovable . . . . Despair drives the opposition into wild accusations, 'walk-outs', boycotts of parliamentary sessions, obstructive actions, nonsensical charges, triviality, etc.[72]

Even in democratic systems, especially in two party systems (e.g., USA, UK) or dominant-party systems (e.g., India and Japan), small groups are likely to turn into permanent/unsuccessful and hence irresponsible opposition that will promise wildly, fall into apathy, or, even worse, being frustrated by its inability to achieve changes and humiliated by constant defeats it may be tempted to take the path of individual or collective violence.[73]

Another kind of opposition with which the said strategy does not work is opposition not seeking office, such as the Roman tribunes in the ancient world, and NGOs and mass-media today. In fact, scholars disagree on the merits of non office-seeking opposition. According to Ionescu, de Madariaga and Maddox, among others, the inability of the Roman tribunes to combine the power of decision making (*imperium*) with the powers of prevention (*potestas*) is one of the main reasons why the Roman tribunes failed as an institution. This view is totally opposed to the opinion of de Jouvenel who argues that opposition should protect citizens and uphold the law, without ever attempting to assume power; for 'only so can oppositions avoid the temptations to corruption which power axiomatically brings.'[74] De Jouvenel's view is less convincing but it can still attract the sympathy of those Muslim scholars who are against contesting for power. However, we have some reservations regarding Sartori's suggestion that "responsible opposition and party proliferation are inversely correlated" which implies that the two-party system is the

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[71] Daalder, "The Netherlands," 216.

[72] Shils, "Opposition in the New States," 55.

[73] Robert A. Dahl, "The American Oppositions: Affirmation and Denial," in *Political Oppositions in Western Democracies*, ed. Robert Dahl (New Haven: Yale University Press, 1966), 35, hereafter cited as "The American Oppositions."

[74] Ionescu and de Mederiaga, *Opposition*, 82-83; Graham Maddox, "Responsible and Irresponsible Opposition: The case of the Roman Tribunes," *Government and Opposition* 17, no. 2 (1982): 211-20, hereafter cited as "Responsible and Irresponsible Opposition"; de Jouvenel, "The Means of Contestation," 155-61.

most conductive to responsible opposition and the peaceful conduct of politics. While this may be true of a polity with a high consensus on fundamentals, it is also true that a two-party system would only intensify cleavages in a highly polarized society, as Dahl and others have suggested.[75]

Finally, two more terms should be clarified before we precede any further; these are loyal and disloyal opposition. It is often said that only loyal opposition has the right to expect that it will be allowed to function inside the parliament and other institutions of a political system. This statement immediately raises two questions: First, loyalty to what?, and secondly, does this imply that governments persecuting their opposition, claiming that they are poised to overthrow the regime, have the right to effect such persecution?

First of all, the concept of loyal opposition has its roots in nineteenth-century Britain where the opposition party was called "His (Her) Majesty's Loyal Opposition" even when it was office seeking. To be sure, there is no contradiction of terms here. Being loyal to the Crown while contesting the offices of government obviously implies that the two are somehow separated, i.e., that they represent two different levels of authority. One is the Constitution or the basis of the established system to which both government and opposition pledge their loyalty and accept it as the framework within which they are willing to operate. On the other hand, there are details of that system which are obviously disputed by the opposition and which can be altered according to the rules of the game.[76] Thus, loyal opposition is essentially limited or opposition-up-to-a-point. This distinction is, we think very important and we intend to dwell for a little longer on it here.

Let me first say that loyalty, or, indeed, different degrees of loyalty can be pledged to a person, party, government, regime, state, constitution, nation or people. It should, however, be pointed out that leaders of government, regime, and state are hardly distinguishable in politically less developed countries, while they are usually well distinguished in developed or highly institutionalized polities.[77] The Arab world is still full of rulers who by words or acts reiterate: *l'etat c'est moi*! Recently a Moroccan politician said, "There is not such thing as government in Morocco, only the king, because all major decisions are made directly by him."[78] What is more, the founder-leader of *Ḥizb al-Taḥrīr al-Islāmī* in article 39 of his proposed Islamic constitution wrote that: "The president of state is the state; he possesses all

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[75] Dahl, "Reflections," 15-16. See also the debate on proportional representation (PR) in *Journal of Democracy* between A. Lijphart, G. Lardeyret and Q. L. Quade. Arend Lijphart, "Constitutional Choises For New Democracies," *Journal of Democracy* 2, no. 1 (Winter 1991): 72-84; Guy Lardeyret, "The Problem with P[roportional] R[epresentation]," *Journal of Democracy* 2, no. 3 (Summer 1991): 30-35; Quentin L. Quade, "PR [Proportional Representation] And Democratic Statecraft," *Journal of Democracy* 2, no. 3 (Summer 1991): 36-41; A. Lijphart, "Double-Checking the Evidence," *Journal of Democracy* 2, no. 3 (Summer 1991): 42-48.

[76] Punnett, *Front-Bench Opposition*, 13.

[77] Bernard Lewis claims that although historically Islamic government was limited and not despotic still no distinction was drawn between state and government. This distinction was first made in 1837. Bernard Lewis, *Political Language of Islam* (Chicago: The University of Chicago Press, 1988), 31, 37, 112-13.

[78] Dale F. Eickelman, "Re-Imagining Religion and Politics: Moroccan Elections in the 1990s," in *Islamism and Secularism in North Africa*, ed. John Ruedy (New York: St. Martin's Press, 1994), 255 hereafter cited as "Re-Imagining Religion and Politics."

authorities of the state . . . ."[79] As we will see shortly in the section on the evolution of opposition, without this distinction being made clear, no toleration of opposition is to be expected.

While concepts of state and government are often discussed, regime is not. That is why some definitions of it are in place here. According to Fishman,

> a regime may be thought of as the formal and informal organization of the centre of political power, and of its relations with the broader society. A regime determines who has access to political power, and how those who are in power deal with those who are not.[80]

He also notes that regimes are more permanent than governments, but less permanent than the state. "A state may remain in place even when regimes come and go."[81] Calvert goes about it a bit differently when he says that "a regime is the name usually given to a government or sequence of governments in which power remains essentially in the hands of the same social group."[82] What interests us here is that he also considers regime to be more endurable than government, and state as more permanent than both. Regarding definitions of state and government he follows Allan Larson who considers the former to be "an inclusive concept that covers all aspects of policymaking and enforcement of legal sanctions." The government, on the other hand, "is simply the agency through which the state acts in the political community" or, in Clavert's words, "the individual or team of individuals that take decisions which affect the lives of their fellow citizens."[83] To clarify further, regime can be equated with the constitution where it exists and represents the rules and procedures within which governments operate.[84]

Only those political systems in which these three levels of authority are distinguished from each other can tolerate and regard as loyal its office-seeking and even structural opposition poised to alter its socioeconomic and political structure.[85] It will be interesting to see if contemporary Muslim thinkers have provided theoretical basis for such a distinction. (As may have been expected our traditional scholars had not done that). Furthermore, we will try to figure out loyalty to what is demanded from the opposition if it is allowed to function in an Islamic state. To be sure, loyalty can be pledged to other sides, such as voters[86] or, in our case, to the *Ummah* and the *Sharīʿah*.

The second question we have raised at the beginning of this section is about the destiny/position of opposition in a political system which it intends to ultimately

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[79] Taqī al-Dīn al-Nabahānī, *Niẓām al-Ḥukm fī al-Islām* (Jerusalem: Ḥizb al-Taḥrīr, 1953), 57; al-Ghannūshī, *al-Ḥurriyyāt al-ʿĀmmah*, 116.

[80] Stephanie Lawson, "Conceptual Issues in the Comparative Study of Regime Change and Democratization," *Comparative Politics* 25, no. 2 (January 1993): 185, hereafter cited as "Conceptual Issues."

[81] Lawson, "Conceptual Issues," 187; Hagan, *Political Opposition*, 18.

[82] Hagan, *Political Opposition*, 2; Lawson, "Conceptual Issues," 185.

[83] Lawson, "Conceptual Issues," 186.

[84] Ibid., 187.

[85] Punnett, *Front-Bench Opposition*, 14; Rodan, "Theorising," 9. B. de Jouvenel puts this point powerfully when he says that: "To identify those who govern with the people is to confuse the issue and no regime exists in which such an identification is possible; it is equally false to state that those who govern are identical with 'the majority'. . . . Those who govern are neither the people nor the majority: they are the governors." de Jouvenel, "Means of Contestation," 156.

[86] Ionescu and de Madariaga, *Opposition*, 82.

destroy, at the level of regime or even state. Indeed, this is the crux of the matter and ultimate issue which every political system is poised to face at one point or another. The problem is especially acute where the system is weak and opposition relatively strong with a good chance of succeeding in its plans to destroy it. It is not surprising to find politicians and political thinkers divided over this issue even in Western democracies, let alone the Muslim world. The West has so many times demonstrates that it also believes that opposition against the regime or the state itself should be regarded as illegal.[87] One needs only to recall the American civil war, and if it is too distant, as Graham Fuller claims, McCarthy's anti-Communist policy of the 1960s and Algeria of the 1990s. Obviously, there are many politicians all over the world who agree with Prof. Punnett that

> Only a society that is bent on self-destruction, . . . , will encourage a 'revolutionary' element that it so alienated that it is dedicated to the complete destruction of the basis of the society - unless the alienated group is so small and weak as to be merely part of an ineffectual 'lunatic fringe.' Thus for opposition to be tolerated, let alone encouraged and provided with an official status and machinery to enable it to pursue its ends, it *has* to be loyal and content to channels its activities within the accepted basis of the system.[88]

However, there have been cases where societies, for one reason or another, have been able to tolerate even such an opposition. Perhaps, the Irish Nationalists before 1922 in Britain, and the Communists in Italy and France before 1989 are cases in point.

We have simplified the matter a great deal here. Several related questions with regard to legal Opposition could be raised, such as: Who is to determine which opposition is loyal and which is disloyal? How can we make sure that this process of blocking disloyal opposition does not transform itself into permanent dictatorship or witch-hunting? If an opposition is not to be allowed a place in parliament or in the streets, is there any other site where it can be allowed to function? Again, it will be very interesting to see how Islamic thinkers have responded to this challenging issue.

4. Functions of Opposition

In most Western countries today opposition (and especially legal opposition or Opposition) is not looked down upon by the majority of the public because of its presumably constructive role in facilitating representation, and organization of political conflict and advancement of the case of democracy in general. In other words opposition is seen as constructive and functional, not obstructive and dysfunctional. In order to be fair to opposition we need first to gain an insight into its functions in different systems. Some of the functions can be successfully and effectively carried out only by certain types of opposition. I suppose this to be too obvious to need further elaboration. Towards the end of this section we will have a look at the views of contemporary Arab-Muslim thinkers regarding the functions of opposition.

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[87] Ibid., 85.
[88] Punnett, *Front-Bench Opposition*, 30.

To begin with, opposition is supposed to represent interests overlooked by government.[89] The assumption is that in a large nation-state no government can satisfy everybody. However, those whose interests were left un-responded to in the policies of the government of the day can channel their demands through opposition. This appeases and prevents them from reacting violently, as there is hope that their demands will be taken into consideration. The problem here is that either the presumed common good does not exist or is impossible to identify unanimously. Those who oppose the government by presenting alternative policies are therefore not seen as traitors. This notion, as we will see, was crucial in the development of constitutional opposition.

Thus far we have spoken of interest representation. The question which arises here is: Should opposition represent alternative values as well? Before attempting an answer to this question, let it be known that by values we mean "the basic beliefs, faiths, ideas, attitudes, customs, and attachments held by the public." By interests on the other hand is meant "the immediate desires which they wish to satisfy."[90] Although interests and values are ultimately related, value conflicts and interest conflicts are of significantly different natures. While interest conflict is, usually, pragmatic conflict about meeting specific demands, value conflict "*challenges the foundations of society as a moral order, because at the value level, such conflict cannot be reconciled except by victory in a power struggle* [italics mine]."[91] Because of its explosive nature, a few societies can survive value conflict of any significant magnitude. More serious value conflicts often end in civil war. Having this in mind, in addition to the fragile nature of new nations, D. Apter already in 1950s thought that "the task of an opposition, then, is to express interests as the basis for the perpetuation of the values to which it adheres, rather than to oppose government on value grounds."[92] Actually, something of this sort has been repeatedly suggested to Islamic movements when they were advised to drop word 'Islamic' from their names or the names of affiliated organs. Movements in different countries responded differently to this. We may return to it later. Suffice it to say here that if the conclusions of Apter, Dahl and others about legal opposition as a way of managing second order political disputes (first order or fundamental constitutional disputes being resolved in some other form, usually by force), then the prospects for the existence of legal opposition in the Middle East, in the near future, are poor.

Another, related, function of opposition is that of political communication which consists of the provision of otherwise unavailable information to both government and public.[93] This can prove to be a valuable service to the government more than to the people outside it; the assumption being that in states which are controlled by aggressive governments the public is prudent enough not to express its disagreement as long as it can get away with some benefit from the existing policies while open disagreement may incur a lot of harm on its advocates. This attitude

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[89] Sartori, "Opposition and Control," 32; Shils, "Opposition in the New States," 72; David Apter, "Some Reflections on the Role of a Political Opposition in New Nations," *Comparative Studies in Society and History* 4 (1961-2): 158-9, hereafter cited as "Some reflections."

[90] Apter, "Some Reflections," 158-9; Ionescu and de Madariaga, *Opposition*, 15.

[91] Apter, "Some Reflections," 159.

[92] Ibid., 159.

[93] Shils, "Opposition in the New States," 72; Apter, "Some Reflections," 160; Sartori, "Opposition and Control," 32.

eventually leads to political ignorance on the part of government and political cynicism on the part of the people. According to Apter, again, this is "a kind of political corruption which is far more harmful than such characteristic forms of corruption as misappropriation of funds, because society is then based on delusion and deception."[94] The role of a constructive opposition here is to indicate "important centers of controversy and dissatisfaction" and to provide government with "a knowledge of sensitive changes in public opinion" so that it can modify its policies accordingly.

However, this informative function of opposition is not a one-way process. Opposition is also supposed, also, to provide the public with alternative sources of information and enlightenment which is of paramount importance for enabling the citizens to participate in the political process on the basis of enlightened views.[95] In the process, the opposition "educates the public and keep them aware of the deficiencies of those in power."[96]

The opposition has yet another function, namely that of critic and provider of alternatives. (By alternatives we mean alternative policies, alternative personnel/rulers and even alternative rules of the political game).[97] In the words of Alpheus Todd, it is "a standing censorship of the government, subjecting all its acts and measures to a close and jealous scrutiny."[98] Obviously this function is not unrelated to the previous one. Through the exercise of criticism and scrutiny, the opposition acts as a corrective influence on government policies and plans, and in cases when the government fails to respond positively to the people's demands, opposition provides alternative policies and, ultimately, ensures the peaceful transfer of power and succession.[99] Incidentally, while most Third World rulers are sensitive to the slightest criticism, Hans Daalder suggests that "the absence of a real Opposition potentially weakens every government. A strong Opposition can provide a government with strength as it increases the confidence of the citizenry at large that government actions can bear scrutiny and can be challenged in specific instances."[100]

Fourth, the Opposition should protect individual citizens and uphold the laws.[101] In other words, it is supposed to be a check on the ruling power, the assumption, again, being that only power can check power.

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[94] Apter, "Some Reflections," 160.

[95] On the importance of enlightened choices see Geraint Parry, "Democracy and Amateurism - the Informed Citizen," *Government and Opposition* 24, no. 4 (1989), 489-502; Julius Gould, "Too Much or Too Little Knowledge?," *Government and Opposition 24*, no. 4 (1989), 503-16.

[96] Punnett, *Front-Bench Opposition*, 3.

[97] Of course, not all scholars agree on this. For example de Jouvenel argues that opposition should never attempt to assume power. The assumption is that power corrupts, both those in power and those attempting to embrace it. However, the problem with this 'disinterested' opposition is that it often turns to be irresponsible. More on this later. de Jouvenel, "The Means of Contestation," 158; Maddox, "Responsible and Irresponsible Opposition," 211-12; Sartori, "Opposition and Control," 33.

[98] Alpheus Todd, *On Parliamentary Government in England*, 2d ed., 2 vols, 1887-9, 2:415-16 as cited in Hanham, "Opposition Techniques," 132.

[99] Friedrich, "Opposition, and Government, by Violence," 17-18.; Apter, "Some Reflections," 161; Punnett, *Front-Bench Opposition*, 3; Shils, "Opposition in the New States," 72.

[100] Daalder, "The Netherlands," 236.

[101] de Jouvenel, "The Means of Contestation," 158; Kolinsky, "Opposition," 397; Ionescu and de Madariaga, *Opposition*, 15.

Fifth, Opposition serves as a release and outlet for the public's frustrations. Of course, unsuccessful, permanent opposition cannot last as a safety valve as its members will eventually realize the futility of their (non-violent) struggle, in which case, they may opt for resistance and violent action. Indeed, as G. Sartori rightly points out, some regimes allow opposition to exist not because of their belief in its merits and functionality, but simply to "placate opposition."[102]

Finally, the Opposition helps "the disciplining of conflicting 'interests' and their containment within the bounds of public order."[103] As Schapiro pus it:

> to forbid or restrain from political activity those who think differently from the government of the moment is to invite violence. That opposition can end in violence is, of course, true - that is what revolutions have been about. But *revolutions are the symptoms of the failure of opposition, not its success* [italics mine].[104]

To be exact, it is a symptom of that particular polity's failure to integrate opposition within its political system. This is definitely more an empirical issue than anything else, but if it is true that opposition does contribute to the maintenance of public order, then it will automatically dismiss a main objection raised by Islamic thinkers against its legalization, i.e., that it disturbs public peace.[105]

Of course, to say that opposition exists and is tolerated does not mean that it fulfills this, to use Shil's words,[106] 'informative-evaluative-corrective' function effectively. That was the reason behind Sartori's proposal for "a more analytical classification of the conceivable roles and functions of opposition."[107] As of this moment I am not aware of any such attempt. Opposition can be destructive and obstructive, as well. Yet, it seems to me that provided that the necessary and sufficient conditions exist, opposition is capable of fulfilling most of these, mainly constructive, functions in quite a successful manner. The above-mentioned functions of opposition are perceived to be so important that the leader of the Opposition in some countries is paid a salary from the public revenue, as in the case of Canada since 1905 and Britain since 1937.[108]

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[102] Schapiro, "Foreword," 3; Sartori, "Opposition and Control," 32; Friedrich, "Opposition, and Government, by Violence," 14; See especially Dahl, "The American Oppositions," 35.

[103] Shils, "Opposition in the New States," 72.

[104] Schapiro, "Forward," 3.

[105] One is tempted to agree with Fazlur Rahman who argues that "what basically vitiated the sunni political institution was the insistence of the theoreticians – for which legitimation was sought from obviously concocted traditions and other dicta – that rebellion even against tyrannical rule was prohibited by Islam. Yet, the only real way to stop rebellions and the breakdown of law and order – the real reason behind the sunni position – was to process the principle of shura into some practical form. This was not to be." Fazlur Rahman, "The Principle of Shura and the Role of the Ummah in Islam," in *State Politics in Islam*, ed. Mumtaz Ahmad (n.p.: American Trust Publications, 1986?), 92, hereafter cited as "Shura."

[106] Shils, "Opposition in the New States," 72.

[107] Sartori, "Opposition and Control," 32.

[108] Ionescu and de Madariaga, *Opposition*, 70. The authors make an interesting point that in Britain "the official existence of the Leader of opposition was recognized in 1937 at the same time as official recognition was given to the Prime Minister as the Leader of the Government." It is of extreme importance to stress here that "Her Majesty's Opposition is not a 'licensed' opposition:

These are the most desirable functions of functional, constructive opposition in an opposition-tolerating/tolerant polity.[109] However, under special circumstances, opposition may have to assume different functions. An interesting case is that of democratic opposition in authoritarian regimes discussed by Alfred Stepan. In spite of differences that may exist between democratic and Islamic opposition, his recommendations may be a source of inspiration for the latter. He says:

> In roughly ascending order of complexity (but not necessarily temporal sequence), the five key . . . functions [of democratic opposition movements in authoritarian regimes] are: 1) resisting integration into the regime; 2) guarding zones of autonomy against it; 3) disputing its legitimacy; 4) raising the cost of authoritarian rule; and 5) creating a credible democratic alternative.[110]

It would take us far away from our subject to ponder each of these. Hence, I prefer leaving them as they are, assuming their clarity. Indeed, I believe that we can recommend the same prescription for Islamic oppositions in authoritarian regimes, substituting, perhaps, only one word: democratic for Islamic, whatever it may mean. It is understandable that the functions which opposition is assumed to perform are easily convertible, and are usually turned into justification and argument for having one.[111]

An important note on the dominant view of the contemporary Arab-Muslim thinkers regarding the functions of Opposition is in place here. It has already been said that the term 'mu'āraḍah' has acquired all the meanings of the term 'opposition,' although it is often used to refer to only some of them. What was meant then is that when most contemporary Arab-Muslim thinkers talk about validation of opposition they have in mind especially two functions of opposition: that of critique and check on the government, and the provision of alternative *policies* (but not *personnel*).[112] This obsession with checking the capricious use of power by government (absolutism) and willingness to use opposition in that direction is often explicit and sometimes implicit in their writings. This can be deduced from the historical examples cited so as to justify validation of Opposition. In fact, there is a lot of uneasiness about *munāza'ah* function/component/element in Opposition, and equally so about 'opposition for the sake of opposition.'[113] Nevīn Muṣṭafā claims that the

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the status of being the official opposition is not in the gift of the Government; it must be won in elections same as the prime-ministership." Potter, "Great Britain," 15.

[109] Carl J. Friedrich ("Opposition, and Government, by Violence," 14) distinguishes between functional and dysfunctional violence. It seems to me that the same applies to the opposition, although it is hard to say with any degree of objectivity when functional opposition turns into a dysfunctional one. Because, as C. J. Friedrich points out, what is perceived as dysfunctional from the established order of things, may be radically functional from the viewpoint of the emerging one. Indeed, is not this the crucial issue?

[110] Alfred Stepan, "On the Tasks of a Democratic Opposition," *Journal of Democracy* 1, no. 2 (Spring 1990): 44; See also Rodan, "Theorising," 12.

[111] Shils, "Opposition in the New States," 67.

[112] Kuwaiti opposition is an embodiment of this kind of opposition. While it has been quite influential since 1993 it is assumed by all (government and opposition) that it will not present itself as an alternative to the ruling al-Ṣabāḥ family. "37 Nā'iban Kuwaytiyyān Yuṭālibūn bi Ilzāmiyyat al-Sharī'ah fī al-Dustūr," *al-Da'wah*, February 1998, 6.

[113] See for instance Muḥammad al-Ṣādiq 'Afīfī, *al-Mujtama' al-Islāmī wa Ḥuqūq al-Insān* (Mecca: Rābiṭat al-'Ālam al-Islāmī, 1987), 66, 68-74, hereafter cited as *al-Mujtama' al-Islāmī*; Maḥmūd, *al-Dawlah*, 139; Ismā'il al-Badawi, *Ikhtiṣāṣāt al-Sulṭah al-Tanfidhiyyah fī al-Dawlah al-*

notion of opposition as a 'role' in the political process is alien to early Islamic history.[114] While we may agree with this statement, we can hardly agree with some of her explanations for this. She claims that opposition was never conceived of as a 'role' because: (1) Islam does not make difference between ruler and the ruled, (2) because of the *nazrah 'udwiyyah* (physical/organic perspective) dominating the Islamic perspective of the social and political reality, (3) because Islamic thought, unlike Western thought, was concerned with the ideal form of government and the personality of the ruler. According to the first principle opposition is not a role but a position/stand which should be taken by a believer whenever principles of the *hisbah* and *shūrā* demand it, irrespective of his position in or outside government. According to the second reason the ruler is the head of society, and as such he must fulfill certain requirements. However, and more importantly, he cannot possibly be replaced by some other organ. Hence, opposition as an 'immunity system' in the body of *the Ummah*, or like medical intervention undertaken in order to repair what has gone wrong therein. It should be noted that this kind of reasoning is not characteristic only of classic Islamic thought, but of pre-modern political thinking in general. Finally, we find highly questionable her claim that Western thought has not been concerned with the ideal view of government and personality of the ruler;[115] it may not be the case now, but it certainly was for a long period until very recently. Much closer to the truth is her suggestion that this understanding of opposition as a role never developed among Muslims because of: (1) the religious nature of politics or because of ill conceived relationship between religion and politics, (2) because of well established principle in classical Islamic political thought that power should not be asked for,[116] and (3) because of the characteristic Islamic understanding of freedom which is restricted by clear provisions of the *Sharī'ah*.[117] This kind of

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Islāmiyyah wa al-Nuzum al-Dustūriyyah al-Mu'āsirah (Cairo: Dār al-Nahdah al-'Arabiyyah, 1993), 255-6, hereafter cited as *Ikhtisāsāt al-Sultah al-Tanfīdhiyyah*; Mohamed Fathi Othman, "Modern Democracy and the Concept of *Shūrā*," in *Islam and Tolerance*, ed. Syed Othman Alhabshi and Nik Mustapha Nik Hassan (Kuala Lumpur: Institute of Islamic Understanding Malaysia - IKIM, 1994), 113; Muhammad 'Imārah, "al-Islām wa al-Mu'āradah al-Siyāsiyyah," *al-'Arabī* 35, no. 408 (November 1992): 54; Mohamed S. El-'Awa, *On the Political System of The Islamic State*, 2d ed. (Indianapolis: American Trust Publications, 1980), 114-16; Mustafa Muhammad Tahhān, *Tahaddiyāt Siyāsiyyah Tuwājih al-Harakah al-Islāmiyyah* (Kuwait: al-Markaz al-'Alami li al-Kitāb al-Islāmi, 1997), 77, hereafter cited as *Tahaddiyāt*; 'Abd Allāh Ibrāhīm Zayd al-Kaylāni, *al-Quyūd al-Wāridah 'alā Sultat al-Dawlah fī al-Islām wa Damānātuhā* (Beirut/Amman: Mu'assasat al-Risālah/Dār al-Bashir, 1997); al-'Awadi, *Hukm al-Mu'āradah*, 9, 12, 36, 68, 73; Hashim Kamali, *Freedom of Expression in Islam* (Cambridge: Islamic Texts Society, 1997), 49-57, hereafter cited as *Freedom of Expression*; Nevin Mustafa, *al-Mu'āradah*, 30-36; 65, 104; Hishām Ahmad 'Awad Ja'far, *al-Ab'ād al-Siyāsiyyah li Mafhūm al-Hākimiyyah: Ru'yah Ma'rifiyyah* (Herndon, VA: The International Institute of Islamic Thought, 1995), 152-54, hereafter cited as *al-Ab'ād*; Muhammad 'Abd al-Qādir Abū Fāris, *al-Ta'addudiyyah al-Siyāsiyyah fī Zill al-Dawlah al-Islāmiyyah* (Beirut: Mu'assat al-Rayyān, 1994), 25, 32, hereafter cited as *al-Ta'addudiyyah*. Al-'Awadi claims that according to the correct opinion the mandate of the caliph is not limited, and hence the issue of contesting power does not arise, and the only function left to parties is control/supervision of caliph, ministers and other officers of the state. al-'Awadi, *Hukm al-Mu'āradah*, 36-37, 72.

[114] Nevīn Mustafā, *al-Mu'āradah*, 22, 29-34.
[115] Nevīn Mustafā, *al-Mu'āradah*, 22-24, 29-32.
[116] Abū Fāris, *al-Ta'addudiyyah*, 41, 48-50; *Sūrat al-Najm*, 32.
[117] Nevīn Mustafā, "Muqaddimah," in *al-Mu'āradah fī al-Fikr al-Siyāsī al-Islāmī* (Cairo: Maktabat al-Malik Faysal al-Islāmiyyah, 1985), 20-23, and Idem, *al-Mu'āradah fī al-Fikr al-Islāmī*, 23, 32-34. See also chapter III below, section on the Real Motives of Islamists.

opposition is sometimes labeled 'undemocratic opposition'; it is given only a very limited right to participate and contest. It should, however, be mentioned that some contemporary Islamic thinkers, while still putting prime emphasis on the 'evaluative-corrective' function of opposition, have very clearly understood and endorsed other functions of modern political parties.[118]

5. Evolution/Genesis of (the Idea of) Political Opposition: From Simple, Risky Statement of Disagreement to Legally Protected Alternative Government

A. Western Experience: From Roman Tribunes to Legally Protected and Publicly Financed Opposition in the Form of Party

It is, I think, necessary to recall certain facts about the historical development of the institution of political opposition in the West which will further illuminate our understanding of the subject. It was a rather remarkable development, remarkable enough for Dahl to designate it one "of the three great milestones in the development of democratic institutions."[119] He also claimed that it is a rather recent 'unplanned invention.' He obviously means legal, institutionalized opposition or the Opposition, because, as Barker rightly points out, except for this type of opposition, ancestry for most forms of opposition can be established. It is not "the desire to secure effective means of communication for one's beliefs and implementation for one's policies" that is new and original; it is "the belief that there is virtue in opposition *per se*," the belief that organized political opposition can be a normal and beneficial component of a polity that is original.[120] It is surprising as well, for, as we are going to see in a moment, it runs against the traditional belief that the common good exists and that it can be known with certainty by all. As Daalder observed, to allow for opposition to exist and function normally "smacks of relativism in political values."[121]

Political opposition as an institution has a long history. Among the earliest relatively successful attempts at institutionalizing political conflict and control of the executive were the afore mentioned Roman tribunes. However, this 'archaic Roman institutional opposition' ultimately failed to consolidate because of its exclusively negative powers (power of prevention, not initiation).[122] Apart from this one, de Jouvenel sees the magistrates of the ancient regime in France and representatives of the people to the government (as opposed to the representative government) as two additional forerunners/predecessors of modern political opposition.[123]

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[118] Abū Fāris, *al-Taʿaddudiyyah*, 21; Nevīn Muṣṭafā, *al-Muʿāraḍah*, 65; Fahmī Huwaydī, *al-Islām wa al-Dīmuqrāṭiyyah* (Cairo: Markaz al-Ahrām li al-Tarjamah wa al-Nashr, 1993), 165-71.

[119] Dahl, preface to *Political Oppositions in Western Democracies*, xi.

[120] Barker, introduction to *Studies in Opposition*, 1-2.

[121] Hans Daalder, "Government and Opposition in the New States," *Government and Opposition* 1, no. 2 (1965-66), 221-24; Barker, introduction to *Studies in Opposition*, 2.

[122] Maddox, "Responsible and Irresponsible Opposition," 211-20; de Jouvenel, "The Means of Contestation," 155-61; Ionescu and de Madariaga, *Opposition*, 21-22.

[123] de Jouvenel, "The Means of Contestation," 161-74.

Political opposition is, thus, a sign of a recurrent tendency toward institutionalization of political conflict which reached its climax in the 19th century Britain and the United States.[124] Why then and why there? According to Ionescu and Maderiage the reasons most probably lie in the simultaneous/concurrent consolidation of three elements of a constitutional pluralist state which together make the functioning of political opposition possible. These three elements are: public opinion, theory of representation (and sovereignty) and parliament.[125]

Several factors facilitated this consolidation. Among the most important were the relatively democratic administrative methods utilized inside the Church hierarchy, the development of essentially contractual feudalism,[126] the invention of the printing press and rising literacy rates, the Reformation, urbanization, strengthening of rationalism, emergence of nation state and broadening of state powers.[127] The printing press and rising literacy made the emergence of journalism and public opinion possible, the formation of which was a necessary condition of political opposition, because, by definition opposition lacks machinery, patronage and other powers that the government enjoys. Most often public opinion is the only weapon which opposition has at its disposal. While administrative practices inside the Church provided a practical example to emulate, the contractual nature of fundamentalism gave rise to the notions of rights and duties. The Reformation made a drastic departure from traditional institutions conceivable, and prepared people psychologically for mutual tolerance. Urbanization and universal suffrage called for the formation of mass political parties. The broadening of the powers of the state and the emergence of 'bread politics' made it possible for opposition to challenge government on practical issues without questioning its legitimacy.[128] Finally, the formation of the modern mass polity made representation inevitable and increased heterogeneity made the quest for unanimity almost impossible. Consequently, majority rule, instead of unattainable unanimity, was accepted.[129]

The crowning institution of all these developments was the emergence of parliament as the seat of sovereignty, the organ of representation, and the battleground of parties. But the transfer of sovereignty to parliament is neither a necessary nor a sufficient condition for Opposition to exist as long as absolutism persists. Both, 18th century Britain (where the transfer of sovereignty did not take place) and revolutionary France (where it did) testify to this. Any kind of absolutism - monarchical or popular - inhibits opposition. In theory, monistic/totalitarian democracy and the total sovereignty of the people, like any other absolutism, leave no room for the right of opposition. (This calls for a closer examination of the relationship between democracy and opposition which we will do towards the end of the chapter).

However, soon after the turmoil of the French revolution it was realized that if unorganized political conflict is not to destroy the nation some means had to be

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[124] Ionescu and de Madariaga, *Opposition*, 7, 17.

[125] Crick, "On the Loyal Opposition," 116-21; Ionescu and de Madariaga, *Opposition*, 18.

[126] Ionescu and de Madariaga, *Opposition*, 23-24.

[127] S. Lawson, "Institutionalising Peaceful Conflict: Political Opposition and the Challenge of Democratisation in Asia," *Australian Journal of International Affairs* 47, no. 1 (May 1993): 18, hereafter cited as "Institutionalising."

[128] Barker, introduction to *Studies in Opposition*, 10.

[129] Lawson, "Institutionalising," 18-19.

found for the legitimate expression of dissent.[130] But that would be impossible without significant change in the manner in which decisions were made and unless the right of minorities to dissent was recognized.[131] For a long time the world has known two ways of reaching decisions: unanimity and majority. In the pre-modern world unanimity was the common way of taking decisions. It seems that across cultures there was, what Ionescu and de Madariaga call a "moral feeling about a unanimous decision." A famous Latin proverb tells us that *Vox populi vox Dei*;[132] the Church considered unanimity to be the infallible sign of God's voice, and so do Muslims.[133] It was, also, believed that, given man's rational capacity, in any one situation there was only one right decision. In politics this meant that a public good or common good existed and, furthermore, that it was possible to locate it.[134] Dissent was wrong and immoral. Of course, immorality should be stopped by any means necessary. The rulers, on their part, could be wrong (and in that case should be brought down), or right (and fully supported). No middle ground was thought possible.[135]

But problems emerged in practice, especially in big heterogeneous polities where, it was believed, no one should be bound by decisions he/she did not participate in reaching. In such a situation the search for unanimity either paralyzed the operating of the system or considerable force had to be used to get every one to agree. The extraction of consent by force was often accompanied by incomprehensible horrors which greatly damaged the reputation of unanimity especially after the Thirty years war which ended in the Westphalia peace treaty of 1648. As one author puts it, Europeans do not fight about ideology and religion now because they had done so for a long time.

The pragmatic solution which was eventually adopted was the majority principle in reaching decisions while permitting minorities to express their dissent. A change in attitudes whereby decisions reached by majority vote were accepted as enforceable even though they were not thought to be necessarily right, made this transformation possible. Thus it was possible to dissociate dissent from wickedness,

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[130] Ionescu and de Madariaga, *Opposition*, 40.

[131] Ibid., 48-52.

[132] Majid Khadduri, *The Islamic Conception of Justice* (Baltimore: The John Hopkins University Press, 1984), 18.

[133] al-Tirmidhī, *Sunan*, ed. 'Abd al-Raḥmān Muḥammad 'Uthmān, 5 vols. (Madinah: al-Maktabah al-Salafiyyah, 1964), 3: 315, *ḥadīth* no. 2255.

[134] For an excellent discussion of the existence and possibility of knowing the common good see Robert Dahl, *Democracy and it Critics* (New Haven: Yale University Press, 1989), 283-308.

[135] How this inability to see middle ground worked can be seen in the case of Ied G. K. Chesterton's condemnation of the socialist state as necessarily intolerant and tyrannical. Broadening state power could only mean reducing space in which dissent is allowed:

> A Socialist Government is one which in its nature does not tolerate any true and real opposition. For there the Government provides everything; and it is absurd to ask a Government to *provide* an opposition.

> You cannot go to the Sultan and say reproachfully: 'You have made no arrangements for your brother dethroning you and seizing the Caliphate.' You cannot go to a medieval king and say: 'Kindly lend me two thousand spears and one thousand bowmen, as I wish to raise a rebellion against you.' Still less can you reproach a Government which professes to set up everything, because it has not set up anything to pull down all it has set up. (Barker, introduction to *Studies in Opposition*, 7-8).

treason, disobedience and immorality.[136] In such a way pluralism crept into the political arena and the resulting multiplicity of ideas naturally led to the recognition of the right to dissent and its institutionalization. The way for the establishment of political parties was thus paved on both shores of the Atlantic.

Another development without which the validation of Opposition could not have occurred was the distinction between state, regime and government. We have already touched upon this theme in the discussion of loyal opposition. The main point was that the existence of legal Opposition requires some distinction between the person(s) symbolizing sovereignty and those exercising government.[137] What remains to be said here is that this distinction was first realized in Britain after the Glorious Revolution, when king-in-parliament was distinguished from government-in-parliament.

I. Opposition and Party

At this stage it is appropriate to introduce one of the peculiarities of opposition in the developed countries of the West: namely, party. In the minds of many there is a close relationship between opposition and parties; close enough for E. Burke to identify party with opposition, and for Bernard Crick to claim that "the history of the rise of loyal opposition is also the history of the two-party system."[138] Stephanie Lawson claims that "[i]n contemporary mass polities, or more specifically in representative democracies, political parties are central to the functioning of constitutional political opposition."[139] She is also quick to point out that although its origins go back to representative systems, the utility of party is not restricted to them. What is more it is the "*competitive, adversarial* party *system* [italics mine]"[140], i.e., not one party, that is conductive to the existence of the Opposition. Any party system would not do.

While this view is not without foundation at least as far as Western democracies are concerned, many have objected against this culturally biased identification of the two, especially when non-Western political systems are concerned. As de Jouvenel eloquently points out "[t]he means of opposition are the infrastructure of a system of political liberty: the party of opposition is simply an element of the

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[136] Ionescu and de Madariaga, *Opposition*, 51.

[137] Adolfo Gilly, "The Mexican regime in Its Dilemma," *Journal of International Affairs*, 43 (Winter 1990): 289 as in Lawson, "Conceptual Issues," 199; Barker, introduction to *Studies in Opposition*, 8.

[138] F. O'Gorman, "Party and Burke: The Rockingham Whigs," in Barker, *Studies*, 114; Crick, "On the Loyal Opposition," 118.

[139] Lawson, "Conceptual Issues," 194. Among Islamic authors this argument is adopted by Ḥāmid Sulaymān who thinks that it is the very magnitude of modern society which makes the adoption of the party system in an Islamic state necessary. Ḥāmid Sulaymān, *Alghām fī Ṭarīq al-Ṣaḥwah al-Islāmiyyah* (Cairo: al-Zahrāʾ li al-Iʿlām al-ʿArabī, 1990), 99.

[140] It is one of the paradoxes of democracy that this adversarial system brings some order out of the chaos of a multitude of voters, and that this kind of adversary system seems to be necessary in order to resolve political conflict peacefully. Lawson, "Conceptual Issues," 194, 199. This is the reason why Ionescu and de Madariaga consider it "the most advanced and institutional form of political conflict." Ionescu and de Maderiage, *Opposition*, 16.

superstructure."[141] In other words, the absence of party system does not equal the absence of opposition.[142]

While all this is correct, however, it does not change the fact of close relatedness between party and Opposition since its early days in the West until today. The formation of parties in Britain and the United States goes back to the formative period of legal Opposition, i.e., the late 18th and the early 19th centuries. The emergence of opposition and party in the United States was almost a concurrent phenomenon as opposition took the form of political party from the very beginning. At first there was a lot of suspicion about, and even hostility to parties (or factions as they were called). Even where parliaments existed it was thought that no parties were necessary. On the contrary they were seen as selfish, obstructive and divisive.[143] The incompatibility of party with representation and liberalism from the traditional point of view is best exemplified by Ostrogorski, Mill, and Laski. In the latter's classic, *The Grammar of Politics*, there was no place for either party or Opposition. What liberals valued was neither organized opposition nor the party, but the freedom to oppose and criticize to which intra-party practices seemed inimical.[144] Party was also disrupting their conception of representation as it was perceived to intervene between the people and their representatives. The Parliament itself was supposed to transcend particular interests and to act as one entity in checking the government.[145] Regarding the relationship between liberalism and Opposition the most that could be said is that liberalism seemed to be a necessary but by no means sufficient condition for the existence of legal opposition.

However, prejudices against parties gradually evaporated. It was, for example, soon realized that government itself was a party and if it was to be held in check effectively opposition should also be allowed to organize. As one author puts it, the cohesiveness of opposition was largely a product of the cohesiveness of government itself.'[146] Consequently, a distinction between 'selfish faction' and 'opposition from principle' was drawn. In addition, in both USA and Great Britain the industrialization, urbanization and universal suffrage prepared the stage for the emergence of popular mass political parties as 'broadly based social structures that perform crucial political functions in a regularized manner.'[147]

To cut a long story short, by the early 19th century on both sides of the Atlantic Opposition was no more seen as immoral, dangerous or dysfunctional, but as a necessary guarantee of liberty and constitutionalism. The fear of opposition had already faded in America by 1801 when an opposition party ascended to power

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[141] de Jouvenel, "The Means of Contestation," 157.

[142] Nevīn Muṣṭafā, *al-Muʿāraḍah*, 58-63; Rodan, "Theorising," 8-13.

[143] Richard Hofstadter, "A Constitution against Parties: Madisonian Pluralism and the Anti-party Tradition," *Government and Opposition* 4, no. 3 (1969): 348, 350-60; Richard Hofstadter, "On the Birth of American Political Parties," in *Studies in Opposition*, ed. Rodney Barker (London: MacMillan, 1971), 147-8, hereafter cited as "On the Birth"; Barker, introduction to *Studies in Opposition*, 15-20; Ionescu and de Madariaga, *Opposition*, 53-57; Rodan, "Theorising," 10-13.

[144] Barker, introduction to *Studies in Opposition*, 15-20.

[145] In Burke's words it should be "a deliberative assembly of *one* nation, with *one* interest, that of the whole." Barker, introduction to *Studies in Opposition*, 3.

[146] Crick, "On the Loyal Opposition," 119.

[147] Hofstadter, "On the Birth," 146.

without major shocks. In Britain this happened in 1841.[148] In 1826 Sir John Cam Hobhouse, 'in a spirit of levity,' introduced the term 'His Majesty's Opposition' and ever since it has been in use in Britain.

The development of opposition in France took a slightly different path, came a bit later and led to the emergence of a multi-party system characterized by the presence of structural opposition.[149] In general, the patterns of opposition development in these three countries was followed, with innumerable variations though, wherever opposition managed to get recognized in the West.[150]

However, opposition had to wait for another 150 years for its 'academic canonization' in the celebrated work of Robert Dahl, *Political Oppositions in Western Democracies*.[151] Does this lag between political reality and political thinking (or rather theory) has any repercussions for the region we are studying? We will look for an answer to this question. My initial impression is that there is a real possibility that thinking will and has to precede practice in the Middle East if opposition is ever to take root there. For, as Barker says, 'the notion of legal Opposition is not one which flourishes in any soil, for it presupposes certain features in the state and certain qualities in the condition of political thinking.'[152] To say that political practice in the case of legal opposition preceded political thinking does not do right to the historical reality. For while it is true that political opposition has been undertheorized in the 18th and 19th century, other aspects of political thinking necessary for the development of legal opposition such as theories of rights, liberty, representation, parliamentarism, etc. were fairly well advanced. The tragedy of the Middle East is that all this has to be done simultaneously –a formidable and daunting task, indeed.

In the preceding sections we have discussed some of the prerequisites for the development of opposition.[153] It is interesting to take a short note of things that are, according to Ionescu and de Madariaga, not necessary conditions of opposition.

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[148] Dahl, preface to *Political Oppositions in Western Democracies*, 7; For more on the history of opposition see Hofstadter, "On the Birth," 146-52; McLennan, "Approaches," 2-27. A major difference between the development of opposition in Britain and the USA is the rapidity with which it happened in the USA. Our abbreviated history of the development of opposition is also somewhat deceptive because it suggests no efforts on the part of the governments in the United States and Britain to suppress it. This is, of course, not true. Both governments did try to do so. For example, the United States Federalist government almost unanimously approved the Sedition Act aimed at suppressing opposition in 1798. However, the Public reacted strongly against it; it was defeated and in 1801 the opposition Republican party took over. Hofstadter, "On the Birth," 149-50.

[149] Alfred Grosser, "France: Nothing but Opposition," in *Political Oppositions in Western Democracies*, ed. Robert Dahl (New Haven: Yale University Press, 1966), 284-302; Macridis, "Oppositions in France," 166-85; Ionescu and de Madariaga, *Opposition*, 60-63; McLennan, "Approaches," 24-7.

[150] Ionescu and de Madariaga, *Opposition*, 68.

[151] Barker, introduction to *Studies in Opposition*, 25. For an insightful study of the reasons for this delay and ultimate acceptance see Ibid., 11, 15, 21-, 29.

[152] Ibid., 8.

[153] For more see Robert Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971); S. P. Huntington, "Democracy's Third Wave," *Journal of Democracy* 2, no. (Spring 1991), 13-22.

These are: formal recognition in any constitutional document;[154] clear decision regarding the ultimate seat of sovereignty as long as the executive is clearly divorced from it, and universal suffrage, among others.[155] But, what about secularism; is it a necessary prerequisite for Opposition? It is often assumed that it is. For, where religion and politics mix, we are told, opponents are not only political opponents; they are immoral, corrupt sinners and even infidels.[156] Is it so? I strongly believe that this is not necessarily true. On the contrary, Belgian and Dutch political life testifies to the opposite.[157] S. M. N. al-Attas writes that in Islam there is no place for secularism because there is no need for it. Islam does not demean this world and knows of no clergy.[158] Indeed, it is difficult not only to find a term equivalent to 'secularity' in traditional Islamic vocabulary, but more importantly, it is also hard to think of its opposite, since theocracy is alien to the (*Sunni*) Islamic understanding. Indeed, Islam from its inception made the difference between pure temporal affairs (*dunyā*) and *dīn*. The Prophetic tradition "You know your *dunyā* (affairs) better (than me)" is of the utmost importance in this regard; and so are the numerous occasions where he, peace be upon him, was asked whether his decisions where based on revelation or were matters of tactics. The distinction between permanent and changeable, between *'ibādāt* and *mu'āmalāt* is well established in Islamic law together with important differences of a methodological nature applicable to each of them. (For instance, the majority's view is that *qiyās* should not be used in *'ibādāt*, while its application in *mu'āmalāt* matters is common). However, this kind of subtle differentiation between pure *dunyā* and *dīn* has nothing to do with Western-type secularism as 'deconsecration of values' and relativization of *all* values,[159] as much

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[154] This runs against those who advocate the necessity of 'national pacts' (*al-mīthāq al-waṭanī*) for the polities in transition.

[155] Ionescu and de Madariaga, *Opposition*, 70-71; Potter, "Great Britain," 9.

[156] Nevīn Muṣṭafā, "Muqaddimah," 21-23; Muhammad Said al-'Ashmawi, *Islam and the Political Order* (Washington, D.C.: The Council for Research in Values and Philosophy, 1994), 23. For al-'Ashmāwī, politicization of Islam is collective schizophrenia. See Ibid., 25, and Idem, *al-Khilāfah al-Islāmiyyah*, 2d ed. (Cairo: Sīnā li al-Nashr, 1992), 17; Bassam Tibi, *The Challenge of Fundamentalism: Political Islam and the New World Order* (Berkeley: University of California Press, 1998), 214, hereafter cited as *The Challenge of Fundamentalism*.

[157] Val R. Lorwin, "Belgium: Religion, Class, and Language in National Politics," in *Political Oppositions in Western Democracies*, ed. Robert Dahl (New Haven: Yale University Press, 1966), 147-87; Daalder, "The Netherlands," 188-237; Mark Juergensmeyer, *Religious Nationalism Confronts the Secular State* (Delhi: Oxford University Press, 1994), 202, hereafter cited as *Religious Nationalism*; James Piscatori, *Islam in a World of Nation States* (London: Cambridge University Press, 1986), 147.

[158] Syed Muhammad Naquib al-Attas, *Prolegomena to the Metaphysics of Islam: An Exposition of the Fundamental Elements of the Worldview of Islam* (Kuala Lumpur: International Institute of Islamic Thought and Civilization - ISTAC, 1995), 21-22, 29, hereafter cited as *Prolegomena*. Faithful to this conclusion al-Attas suggests that we do not translate 'secularity' and its derivatives into Arabic, but retain it in its original form *'sīkular'* to indicate its "strangeness" in the Islamic worldview. For this and other observations regarding the term secular and its various translations into Arabic see al-Attas, *Prolegomena*, 21-22, 28. See also al-Hibri, *Islamic Constitutionalism*, and Greg Noakes, "The Islamic World Does Not Need Secularism," in *Islam: Opposing Viewpoints*, ed. Paul A. Winters, Opposing Viewpoints Series, ed. David Bender and Bruno Leone (San Diego: Greenhaven Press, 1995), 147-53. For the opposite view see Asad AbuKhalil, "The Islamic World Needs Secularism," in *Islam: Opposing Viewpoints*, ed. Paul A. Winters, Opposing Viewpoints Series, ed. David Bender and Bruno Leone (San Diego: Greenhaven Press, 1995), 139-146.

[159] al-Attas, *Prolegomena*, 25-26, 29. In the next chapter we will discuss other subtle but extremely important distinctions, such as the one between *taḥrīm* and *tajrīm*, and *qaṭ'iyyāt* and *ẓanniyyāt*.

as Islamically-inspired and *Sharī'ah*-guided politics has nothing to do with Western-type theocracy. Both secularism and theocracy are absolutely unacceptable and unnecessary in Islam.

Bernard Lewis also affirms that, historically, Islam did not need secularism because:

> The level of willingness to tolerate and live peaceably with those who believe otherwise and worship otherwise was, at most times and in most places, high enough for tolerable coexistence to be possible, and Muslims did not therefore feel the imperative need felt by Christians to seek escape from horrors of state-sponsored and state-enforced doctrine.[160]

As evidence for that he reminds us that Islamic history knows of no religious wars in the European sense.[161] Ironically, he says, the adoption of democratic constitutions during the last two centuries in the lands of the Osmanli state and Iran, on the whole, weakened the position of minorities.[162]

Furthermore, the rejection of secularism does not mean equation between *dunyā* and din.[163] To say that secularization is a necessary condition also implies that the Medinan society was some kind of authoritarian and dictatorial regime. What seems necessary is moderation; and moderation can be achieved in religious politics. Prof. Ḥāmid Rabi' assures us that moderation of Islam makes enough space for opposition.[164] In fact, intolerance, authoritarianism, tyranny, bigotry, exclusivism and extremism are by no means a monopoly of religious people and religious state.[165] Nationalists in Eastern Europe and the rising secular fundamentalism in the World and especially in the Middle East are cases in point. In his congressional testimony in 1991 John L. Esposito denounced "the assumption that the mixing of religion and politics necessarily and inevitably leads to fanaticism and extremism."[166] By the same token, there is little reason to believe claims that agnosticism, ethical

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[160] Bernard Lewis, *Islam and the West* (New York: Oxford University Press, 1993), 182. However, he is not sure if the same can be ascertained for contemporary Muslims. Claude Cahen agrees with his observation that Muslims have exhibited more tolerance than Christiandom. Claude Cahen, "The Body Politic," in *Unity and Diversity in Muslim Civilization*, ed. Gustave E. von Grunebaum (Chicago: The University of Chicago Press, 1955), 140.

[161] Lewis, *Islam and the West*, 178. The completely opposite view is that of Ira M. Lapidus who writes that: "By the eighth and ninth centuries, the early Caliphate was already evolving into an imperial and secular political regime, while Muslim populations were being organized into a multitude of religiously defined and religiously led associations or communal groups. These include schools of law, reformist movements, Sufi lineages, brotherhoods, shrine communities, Shi'ite sects, and ethnic associations." *A History of Islamic Societies*, 2d ed. (Cambridge: Cambridge University Press, 1991), 881. See also Idem, "The Separation of State and Religion," *International Journal of Middle East Studies*, VI (1975): 363-85.

[162] Lewis, *Islam and the West*, 183.

[163] Gudrun Kramer, "Islamist Notions of Democracy," in *Political Islam: Essays from* Middle East Report, ed. Joel Beinin and Joe Stork (Berkeley: University of California Press, 1997), 73.

[164] Nevīn Muṣṭafā, "Muqaddimah," 25.

[165] Munīr Shafīq, *Bayn al-Nuhūd wa al-Suqūṭ: Radd 'alā Kitāb Faraj Fūdah*, 3rd ed. (Tunis: al-Nashir, 1992), 118-22; Juergensmeyer, *Religious Nationalism*, 172, 189, 199; Piscatori, *Islam in a World of Nation States*, 148.

[166] John L. Esposito, "Democracy in the Middle East," Testimony at a U.S. Senate Hearing, May 4, 1991, quoted in Mark Tessler and Marilyn Grobschmidt, "Democracy in the Arab World and the Arab-Israeli Conflict," in *Democracy, War and Peace in the Middle East*, ed. David Garnham and Mark Tessler (Bloomington and Indianapolis: Indiana University Press, 1995), 157, hereafter cited as "Democracy in the Arab World."

relativism, and religious indifference are necessary conditions for the development of legally protected sustainable opposition. One can be a very passionate Muslim and acknowledge the right of non-Muslims to exist and practice their religion, at the same time, as the Prophet Muḥammad, peace be upon him, was.

If this is the good news for Islamists,[167] the bad and worrying news is that moderation is possible in polities with a high level of consensus; in polities where major political issues have been settled on the satisfaction of the majority if not all major players who now feel that minor conflicts are not important enough to be pursued at the cost of disrupting the framework agreed upon.[168] Anyone who knows the Middle East will realize how many major political conflicts remain still unresolved.

II. Opposition and Democracy

Finally, it is time to take up the issue of the relationship between democracy and opposition. There are at least two sides to this issue: (1) Does democracy require the existence of an organized legal opposition?; and (2) Does the presence of an organized legal opposition mean that the particular system is democratic?

We have already said that democracy does not imply the existence of opposition nor even the right to it. The key to understanding this issue is the 'essentially contested'[169] nature of democracy which makes use of the term democracy without qualification almost unpardonable. D. Held has made this point rather too obvious in his *Models of Democracy*[170] to need any further explanation here. One, then, should speak of direct, monistic, participatory, normative, or some other, qualified, democracy, rather than leave it unqualified, if one wants to be clear about his intentions. In theory and practice, monistic / totalitarian democracy has proven itself to be at least as hostile to organized opposition as monarchical absolutism and theocracy have been. The histories of ancient Greece and the 20th century Eastern Europe provided some of the best proofs. It is only certain types of democracy that allow for organized opposition; precisely those democracies which guaranty the right of expression, alternative information, assembly, vote and right to be elected. The types of democracy most commonly associated with this set of criteria is pluralistic, liberal democracy.[171] On the other hand, what Held calls 'classic models of democracy' presumed decision making based on direct participation or representation leading to consensus. The citizens or their representatives were

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[167] In this study the terms 'Islamists' and 'Islamism' will occur in reference to the viewpoint which holds that the realm of Islam should encompass all human action and which is willing to act upon this belief. They cannot, I believe, be replaced by 'Political Islam,' or 'Islamic fundamentalists' and 'Islamic fundamentalism' all of which are unacceptable to most 'Islamists.' See, e.g., Yūsuf al-Qaradāwī, *Min Fiqh al-Dawlah fī al-Islām: Makānatuhā… Ma'ālimuhā… Ṭabī'atuhā… Mawqifuhā min al-Dīmuqrāṭiyyah wa al-Ta'addudiyyah wa al-Mar'ah wa Ghayr al-Muslimīn* (Cairo: Dār al-Shurūq, 1997), 88-91, hereafter cited as *Min Fiqh al-Dawlah*.

[168] Dahl, preface to *Political Oppositions in Western Democracies*, xv; Barker, introduction to *Studies in Opposition*, 9.

[169] Lawson, "Conceptual Issues," 190 based on W. B. Gallie, "Essentially Contested Concepts," *Proceedings of the Aristotelian Society* 56 (1956); 13-21.

[170] David Held, *Models of Democracy* (Cambridge: Polity Press, 1987), passim.

[171] Lawson, "Institutionalising," 28.

supposed to agree on one course of action after listening to the alternatives and deliberating on their respective merits and demerits.[172] It was Rousseau's conception of the 'general will' which, allegedly, could be realized only when the people are undivided by sectional associations that allowed many leaders in the contemporary world to consider every attack on them as an attack on 'the national interest.' And, as Daalder rightly observes, it thus makes them "ardent adherents of what Talmon called the 'totalitarian democratic school'."[173] How these prejudices against dissent slowly faded away has been explained above.

Thus, although all types of democracy do not necessarily allow for organized opposition, liberal democrats consider the absence of an Opposition as "evidence, if not conclusive proof, for the absence of democracy."[174] Some go even further and argue that mere existence is not enough; it should be "vigorous, legal, alternative government which subjects the activities of the men in power to searching public scrutiny."[175] Without going into the merits of 'genuine democracy,' I think that - if democracy has any meaning - then the latter view is correct, contrary to Nevin Muṣṭafā and all those who still think that 'one party democracies' are possible.[176]

The answer to our second question is (also) no; the presence of legally protected opposition is not proof of the democratic nature of a given system. This is in accordance with the view that genuine democracy means two things: participation and contestation, i.e., the right to opposition. We have just seen that certain models of democracy provide for participation without contestation. On the other hand some undemocratic systems (e.g., oligarchies) may allow contestation inside very narrow sections of the population. Britain and the United States knew of Opposition much before universal suffrage. Dahl considers this order of democratization to be the safest one. Today the Arab world is under pressure to democratize in both aspects simultaneously, which may prove to be too heavy a load for its relatively authoritarian political culture.[177]

B. Muslim Experience from Mecca to Modern Sudan: The Problem of Religious Politics

Ellie Kedouri, W. Montgomery Watt, Mahmud A. Faksh and like-minded people want us to believe that notions of democracy, pluralism and tolerance are alien to 'totalitarian strategies of the religious institution' in Islam, its 'repressive

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[172] P. C. Schmitter and T. L. Karl, "What Democracy is … and Is Not," *Journal of Democracy* 2, no. 3 (Summer 1991): 77.

[173] Daalder, "Government and Opposition in the New States," 224.

[174] Dahl, preface to *Political Oppositions in Western Democracies*, xvi. Also Ionescu and de Madariaga, *Opposition*, 16. I do not think they mean by this such a short periods of the absence of opposition as the one that Britain witnessed during WWII when both major parties agreed to cooperate in the efforts to pull the country out of the war.

[175] Barker, introduction to *Studies in Opposition*, 2; Lawson, "Conceptual Issues," 184, 192-93.

[176] Nevīn Muṣṭafā, *al-Muʿāraḍah*, 58-63.

[177] Many researchers have found that mass political culture of the Arab societies is authoritarian. For a study of Egyptian political culture see Ali Desouki, "Mass Political Culture of Egypt," *Muslim World* 61, no. 1 (January 1971): 17-19.

conservatism,' and Islam itself.[178] Watt for instance says that "autocratic rule based on military power is very much in the Islamic tradition, . . . ; but it can hardly be claimed that this is the ideal Islamic state."[179]

Given the importance of history and tradition for the development of political institutions debate over the alleged authoritarian or otherwise nature of Islam is important one. 'Uthmān Ḥusayn, former deputy president of the Court of Appeals of Egypt, says that "one who negates pluralism and does not believe in it negates all the history of Islam."[180] On the other hand, Naṣr 'Ārif claims that contrary to modern theories of political development the Islamic experience has given priority to NGOs over governmental organizations.[181]

However, one is inclined to agree with Augustus R. Norton in his claim that "the weakness of civil societies [in the Middle East] more readily explained as a reflection of twentieth century patterns of authoritarianism than culturalist arguments, although the middle class base and Western orientation of some elements in civil society are also limiting factors."[182] Similarly Ellis Goldberg points out that Medieval Muslim society was remarkably mobile and autonomous, and a ready option of "exit" served to effectively check the capricious exercise of power by rulers.[183] Al-'Awaḍī thinks that Islamic law books do not contain discussion of parties and pluralism because of the general rule that jurists should not discuss issues before they occur; parties did not occur until recently because of the oppression that most caliphs (and sultans) exercised over Muslims.[184]

The truth, historically, is that Muslim societies were not exact replicas of Madina society from the time of the Prophet and the Rightfully Guided Caliphs, but they were also not totalitarian polities without any institutions autonomous from and even opposed to government. What have been these institutions in pre-modern Muslim world?

A renowned Egyptian historian, Ṭāriq al-Bishrī says that pluralism is not a modern invention and that we knew pluralism before Europe and hence do not have

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[178] Ellie Kedouri, *Democracy and Arab Political Culture* (Washington, D.C.: Institute for Near East Policy, 1992), 2; W. Montgomery Watt, *Islamic Fundamentalism and Modernity* (New York: Routledge, 1988), 25, 140, 67-68.

[179] Watt, *Islamic Fundamentalism and Modernity*, 90-91; Mahmud A. Faksh, *The Future of Islam in the Middle East: Fundamentalism in Egypt, Algeria, and Saudi Arabia* (Westport: Praeger, 1997), 115, hereafter cited as *The Future of Islam.*

[180] See his comment in Muḥammad Salīm al-'Awwā, *al-Ta'addudiyyah fī al-Islām* (Cairo: The International Institute of Islamic Thought, 1990), 15, hereafter cited as *al-Ta'addudiyyah.*

[181] Naṣr Muḥammad 'Ārif, *Naẓariyyāt al-Tanmiyah al-Siyāsiyyah al-Mu'āṣirah: Dirāsah Naqdiyyah Muqāranah fī Ḍaw' al-Manẓūr al-Ḥaḍārī al-Islāmī*, 2d ed. (Herndon, VA: The International Institute of Islamic Thought, 1994), 365, hereafter cited as *Naẓariyyāt.*

[182] Augustus Richard Norton, introduction to *Civil Society in the Middle East*, ed. A. R. Norton (Leiden: E. J. Brill, 1996), 5.

[183] Ellis Goldberg, "Private Goods, Public Wrongs and Civil Society in some Medieval Arab Theory and Practice," in *Rules and Rights in the Middle East: Democracy, Law and Society*, ed. Ellis Golberg, Resat Kasaba and Joel S. Migdal (Seattle: University of Washington Press, 1993), 250, hereafter cited as "Public Goods." Today 'exit' is hardly an option in Muslim societies. Islamists do not seem to appreciate the difference between medieval and modern state. As Abdelwahab El-Affendi rightly argues that today's Islamists adopted "the modern concept of the state as a principle of restriction and control, without subscribing to the liberal and individualistic morality which underpins this concept." El-Affendi, *Who Needs an Islamic State?*, 87.

[184] al-'Awaḍī, *Ḥukm al-Mu'āraḍah*, 45.

to borrow the Western party system.[185] He enumerates several traditional institutions of a social, economic and confessional nature, which he thinks were more efficient in checking the central power than the "imported ones" because of their rootedness in local values. These were the extended family (*al-usrah al-mumtaddah*), village (*al-qaryah*), city quarters (*ḥārrah*), syndicate (*niqābah*), guild (*ḥirfah*), mosque (*al-jāmiʿ*), and sufi *ṭariqah*s.[186] Muḥammad Ḍiyāʾ al-Din al-Raʾīs, al-Turābi, Muḥammad S. al-ʿAwwā and Muḥammad ʿImārah consider early Islamic sects (*firaq*) to be more than just religious sects. Some of them were fully-fledged political parties with distinct philosophies, political programs, organizations, strategies and tactics. Hishām Jaʿiṭ contends that *al-qurrāʾ* (which he explains as 'fighters reading the Qurʾān') established the first political-religious party in Islam, i.e., *khawārij*.[187] Nevin Muṣṭafā claims that in the modern Islamic/Arabic vocabulary the term *muʿāraḍah* replaced *milal*, *madhāhib*, *firaq*.[188] And Wellhausen on his part called *shiʿah* and *khawārij* 'parties.'[189] While obviously there are big differences between *firaq*, modern political parties and opposition, there is no doubt that the way *imām* ʿAli and ʿUmar ibn ʿAbd al-ʿAziz treated *khawārij*, for instance, is full of precedents and lessons for the validation of modern-type political opposition. This early Islamic experience is of paramount importance as *khawārij* were not any opposition; they questioned/denied the legitimacy of the existing caliph at any given time, considered him *kāfir*, cursed him, etc. In the next chapter we will see what contemporary Islamic thought has made of these precedents.

With regard to the *millet* system that reached its most organized stage in the Osmanli state I do not think that it can directly support the notion of opposition. It can do so indirectly as it is one of the cornerstones of pluralism in Islamic history.[190]

Futuwwah is another candidate for a forerunner of opposition. In fact, when Ibn Taymiyyah issued his, by now, famous *fatwā* on 'parties' he was actually responding to a question about *futuwwah* organizations. It was well organized in several Muslim lands for a few centuries, and its activities sometimes ran counter to those of authorities. However, under closer examination *futuwwah* seems to be an institution of little relevance. It was highly structured and authoritarian itself. At times it sided with rulers (e.g., during caliph Nāṣir's time), and most often than not it failed to live to its proclaimed standards of nobility. However more research needs to be done

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[185] Cited in Huwaydī, *al-Islām wa al-Dīmuqrāṭiyyah*, 79, 206.

[186] Ṭāriq al-Bishri, *al-Malāmiḥ al-ʿĀmmah li al-Fikr al-Siyāsi al-Islāmi fī al-Tārīkh al-Muʿāṣir* (Cairo: Dār al-Shurūq, 1996), 69-81, hereafter cited as *al-Malāmiḥ al-ʿĀmmah*; al-Bishri, *Manhaj al-Naẓar*, 27 quoted in Jaʿfar, *al-Abʿād*, 152-53; Naṣr ʿĀrif, *Naẓariyyāt*, 346-7; Huwaydi, *al-Islām wa al-Dīmuqrāṭiyyah*, 79.

[187] Hishām Jaʿiṭ, *al-Fitnah: Jadaliyyat al-Din wa al-Siyāsah fī al-Islām al-Mubakkir*, trans. Khalil Aḥmad Khalil, 2d ed. (Beirut: Dār al-Ṭaliʿah, 1993), 7; Muḥammad Ḍiyāʾ al-Din al-Raʾīs, *al-Naẓariyyāt al-Siyāsiyyah al-Islāmiyyah* (Cairo: Dār al-Maʿārif, 1966), 51, hereafter cited as *al-Naẓariyyāt*; Muḥammad ʿImārah, "al-Islām wa al-Taʿaddudiyyah al-Ḥizbiyyah," *al-ʿArabi* 35, no. 403 (June 1992), 99; al-Turābi, "Fī al-Fiqh al-Siyāsi al-Islāmi," 75, 93; al-ʿAwwā, *al-Taʿaddudiyyah*, 10-12.

[188] Nevin Muṣṭafā, "Muqaddimah," 7. This may well be a reason behind the suspicion with which many Muslims until today look at Opposition; it reminds them of *firaq*, and *firaq* remind them of heterodoxy. The subsequent refutation of Opposition looks pretty natural.

[189] J. Wellhausen, *The Religio-Political Factions in Early Islam*, trans. R. C. Ostle and S. M. Waltzer (Amsterdam: North-Holland Publishing Company, 1975).

[190] Huwaydī, *al-Islām wa al-Dīmuqrāṭiyyah*, 71.

before the definite conclusion on this issue can be made.[191]

The *'Ulamā'* are another source of power which used to provide opposition elements to the court of rulers. Sometimes *'ulamā'* exercised their influence without any formal position in the state, while in other times such as in the case of the Osmanli state they became a part of state apparatus.[192] In both cases it has been usually subservient to the state,[193] and only occasionally opposed the political power of the court. In neither case was it formally protected, and sultans in general had little respect for their *'ilm* and even status of *mujtahid*. The life stories of Abū Ḥanifah, Mālik, Ibn Ḥanbal and other great *'ulamā'* suffering at the hands of the rulers are too-well-known to be recounted here.

Fatḥī 'Uthmān considers "groupings of *al-Muhājirūn, al-Anṣār* and *Banū Hāshim* . . . to be political groupings in Islamic history, each of which contested power and the succession of the Prophet, peace be upon him, in worldly affairs immediately after the Prophet's demise."[194] So do Muḥammad 'Imārah[195] and Ḥamid Sulaymān.

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[191] Taqī al-Dīn Ibn Taymiyyah, *Majmū'at al-Rasā'il wa al-Masā'il*, 5 vols. (Beirut: Dār al-Kutub al-'Ilmiyyah, 1983), 1: 160-62; Reza Arasteh, "The Character, Organization and Social Role of the *Lutis (Javanmardan)* in the Traditional Iranian Society of the Nineteenth Century," *Journal of the Economic and Social History of the Orient* 4 (1961), 47-52; Amira El Azhari, "Futuwa" in *The Oxford Encyclopedia of the Modern Islamic World*, ed. J. Esposito, 4 vols. (New York: Oxford University Press, 1995) 2: 37-8; C. E. Bosworth, *The Ghaznawids: Their Empire in Afghanistan and Eastern India 994-1040* (New Delhi: Munshiram Mandharlal, 1992), 167-68, 261-62; D. A. Breebaart, "The Futuvvet-Name-i Kebir: A Manual on Turkish Guilds," *Journal of the Economic and Social History of the Orient* 15 (1972), 203-15; D. A. Breebaart, "The Development and Structure of the Turkish Futuwah Guilds" (Ph.D. diss., Princeton University, 1961); C. Cahen, "Futuwwa," in *The Encyclopedia of Islam*, new ed. (1965), 2: 961-65; Bichr Fares, "Futuwwa: Additional References," in *The Encyclopedia of Islam*, repr. of the 1st ed. (1993), 9: 79-80; Hamilton Gibb and H. Bowen, *Islamic Society and the West* (Oxford: Oxford University Press, 1957), Vol. 1, pt 2, pp. 179-206, especially pp. 181-3; Muhyi al-Dīn ibn 'Arabī, *al-Futūḥāt al-Makkiyyah* (n. p.: Dār al-Fikr, n. d.), 1: 241-44, 2: 231-44; Ibn al-Jawzī, *Talbīs Iblīs* (Beirut: Dār Maktabat al-Ḥayāt, 1989), 532-33; Ibn al-Mi'mār al-Baghdādī, *Kitāb al-Futuwwah* (Baghdad: Maktabat al-Muthannā, 1958); S. H. Nasr, "Spiritual Chivalry," in *Islamic Spirituality: Manifestations*, ed. S. H. Nasr (New York: SCM Press, 1991), 304-15; Muḥammad ibn al-Ḥusayn al-Sulami, *The Book of Sufi Chivalry*, trans. Sheikh Tosun Bayrak al-Jerrahi al-Halveti (London: East West Publications, 1983); F. Taeschner, "'Ayyar," in *The Encyclopedia of Islam*, new ed. (1965), 1: 794; F. Taeschner, "Futuwwa," in *The Encyclopedia of Islam*, new ed. (1965), 2: 966-69; Tolan, J. Victor, "Mirror of Chivalry: Salah al-Din in the Medieval European Imagination," *Cairo Papers in Social Sciences* 19, no. 2, (Summer 1996): 7-38 (Issue entitled: Images of Others: Europe and the Muslim World before 1700, ed. David Blanks); C. Van Anrendonk, "Futuwa," in *The Encyclopedia of Islam*, repr. of the 1st ed. (1993), 3: 124. I gratefully acknowledge here my indebtedness to Prof. Ahmad Kazemi Moussavi who first suggested to me the idea that *futuwwah* organizations might be looked at as political parties.

[192] Esposito and Voll, *Islam and Democrcay*, 47-48.

[193] As Prof. M. 'Abd al-Raḥim points out instead of criticizing deviant exercise of political authority throughout middle ages *'ulamā'* spent enormous efforts trying to justify it. Their willingness and readiness to justify the political reality, irrespective of how un-Islamic it was, has been epitomized in infamous sentence: "We are with the victors/winners." Muddathir 'Abd al-Raḥim, "al-Da'wah al-Islāmiyyah fī al-Mujtama'āt al-Muslimah," *Majallat al-Fikr al-Islāmī* 1, no. 2 (September 1984): 8, hereafter cited as "al-Da'wah al-Islāmiyyah."

[194] Fatḥī 'Uthmān, *Fī al-Tajribah al-Siyāsiyyah li al-Ḥarakah al-Islāmiyyah al-Mu'āṣirah* (n. p., 1992), 54, hereafter cited as *Fī al-Tajribah*.

[195] 'Imārah, "al-Islām wa al-Ta'addudiyyah al-Ḥizbiyyah," 98-99; Sulaymān, *Alghām fī Ṭarīq al-Ṣaḥwah al-Islāmiyyah*, 93. Sulaymān makes himself clear: "The Parties at *Saqīfah* were not doctrinal parties (*al-aḥzāb al-'aqidiyyah*); they were political parties in the contemporary sense of the term."

Muḥammad Mahdī Shams al-Dīn agrees and adds to the list *qabā'il* or tribes.[196] Similarly, the Yemeni scholar Aḥmad al-Shāmī contends that political pluralism, and thus legal opposition, in Islam started on the Day of *Saqīfah* where at least three different viewpoints emerged. One of them won the day, another faded away while the third re-emerged violently after the assassination of 'Uthmān (r.a.). This transformation from peaceful pluralism to a violent one was, according to al-Shāmī, due to the lack of organization of pluralism.[197]

These institutions were largely destroyed together with traditional society in the process of modernization in the 19th and 20th centuries while new, modern institutions of civil society were not allowed to grow.[198] Had they not been destroyed would they have worked? In their untransformed form definitely not,[199] but transformed perhaps, for the evolution of institutions takes some strange ways/paths. Al-Bishrī suggests that since institutions of pluralism which are not deeply rooted in society cannot perform their role properly the modern forms of pluralism should be built in connection with traditional forms, and not at their expense/disadvantage or their remnants.[200] However, if they seem to be past we should not hesitate to develop or borrow other institutions in their stead. After all, many of our traditional political institutions were either borrowed from Byzantium and Persia, or based on *ijtihād* which we are not obliged to follow as there is no clear textual evidence on these issues in the Qur'ān and the *Sunnah*.[201] As *imām* al-Juwaynī put it: "Most of the issues pertaining to the *imāmah* are devoid of certainty" (*Mu'ẓam masā'il al-imāmah 'āriyyah 'an masālik al-qaṭ' khāliyyah min madārik al-yaqīn*).[202] Of course, we should be careful: Islamic identity must not be sacrificed on

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[196] Zakī al-Mīlād, "al-Ta'addudiyyah al-Ḥizbiyyah fī al-Fikr al-Islāmī: al-Ta'ṣīl, al-Anmāṭ, al-Taḥawwul," *al-Kalimah* 1, no. 2 (Winter 1994)," 29, hereafter cited as "al-Ta'addudiyyah." It is interesting to note that some of the contemporary Islamic thinkers we read during our research (such as Muḥammad al-Shīrāzī) prohibit establishment of political organizations on the tribal or ethnic basis, which seems to be against the early Islamic practice (al-Mīlād, "al-Ta'addudiyyah," 46). Perhaps, the mistake these authors make is that they think that Islam historically succeeded in resolving ethnical problems by neglecting or denying them, which is a grave misunderstanding.

[197] "Interview with Shaykh Aḥmad al-Shāmī," *al-'Ālam* (London) 8, no. 403 (November 2, 1991), quoted in al-Mīlād, "al-Ta'addudiyyah," 29. When one looks at the Islamic history he realizes that the *ṣaḥābah* used to oppose much more often than later generations. 'Umar opposed the Prophet, peace be upon him, on Ḥudaybiyyah, a woman opposed 'Umar, Mas'ūd opposed 'Uthmān's policy on *Muṣḥaf*, Abū Dharr opposed his social policy, 'Ammār ibn Yāsar opposed his mildness, Ḥusayn and 'Abd Allāh ibn al-Zubayr opposed Mu'āwiyah, 'Ā'ishah, Ṭalḥah and al-Zubayr opposed 'Alī, and so on.

[198] al-Bishrī, *al-Malāmiḥ al-'Āmmah*, 76-77; 'Ārif, *Naẓariyyāt*, 346-7. Gabriel Almond calls this 'Prussian program of state building', which is characterized by the destruction of the traditional pluralism of a society and as such is the exact opposite of the British model of continuous structural and cultural change. Gabriel Almond, *Comparative Politics: A Developmental Approach* (Boston: Little, Brown and Company, 1966), 218, hereafter cited as *Comparative Politics*.

[199] The Saudi Arabia is a good example of society in transition with many of traditional institutions we enumerated above. To my mind, it is by no means a desirable state.

[200] al-Bishrī, *al-Malāmiḥ al-'Āmmah*, 81.

[201] See the words of Ibn Qayyim al-Jawziyyah supporting this view in al-'Awwā, *al-Ta'addudiyyah*, 6. On the silence of the Qur'an and the *Sunnah* on the issue of the establishment of political parties and that it cannot be used as evidence for its prohibition as silence signifies/denotes only permissibility (*ibāḥah*) see Ibid., 9-10.

[202] See comments of Dr. al-Qaraḍāwī and al-'Awwā made in the symposium on political pluralism organized by The Center for Civilizational Studies, Cairo (August 1992) in Huwaydī, *al-Islām wa al-Dīmuqrāṭiyyah*, 78-80.

any altar let alone the altar of modernization cum westernization. By the same token, the political betterment/future of the *Ummah* should not be put at stake in the name of false/alleged authenticity.[203] Ironically enough some Muslims hide behind the culturalist argument claiming that we have the right to a distinct civilization instead of taking to task advocates of liberalism and other alternative political paradigms. This is a disastrous line of defense given the Islamic claim to universality and the partial concession/surrender to the opponent implicit in the culturalist argument.

These then were some of the institutions that *may* (or may not) help us theorize an independent Islamic perspective on opposition (and civil society) today. However they have never been as important in Islamic history as the opposition posed by Islamic *firaq* (*Shiʿah* and *Khawārij*) and revolutionary movements *a la* that of ʿAbd Allāh ibn al-Zubayr. Was there any significant difference between these opposition forces, and how did governments in Islamic history respond to them? The answer to these two questions is important but lies largely outside the scope of this thesis. We will therefore treat the matter briefly relaying mainly on the findings of Nevin Muṣṭafā. First of all, she observes that all Muslims believed that the state is supposed to facilitate *falāḥ* (salvation, or more accurately, success) for individuals and Community, and that both government and opposition in Islamic history presented themselves in the religious garb.[204] Since governments constantly claimed to be doing that, what did opposition bring up as its reason for existence? Generally speaking, two reasons have been given. One is that there were obstacles on the way of achieving this goal, and in that sense opposition was justified on the basis of *shūrā* and *ḥisbah*. The real or perceived deviation from the agreed upon Islamic political ideal was the reason for opposing. Opposition of ʿAbd Allāh ibn al-Zubayr, and Saʿid ibn Jubayr to the Umayyads, and that of Aḥmad ibn Ḥanbal to the Abbasids, for instance, was justified on this basis. In the terminology we adopted earlier on in this chapter this kind of opposition can be called non-structural and non-office seeking. The other reason put forward was that the whole method and means of achieving that goal were mistaken, and hence illegitimate. This kind of opposition was based on *ijtihād* and was actualized in the form of Islamic sects (*firaq*). It represents structural, office-seeking opposition in Islamic history. Thus, while in the former case there was agreement on the theoretical requirements of the ideal polity, and only its realization at the hands of the existing government was disputed, in the latter case the shape of the ideal polity itself was disputed.[205]

With regard to governmental response to opposition Nevin Muṣṭafā opines that the type of leadership/government was then more important for the nature of the

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[203] Fortunately some of the Muslim thinkers whose sincerity cannot be questioned have enough courage to write that some of the European institutions may be better than classic Islamic ones, or that "democracy is the best formula that human mind has ever invented for political administration of society." See Fatḥi ʿUthmān, "Qaḍāyā al-Dustūr wa al-Dīmuqrāṭiyyah fī al-Tafkīr al-Islāmī al-Muʿāṣir," *al-Muslim al-Muʿāṣir*, no. 6 (April-June 1976), 10; Ṭaḥḥān, *Taḥaddiyāt*, 124-5; al-Qaraḍāwī, *Min Fiqh al-Dawlah*, 154-56; Idem, *Awlawiyyāt al-Ḥarakah al-Islāmiyyah fī al-Marḥalah al-Qādimah*, 4th ed. (Cairo: Maktabat Wahbah, 1992), 155.

[204] B. Lewis writes that Islamic opposition expressed itself in theology, while in the West it has been expressed through ideology. Lewis, *Islam and the West*, 135. On the importance of the concept of *falāḥ* in the Islamic theory of state see Javid Iqbal, "The Concept of State in Islam," in *State Politics and Islam*, ed. Mumtaz Ahmad (n.p.: American Trust Publications, n.d.), 38.

[205] Nevin Muṣṭafā, "Muqaddimah," in *al-Muʿāraḍah fī al-Fikr al-Islāmī*, 9-11, 18-19, and Idem, *al-Muʿāraḍah*, 27.

response than the type of the opposition itself. According to her up to 232 A.H. the Islamic Community knew of three types of leadership: *khilāfah*, *mulk* and *imāmah*. *Khilāfah*, theoretically refers to the Sunni theory and actually to *al-khulafā' al-rāshidūn*. *Imāmah* refers to the *Shi'i* doctrine of the infallible *imām*s leading the community, and *mulk* refers to the dynastic rule of the Umayyads, Abbasids, and others. As may be expected opposition find most space under the *khilāfah* government as *khilāfah* itself pleaded to the *Ummah* and the *Shari'ah* for its legitimacy. On the other hand, under the *imāmah* there is no place for opposition as the *imām* is infallible (*ma'ṣūm*) and chosen by God.[206] Finally under *mulk*/monarchies opposition was simply crushed by force.[207]

As for party-politics, Islamists are rather late-comers to the scene. The first parties in the Arab world were organized in the 19th century and were profoundly secular in nature.[208] Islamists were for a long time reluctant to accept even the term 'hizb,' and some refuse it until today. However the *Ikhwān* actively participated in elections since 1940s, while al-Nabahāni organized his *Ḥizb al-Taḥrīr al-Islāmi* in 1953. Outside the Arab world Islamists also participated in party politics: since the 1960s in Turkey and Pakistan. By the 1980s and especially the 1990s the Islamists of Tunisia, Algeria, Morocco, Egypt, Jordan, Yemen, Lebanon, Kuwait and the Sudan were actively involved in party politics of their respective countries.[209]

The institution of opposition, whether in Islamic history or theory, as all other political institutions, has been overshadowed by religious politics. Throughout history it has been conceptualized, expressed, organized, and suppressed in religious terms and on religious grounds.

By way of conclusion one may in agreement with Barker say that "[t]he notion of legal opposition is not one which flourishes in any soil, for it presupposes certain features in the state and certain qualities in the condition of political thinking."[210] Of those qualities are distinction between sovereign and government, moderation, pluralism, liberalism, and a certain level of political relativism, but not necessarily secularism, written acknowledgment of the rights of opposition, or universal suffrage. As has already been noted, the Muslim world today appears to be lacking at least several of these.

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[206] In view of this important difference between *Sunni* and *Shi'i* conceptions of government it does not seem very careful to deduce conclusions about Sunni Islamists from the experience of the Islamic revolution of Iran.

[207] Nevin Muṣṭafā, *al-Mu'āraḍah*, 183-225.

[208] According to 'Imārah, the first party in the Muslim world called *al-Ḥizb al-Waṭani al-Ḥurr* was organized by Sayyid Jamāl al-Din al-Afghāni (1254-1314 A.H./1838-1897 C.E.). 'Imārah, "al-Islām wa al-Ta'addudiyyah al-Ḥizbiyyah," 99.

[209] For an informative account of the long history of legalization of political parties in the Islamic Republic of Iran see Stephen C. Fairbanks, "Theocracy Versus Democracy: Iran Considers Political Parties," *Middle East Journal* 52, no. 1 (Winter 1998): 17-31.

[210] Barker, introduction to *Studies in Opposition*, 8.

CHAPTER II

ISLAMIC OPPOSITION IN UN-ISLAMIC SYSTEM AND OPPOSITION IN ISLAMIC POLITICAL SYSTEM: AN ONGOING DEBATE

> One does not vote for God, one obeys Him.
>
> 'Alī Belḥāj

> Our demand is: the Qur'ān and the *Sunnah* above the Constitution and the Law.
>
> 'Abd al-Majīd al-Zindānī

In this chapter which constitutes the main body of this essay we are going to explore the ambivalent Islamic heritage, and to see how contemporary Islamists in the Arab world use it in defining their respective positions vis-a-vis the validation of Opposition. We will also analyze the Islamist continuum regarding the issue of Opposition by identifying different positions, their advocates and the reasons behind them. It will be in the next chapter that we will put forward our observations of an analytical nature about the Islamist political discourse.

1. The Right to Contest and Dissent in Islamic History, Theory and Law: An Ambivalent Heritage and the Need for Reconceptualization

As we have seen in the first chapter, although the concept of opposition is not completely strange to classic Islamic thought, in the sense of formally protected legal opposition it is. Islam as religion and civilization is not lacking tenets of pluralism.[211] There is plenty of "the conceptual and ideological resources available for programs of democratization in the Islamic tradition."[212] As Eickelman and Piscatory observed, Islam knows of both protest and bargaining politics,[213] and possesses potentiality for liberalism and totalitarianism.[214] Support for both quietism

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[211] Robin Wright, "Islam and Liberal Democracy: Two Visions of Reformation," *Journal of Democracy* 7, no. 2 (April 1996), URL: http://jhupress.jhu.edu/ journals/journal_of_democracy/v007/ 7.2wright01.html. For the opposite view see Bernard Lewis, "Islam Has Weak Democratic Traditions," in *Islam: Opposing Viewpoints*, ed. Paul A. Winters, Opposing Viewpoints Series, ed. David Bender and Bruno Leone (San Diego: Greenhaven Press, 1995), 101-110.

[212] Esposito and Voll, *Islam and Democracy*, 7, 22-, 51. See also Idem, "Islam Has Strong Democratic Traditions," in *Islam: Opposing Viewpoints*, ed. Paul A. Winters, Opposing Viewpoints Series, ed. David Bender and Bruno Leone (San Diego: Greenhaven Press, 1995), 111-19.

[213] Dale F. Eickelman and James Piscatori, *Muslim Politics* (Princeton: Princeton University Press, 1996), 108-35.

[214] R. Hrair Dekmejian, *Islam in Revolution: Fundamentalism in the Arab World*, 2d ed. (Syracuse, NY: Syracuse University Press, 1995), 220, hereafter cited as *Islam in Revolution*.

and activism can be found in the Qur'ān and the *Sunnah*, says B. Lewis.[215] As in other similar cases, Muslims are supposed to exercise *ijtihād* on the basis of the Islamic sources, i.e., they are called upon to reconceptualize some of the well-established Islamic principles and institutions.[216] Thus, the main feature of Islamic sources with regard to the issue under discussion is ambivalence which gives *mujtahids* quite a latitude in formulating their opinions. Given the multifaceted nature of the phenomenon of opposition this ambivalence seems only natural.

In the on-going debate on the issue of Opposition a number of *Sharī'ah* principles, institutions and precedents from the early Islamic history have been invoked as evidence supporting one opinion or the other. In order to facilitate the analysis of the arguments presented, as well as their comparison, we intend here to give a brief account of the major affirmative and negative evidence. Most of this evidence was known and expounded in classic Islamic literature. However, contemporary Muslim thinkers often reinterpret the evidence in question by utilizing different techniques of *ijtihād*, and even some of its questionable methods such as *takhayyur* and *talfīq,* in order to fit them into their arguments.[217] It will be noted that some of the evidence is more moralistic than legal in nature in the strict sense of the word. Having in mind that this is a study in Muslim thought, admitting such evidence will be no problem.[218]

A. Affirmative Evidence

I. Commanding Good and Forbidding Evil (*al-Amr bi al-Ma'rūf wa al-Nahy 'an al-Munkar, Ḥisbah*)

In view of the functions Opposition is supposed to perform, commanding good and forbidding evil (henceforth *ḥisbah*), 'the greatest pillar in religion' appears from the

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[215]   Lewis, *Political Language of Islam*, 91-92.

[216]   Goldberg, "Private Goods," 248; Esposito and Voll, *Islam and Democracy*, 22-23.

[217]   Muddathir 'Abd al-Raḥim, *The Development of Fiqh in the Modern Muslim World* (Kuala Lumpur: IKIM, 1996), 40-42, hereafter cited as *The Development of Fiqh*.

[218]   Hashim Kamali has contended that it is possible for the government and those who are in charge of community affairs "to convert . . . moral teachings of Islam into legal ordinances if they deem this to be in the interest of the community and for the protection against evil." Kamali, *Freedom of Expression*, 117. Irrespective of its correctness, this contention is, indeed, of paramount importance - and dangerous I would say - as through it the Islamic government, which is often seen as 'minimal government' (M. M. Shams al-Dīn, "Ḥiwār Fikrī," 23) can be turned into a totalitarian one since there is hardly any aspect of life which Islamic moral teachings do not touch upon. When Tunisian government curbed, and Syrian, Iraqi and Malaysian governments subjected the man's right to polygamy to the court approval, what they actually did was conversion of moral exhortation into a positive legal one enforceable by the courts. See 'Abd al-Raḥim, *The Development of Fiqh*, 43-44. Fully aware of this trap, Prof. Fathi Osman wrote: "Laws should be issued only for what requires a legal binding formulation and sanctioning, since people ought to be left in principle to their own moral responsibilities and individual discretion. . . . . Tight details and totalitarian laws would contradict the human natural attitudes of free will and different discretion, and would rigidly paralyze the individual and the society and suppress their creativity." Fathi Osman, *Concepts of the Quran: A Topical Reading* (Kuala Lumpur: Muslim Youth Movement of Malaysia – ABIM, 1997), 748, hereafter cited as *Concepts of the Quran*.

I gratefully acknowledge here that I borrowed the idea of dividing the evidence into affirmative and negative one from Kamali's excellent *Freedom of Expression*.

first instance to be a natural candidate for the role of decisive argument. [219] M. 'Abd al-Raḥim writes:

> At the core of the politically significant teachings of the Qur'ān is the notion that man - if he is to fulfil himself on earth and hope for salvation in heaven - must do all that is in his power in order to promote good and combat evil: not only within his own heart and mind as an individual, but also in society with all its facets and, indeed, throughout the world at large. . . . [I]t is natural - indeed imperative - for Muslims . . . to be, not only concerned with, but actively engaged in the unending struggle for the improvement, . . . , of the economic, social and political . . . aspects of life: . . . . To remain passive or inactive is to fall behind in the scale of excellence. For as the Qur'ān says: "Such of the believers as remain passive - other than the disabled - cannot be deemed equal to those who strive hard in God's course. . . . (*Sūrat al-Nisā'*, 4: 95).[220]
>
> Indeed, to remain passive because one is unconcerned or indifferent would - in the words of another famous *ḥadith* of Prophet Muḥammad - amount to becoming a renegade or altogether ceasing to belong to the Community of Muslims.[221]

Muḥammad al-Ghazāli on his part argued that "if only people knew what Islam intended behind the establishment of this grave principle they would know with certitude that by it [Islam] lied the foundations of revolt (*tamarrud*) against injustice, and of revolution against sinning (*fusūq*)."[222] Centuries ago Abū Ḥamid al-Ghazāli confirmed 'the revolutionary potential of hisba' when he argued that "hisba was the inalienable right and obligation of the individual believer, ... He unequivocally rejected the opposing view that individuals had no right to hisba except with the permission of the ruler . . . . He summed up the case nicely: 'Given that it is right to censure the imam because of his oppression, how can it be right to ask for his permission? . . . If the wali approves when someone practices al-amr bi al-maruf, so be it; but if he is displeased, then his displeasure is an offence which must be condemnd.'"[223] However, it should be noted from the beginning that although a well-established Islamic principle,[224] it suffers from the ambiguity of other evidence

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[219]   Kamali, *Freedom of Expression*, 28-33, 38-9; Jābir Qamiḥah, *al-Mu'āraḍah fī al-Islām*, 19-60, quoted in Fahmi Huwaydī, "al-Ta'addudiyyah wa al-Mu'āraḍah fī al-Islām," *al-'Arabi*, no. 354 (May 1988), 31.

[220] For the translation of the Qur'anic verses I have used 'Abdullāh Yūsuf 'Ali's *The Meaning of the Holy Qur'ān*, new ed. With rev. trans. and commentary (Brantwood, Maryland: Amana Corporation, 1992).

[221] Muddathir 'Abd al-Raḥim, "The Roots of Revolution in the Qur'ān," *Dirasat Ifriqiyya*, no 3 (1987), 10-11.

[222] Muḥammad al-Ghazāli, *al-Islām wa al-Istibdād al-Siyāsi*, 2d rev. ed. (Cairo: Dār al-Kutub al-Ḥadithah, 1961), 157.

[223] Basim Musallam, "The Ordering of Muslim Societies," in *The Cambridge Illustrated History of the Islamic World*, ed. Francis Robinson (Cambridge: Cambridge University press, 1996), 176, 177.

[224] For the exhaustive evidence from the Qur'ān, the *Sunnah* and *Ijmā'* see: al-'Awaḍi, *Ḥukm al-Mu'āraḍah*, 12-18. The short but informative and enlightening classical work on the principle and institution of *ḥisbah* is Ibn Taymiyyah's (Ibn Taymiya) *Public Duties in Islam: The Institution of the Ḥisba*, trans. Muhtar Ahmad, with an introduction by Khurshid Ahmad, new English version (Leicester: The Islamic Foundation, 1985; reprint 1992), especially 19-27, 73-81 (page citations are to the reprint edition). See also Muhammad Akram Khan, "*Al-Ḥisba* and the Islamic Economny," in Ibn Taymiya, *Public Duties in Islam: The Institution of the Ḥisba*, trans. Muhtar Ahmad, with an introduction by Khurshid Ahmad, new English version (Leicester: The Islamic Foundation, 1985; reprint 1992), especially 135-41 (page citations are to the reprint edition).

invoked in the debate. With regard to our subject-matter, the principle of *ḥisbah* works in two directions. On the one hand it entitles and obliges all believers to speak and act according to their enlightened judgement in commanding good and forbidding evil without need for anybody's license. Since "there is no good greater than justice, nor evil worse than tyranny,"[225] and since both of them come from the ruler, it is only natural that *ḥisbah* should first and foremost be directed towards him.

On the other hand, being 'the ethical core of governmental power,' *ḥisbah* is considered to be mainly a governmental duty[226] and hence empowers the government to prohibit any activity it considers wicked (*munkar*).[227] Historically speaking, the office of *muḥtasib* was one of the departments of Islamic government. Interestingly, Basim Musallam writes that it was caliph al-Ma'mūn who invented the *muḥtasib* as a state official in order to 'tame the revolutionary of the hisba' and that Abū Ḥāmid al-Ghazālī, writing a century after al-Māwardī, did not mention it at all.[228] What is more, al-'Awaḍī writes that "since the voluntary submission of all people to the order of Lawgiver will never happen, the existence of authority (*sulṭah*) which will ensure (*tuḥaqqiq*) submission to the prescriptions and proscriptions of the Lawgiver is necessary."[229] Hence, this principle while entitling citizens to criticize, speak, and take action against corrupt practices of government, at the same time enables government to prohibit any such activity under the pretext of preventing *munkar*. In other words, on the evidence of *ḥisbah* opposition may be proclaimed a religious duty as well as *ḥarām*.[230] In its first manifestation the principle gives rise to the freedom/duty of criticism and monitoring of government (*ḥurriyyat al-mu'āraḍah, ḥurriyyat naqd al-ḥākim, murāqabah*).[231] This right/obligation is well established in the Qur'ān and the *Sunnah*. In addition to the evidence supporting the general principle of *ḥisbah,* to which the freedom to criticize is a corollary, some *aḥādīth* and events from the Prophet's *sīrah* and history of the Rightly Guided Caliphs provided another strong foundation for the freedom/duty to criticize. In one of those *aḥādīth*

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[225] Muḥammad Rashīd Riḍā, *Tafsīr al-Manār* (*Tafsīr al-Qur'ān al-Ḥakīm*), 12 vols. (Bairut: Dār al-Ma'rifah, n.d.), 4: 45.

[226] For such an interpretation see particularly al-'Awaḍī, *Ḥukm al-Mu'āraḍah*, 10; 'Abd al-Mun'im Muṣṭafā Ḥalīmah, *Ḥukm al-Islām fī al-Dīmuqrāṭiyyah wa al-Ta'addudiyyah al-Ḥizbiyyah* (Amman: n. p., 1993), 66-70, hereafter cited as *Ḥukm al-Islām*.

[227] Ibn Khaldūn, *Muqaddimah* (Cairo: Lajnat al-Bayān al-'Arabī, n.d.), 2: 746, quoted in Nevīn Muṣṭafā, *al-Mu'āraḍah,* 123; Khaled Abou El Fadl, "Aḥkām al-Bughāt: Irregular Warfare and the Law of rebellion in Islam," in *Cross, Crescent, and Sword: The Justification and Limitation of war in Western and Islamic Tradition*, ed. James Turner Johnson and John Kelsay (Westport: Greenwood Press, 1990), 152-53, hereafter cited as "Aḥkām al-Bughāt." What this might mean practically in different countries is vividly presented in the practice of sometimes over-zealous government of *Taliban* in Afghanistan, *muṭawwi'īn* in Saudi Arabia, 'religious police' in Malaysia and the new *ḥisbah* law passed by the Egyptian parliament on January 29, 1996 which served as the legal basis for the conviction of – by now famous - Naṣr Ḥāmid Abu Zayd on the account of apostasy, and his forced divorse from his wife. On this law see Tibi, *The Challenge of Fundamentalism*, x, and George N. Sfeir, "Basic Freedoms in a Fractured Legal Culture: Egypt and the Case of Nasr Hamid Abu Zayd," *Middle East Journal* 52, no. 3 (Summer 1998): 402-14, especially pp. 413-14, hereafter cited as "Basic Freedoms."

[228] Musallam, "The Ordering of Muslim Societies," 176-77.

[229] al-'Awaḍī, *Ḥukm al-Mu'āraḍah*, 10.

[230] Nevīn Muṣṭafā, *al-Mu'āraḍah,* 104-5, 115, 122-39.

[231] al-'Awwā, *al-Ta'addudiyyah*, 7-8; Muḥsin Bāqir al-Mūsawī, "Qā'idatā al-Ḥukm fī al-Islām: Wilāyat Allāh… Khilāfat al-Ummah," *Qaḍāyā Islāmiyyah Mu'āṣirah*, no. 2 (1998): 80-82, hereafter cited as "Qā'idatā al-Ḥukm fī al-Islām; Kamali, *Freedom of Expression*, 49-61.

the Prophet says: "The best form of *jihād* is to utter a word of truth to a tyrannical ruler."[232] And in another: "When you see my community afraid of calling a tyrant "tyrant" then take leave of it."[233] He also said:

> By no means, I swear by Allāh, you Must enjoin what is good and prohibit what is evil, prevent wrongdoer [*ẓālim*], bend him into conformity with what is right, and restrict him to what is right . . . . Or Allāh will mingle your hearts together and curse you as he cursed them.[234]

> I swear by the One in Whose hand is my soul, either you will command good and prohibit evil or Allah will soon sand punishment on you after which you will pray to Him but He will not anwser your prayers.[235]

> Indeed, when the people see a wrongdoer and do not prevent him, Allah will soon punish them all. 'Amr ibn Hushaym's version has: I heard the Apostle of Allah (peace be upon him) say: If acts of disobedience are done among any people and they do not change them though the are able to do so, Allah will soon punish them all.*[236]*

Mālik related that Ismā'īl b. Abī Ḥakīm heard 'Umar b. 'Abd al-'Azīz say, "Some say that Allah the Blessed, the Exalted, will not punish the many for the wrong action of the few. However, when the objectionable action is committed openly, then they all deserve to be punished."*[237]*

These texts have anchored in Islamic consciousness, what Huwaydī calls, 'culture of opposition.'[238] The case of 'Umar (r.a.) vehemently opposing the signing of the Treaty of Ḥudaybiyyah is well documented. So is the invitation and actual acceptance of the constructive criticism on behalf of Abū Bakr, 'Umar and 'Alī.[239] However, as Von Grunebaum observed some time ago, *hisbah* bestows right of speech without protection,[240] which is too little for development of legally protected Opposition in the modern sense.

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[232] Ibn Mājah, *Sunan*, ed. Muḥammad Fu'ād 'Abd al-Bāqī, 2 vols. (Beirut: al-Maktabah al-'Ilmiyyah, n.d.), Kitāb al-Fitan, Bāb al-Amr bi al-Ma'rūf wa al-Nahy 'an al-Munkar, 2: 1329, *ḥadīth* no. 4011; al-Tirmidhī, *Sunan*, 3:318, *ḥadīth* no. 2265; Aḥmad ibn Ḥanbal, *Musnad*, ed. Ṣidqi Muḥammad Jamīl al-'Aṭṭār, 10+2 vols., 2d rev. ed. (n.p.: Dār al-Fikr, 1994), 6: 470-71, *ḥadīth* no. 18850 and 18852, and 8: 273, *ḥadīth* no. 22220.

[233] Aḥmad ibn Ḥanbal, *Musnad*, 2: 561, *ḥadīth* no. 6531.

[234] Abū Dāwūd, *Sunan*, 4 vols., ed. Muḥammad Muḥyi al-Dīn 'Abd al-Ḥamīd (Beirut: al-Maktabah al-'Aṣriyyah, n.d.), Kitāb al-Malāḥim, Bāb al-Amr wa al-Nahy, 4: 122, *ḥadīth* no. 4336-7 trans. Ahmad Hasan, *Sunan Abī Dāwūd*, 3 vols., repr. (Lahore: Sh. Muhammad Ashrafi, 1988), 3: 1207, *ḥadīth* no. 4322, 4323.

[235] al-Tirmidhī, *Sunan*, 3: 316-17, *ḥadīth* no. 2259.

[236] Abū Dāwūd, *Sunan*, Kitāb al-Malāḥim, Bābs al-Amr wa al-Nahy, 4: 122, *ḥadīth* no. 4338 Hasan, *Sunan Abī Dāwūd*, 3: 1207, *ḥadīth* no. 4324; Tirmidhī, *Sunan*, 3:316, *ḥadīth* no. 2257.

[237] Mālik ibn Anas, *al-Muwatta'*, ed. Muḥammad Fu'ād 'Abd al-Bāqī (Beirut: al-Maktabah al-Thaqāfiyyah, 1988), Kitāb al-Kalām (56), Bāb Mā Jā' fī 'Adhāb al-'Āmmah bi 'Amal al-Khāṣṣah (9), *ḥadīth* no. 23, p. 991; Aḥmad ibn Ḥanbal, *Musnad*, 6: 218, *ḥadīth* no. 17736.

[238] Huwaydī, *al-Islām wa al-Dimuqrāṭiyyah*, 89.

[239] Muḥammad Abū Zahrah, *al-Jarīmah wa al-'Uqūbah fī al-Fiqh al-Islāmī* (Cairo: Dār al-Fikr al-'Arabī, n.d.), 158-61, hereafter cited as *al-Jarīmah wa al-'Uqūbah*; Muṣṭafā al-Sibā'ī, *Ishtirākiyyat al-Islām*, 2d ed. (Damascus: al-Dār al-Qawmiyyah li al-Ṭibā'ah wa al-Nashr, 1960), 54-55; Taqi al-Din al-Nabahāni, *Niẓām al-Ḥukm fī al-Islām*, 240, 250; Huwaydī, *al-Islām wa al-Dimuqrāṭiyyah*, 87-88.

[240] Gustave E. von Grunebaum, *Islam: Essays in the Nature and Growth of a Cultural Tradition*, 2d ed. (London: Routledge & Kegan Paul, 1961), 133, hereafter cited as *Islam*.

Classical scholars of Islam have expressed different opinions on how the principle of *ḥisbah* should be operationalized. Some have justified even armed (*musallaḥah*) opposition (e.g., al-Juwaynī, Ibn Ḥazm, al-Jaṣṣāṣ), while others (e.g., al-Nawawī) considered verbal opposition to be the maximum to which believers should go.[241] In brief, three distinctive approaches in this regard developed: (1) 'patience approach' (*madrasat al-ṣabr*), (2) 'revolutionary approach' (*madrasat al-thawrah*), and (3) 'ability approach' (*madrasat al-tamakkun*).[242]

It is obvious that this institution can be used to substantiate only some types of Opposition, namely Islamically inspired one, perhaps, the one not concerned with seeking office. Muḥammad al-Ṣādiq 'Afīfī points out that this principle cannot be taken as justification of opposition for the sake of opposition, or its institutionalization in the form of political parties.[243] Yet, combined with other principles/maxims of Islamic law (*qawā'id fiqhiyyah*), it has been invoked as evidence for the freedom of assembly and association, in general, and setting up of political parties, in particular.[244] The argument goes that the principle of *ḥisbah* being established beyond doubt, all that is necessary for its effective realization must be undertaken according to the maxim (*qā'idah fiqhiyyah*): That which is a condition for a duty, is itself a duty (*mā lā yatimm al-wājib illā bih fa huwa wājib*). The futility of individual acts of *ḥisbah*, which often equals powerless moralizing, is empirically established; individuals are too weak to perform effectively the duty of *ḥisbah* with regard to governments, hence parties should be allowed to perform that duty. If government responds to pressure for change, that is fine, otherwise opposing parties should take their case to the people. What is more, pluralism of Islamic parties is seen as the best means of actualizing *ḥisbah* and facilitating peaceful change.[245] Muḥammad A. Abū Fāris thinks that there is even scriptural evidence for the setting up of Islamic political parties. It is to be found in *Sūrat Āl 'Imrān*, 3: 104 and 110, *Sūrat al-Mā'idah*, 5: 63, *Sūrat al-Tawbah*, 9: 71, *Sūrat al-Hajj*, 22: 41 and other places where Allāh SWT commands 'a group' - not individuals - to perform the duty of *ḥisbah* when and where necessary. Before him al-Nabahānī reached the same conclusion through a slightly different path. He argued that verse *Sūrat Āl 'Imrān*: 104 demands commanding of good and prohibiting evil in general, which includes commanding of good and prohibiting evil to rulers, which is in itself known as accountability of rulers. Accountability is a political act performed by political parties.[246] Al-Kawākibī argued that emancipation of a community from dictatorship

[241] Nevīn Muṣṭafā, *al-Mu'āraḍah*, 130-36. For a number of similarly quietist statements and their fierce critique see al-'Ibādī, "al-Mu'āraḍah," 156-60, 163.

[242] For details see Nevīn Muṣṭafā, *al-Mu'āraḍah*, 227-417.

[243] Kamali, *Freedom of Expression*, 52; 'Afīfī, *al-Mujtama' al-Islāmī*, 94.

[244] Kamali, *Freedom of Expression*, 73-86.

[245] "The Muslim Brotherhood's Statement on *Shūrā* in Islam and Multi-Party System in an Islamic Society," *Encounters: Journal of Inter-Cultural Perspectives* 1, no. 2 (September 1995), 102-3, hereafter cited as "The Muslim Brotherhood's Statement"; Abū Fāris, *al-Ta'addudiyyah*, 27-29; al-'Awadī, *Ḥukm al-Mu'āraḍah*, 68; al-Qaraḍāwī, *Min Fiqh al-Dawlah*, 125-26, 147, 149; Suha Taji-Farouki, "Islamic State Theories and Contemporary Realities," in *Islamic Fundamentalism*, ed. Abdel Salam Sidahmad and Anoushiravan Ehteshami (Boulder: Westview Press, 1996), 45-46, hereafter cited as "Islamic State Theories"; Aḥmad Shawqī al-Fanjarī, *Kayf Naḥkum bi al-Islām fī Dawlah 'Aṣriyyah* (Cairo: al-Hay'ah al-Miṣriyyah al-'Ammah li al-Kitāb, 1990), 51-52, hereafter cited as *Kayf Naḥkum bi al-Islām*.

[246] Abū Fāris, *al-Ta'addudiyyah*, 30-33; al-Nabahānī, *Niẓām al-Ḥukm fī al-Islām*, 249-50; al-'Awadī, *Ḥukm al-Mu'āraḍah*, 24.

is a long process that may take much more that a lifetime of an individual. In order for this process to succeed eventually the efforts of fathers must be connected with those of their sons through 'political associations.'[247] In this way contemporary Islamic thought avoids the paradox of the classic Islamic thought which would not allow any such organizations while conditioning revolution/revolt against tyrants by the existence of 'man of authority with wide following' (*rajul mutā' dhū atbā' wa ashyā'*) or group of *ahl al-ḥall wa al-'aqd* or '*agreement of all citizens*.'[248]

Let us also note that the famous *ḥadīth* "If any of you sees something evil, he should set it right with his hand; if he is unable to do so, then with his tongue, and if he is unable to do even that, then (let him denounce it) in his heart. But this is the weakest form of faith"[249] gives legitimacy to both active/positive/open and passive/negative/*kāminah* opposition depending on the abilities of an individual/group.[250]

II. Mutual Consultation (*Shūrā*)

Shūrā is another principle considered to provide validation for opposition since it is understood as 'good counsel and constructive criticism to rulers and fellow citizens alike,' with rulers having obligation of facilitating the giving of such counsel and accepting criticism in good spirit.[251] Ṭaḥḥān, for instance, contends that *shūrā* and opposition are two sides of the same coin, and that political parties perform both.[252] Aḥmad Shawqī al-Fanjarī writes that Opposition is a must for meaningful *shūrā* to take place.[253]

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[247] 'Abd al-Raḥmān al-Kawākibī, *Umm al-Qurā*, quoted in al-Fanjarī, *Kayf Naḥkum bi al-Islām*, 52.

[248] Nevīn Muṣṭafā, *al-Mu'āraḍah*, 136; 'Abd Allāh ibn Muḥammad al-Rifā'i, ed., *Murāja'āt fī Fiqh al-Wāqi' al-Siyāsi wa al-Fikri 'alā Daw' al-Kitāb wa al-Sunnah ma' Samāḥat al-Shaykh 'Abd al-'Azīz bin Bāz, Faḍīlat al-Shaykh Ṣāliḥ al-Fawzān, Faḍīlat al-Shaykh Ṣāliḥ al-Sadlān* (Riyadh: Dār al-Mi'rāj, 1994), 80, hereafter cited as *Murāja'āt*.

[249] al-Tirmidhī, *Sunan*, 3: 318, ḥadīth no. 2263; Hasan, *Sunan Abī Dāwūd*, 3: 1208, ḥadīth no. 4326; Muḥyī al-Dīn al-Nawawī, *Riyāḍ al-Ṣāliḥīn* (al-Manṣūrah: Dār al-Wafā', 1992), 83.

[250] Nevīn Muṣṭafā, *al-Mu'āraḍah*, 127-30.

[251] 'Abd al-Raḥīm, "The Roots of Revolution in the Qur'ān," 13. AbdulRahman Abdulkadir Kurdi, *The Islamic State: A Study Based on the Islamic Holy Constitution* (London: Mansell Publishing Limited, 1984), 69, hereafter cited as *The Islamic State*; Kamali, *Freedom of Expression*, 40-44; Jābir Qamīḥah, *al-Mu'āraḍah fī al-Islām*, 19-60, as in Huwaydī, "al-Ta'addudiyyah wa al-Mu'āraḍah fī al-Islām," 31. Against the background of the claims by many local scholars that *shūrā* is not binding I strongly believe that it will be long before newly established *Majlis al-Shūrā* (1994) acquires any real powers. For a defence of the *Majlis* as it is see Ṣāliḥ Bakr al-Ṭayyār, "al-Tajribah al-Su'ūdiyyah fī al-Shūrā wa al-Ḥukm al-Maḥalli: al-Aṣālah al-Islāmiyyah wa Mutaṭallabāt al-'Aṣr," *al-Ḥiwār* (October 1993), 24-25. For a more balanced view see R. Hrair Dekmejian, "Saudi Arabia's Consultative Council," *Middle East Journal* 52, no. 2 (Spring 1997): 204-18; Wolfgang Kohler, "Fī al-Su'ūdiyyah Aqṣā mā Yastaṭi'uh Majlis al-Shūrā ... An Yushīr 'alā al-Malik," *Qaḍāyā Duwaliyyah*, 28 March 1994, 19 (trans. from *Frankfurter Allgemeine*, 16 February 1994). The same can be said of the Omani Consultative Council. Abdullah Juma Al-Haj, "The Politics of Participation in the Gulf Cooperation Council States: The Omani Consultative Council," *Middle East Journal* 50, no. 4 (Autumn 1996): 559-571.

[252] Ṭaḥḥān, *Taḥaddiyāt*, 63-66.

[253] Aḥmad Shawqī al-Fanjarī, *al-Ḥurriyyah al-Siyāsiyyah fī al-Islām* (Kuwait: Dār al-Qalam, 1983), 236.

There already exists a huge literature on *shūrā* (most of which is repetitive), and I do not intend to spent much time on it here. However, the late Fazlur Rahman's essay on the subject deserves our special attention because of one extremely important observation he made forcefully therein, and I quote:

> It is widely held that shura means that one person, the ruler, consults men who, in his judgment, are repositors of wisdom, with no obligation to implement their advice. First of all, this picture totally distorts the structure shura presupposes. The Qur'an designates the believers as "those whose affairs are decided by mutual consultation (*amruhum shura bainahum*)."[254] Shura, then, does not mean that one person asks others for advice but, rather, *mutual advice* through mutual discussions on an equal footing. This directly implies that the head or chief executive cannot simply reject the decision arrived at through shura.[255]

Perhaps, one cause of this misunderstanding is the fact that many place the verse "Forgive them and pray for them, and consult them on the matters of public concern, then when you have decided, place your trust in Allāh"[256] on the same footing with the previous one from *Sūrat al-Shūrā* in the discussions on *shūrā*, which is an obvious mistake.

III. Sovereignty of Allāh (*Ḥākimiyyat Allāh*)

Sovereignty of Allāh (*Ḥākimiyyat Allāh*), or sovereignty of the *Sharī'ah*, or the Qur'ān is seen as another affirmative principle.[257] As we have seen in the first chapter, for legal Opposition to exist without stigma of treason the distinction between seat of sovereignty and executive power must be clearly made. The principle of sovereignty of Allāh is considered to facilitate just that. The believer's ultimate loyalty and absolute obedience without hesitation or reservation is to God (i.e., His laws), and wherever the governments (or any one else's) actions contradict His will the believer is not only entitled but actually obliged to oppose them.[258] In

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[254] *Sūrat al-Shūrā*, 42: 38.

[255] Fazlur Rahman, "Shura," 91. Somewhat similarly Tawfīq al-Shāwī distinguishes *shūrā* from *istishārah*. Tawfīq al-Shāwī, *al-Shūrā A'lā Marātib al-Dīmuqrāṭiyyah* (Cairo: al-Zahrā' li al-I'lām al-'Arabī, 1994); Idem, *Fiqh al-Shūrā wa al-Istishārah*, 2d ed. (al-Manṣūrah: Dār al-Wafā', 1993).

[256] *Sūrat Āl 'Imrān*, 3: 159.

[257] What is meant by 'sovereigtny of God' is that "Allāh SWT is Lawgiver/Legislator to His creatures; that He is the one who commands them and prohibits things for them; that He is the one who makes things lawful or unlawful for them. This legislative power of God is absolute, supreme and as such is one of the distinguishing characteristics of His oneness. It by no means denies that men can have some powers of legislation in accordance with God's permission. al-Qaraḍāwī, *Min Fiqh al-Dawlah*, 61, 64. See also: Abū Ḥāmid al-Ghazālī, *al-Mustaṣfā min 'Ilm al-Uṣūl*, 2 vols. (Cairo: Mu'assasat al-Ḥalabī, reprint from 1322A.H. al-Maṭba'ah al-Amīriyyah-Bulāq ed., n.d.), 1: 8. The whole idea is authentically Qur'ānic, most expressly being stated in Sūrat Yūsuf, 12: 40. For juridical discussion on the issue of lawgiver (*ḥākim*) and related issues see Ahmad Hasan, *The Principles of Islamic Jurisprudence: The Command of the Sharī'ah and Juridical Norm*, volume 1 (Islamabad: Islamic Research Institute - IIU, 1993), 230-50.

[258] Osman, *Concepts of the Quran*, 764; Nevīn Muṣṭafā, "Muqaddimah," 19, 39. For *aḥadīth* on non-obligation of obedience in sin see Nevin Muṣṭafā, *al-Mu'āraḍah*, 108, note 3. Many Muslim authors claim that Islamic system will prevent excesses of democracy that is, according to them, unrestrained by anything, and hence if majority decides to usurp the rights of minority nothing can stop it, while in Islam the clear *Sharī'ah* injunctions are inviolable. Al-Turābi, "Fī al-Fiqh al-Siyāsi

this way Islamic non-structural (non-office seeking) opposition is/can be justified. It should be noted that there is a lot of disagreement about the concept itself and its usefulness in Islamic political discourse. For example, many have challenged the very idea as a remnant of *khāriji* thought revived by al-Mawdūdi and than expounded by Sayyid Quṭb. Ṭāhā Jābir al-ʿAlwāni has made the contention that we should talk about authority/sovereignty of the Book, given God's promise not to intervene in the history of this *Ummah* as He had done in the case of the Jews, for instance. Al-ʿAlwāni argues that

> whereas the concept of divine authority was understood by earlier monotheistic traditions to be something that involved God directly in human affairs, the Islamic understanding is that divine authority resides in the Word of God, the Qur'an, which is His eternal message. . . . [I]n the concept of Qur'anic authority we may discern the responsibily of individuals to read and understand and then to interpret and apply. In the concept of divine authority, however, the individual is no more than a recepient whose only responsibilty is to adhere to whatever he/she has been given. The authority of the Qur'an is like human authority in the sense that it functions through a human reading of the Qur'an and a subsequent human application of its teachings, regardless of the cultural, intellectual, or other circumstances that make up the context of that reading and applicatuion.[259]

So far his argument was not widely debated. Others, like Fatḥi ʿUthmān,[260] think that the principle is largely theoretical as long as we agree that a ruler cannot be imposed on the *Ummah* without its consent. He also points out that *ḥākimiyyah* cannot be used as a pretext for banning secular, non-Muslim, and even atheist opposition, as the *Shariʿah* itself guaranties freedom of religion as long as it does not resort to force.[261]

Some of this confusion is due to the attempt to express Islamic ideas in modern western terminology. Lately, Islamic thinkers have been more sensitive to the subtle differences between political paradigms of the two civilizations. Many are now talking about *ḥākimiyyah* (supremacy) of Allāh, and *khilāfah, istikhlāf, sulṭah* or *siyādah* (sovereignty) of the *Ummah*[262] in order to clarify that the *Ummah* is the

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al-Islāmi," 73; J. M. Maḥmūd, *al-Dawlah*, 168; Fatḥi ʿUthmān, "Azmat al-Fikr al-Siyāsi al-Islāmi fī al-ʿAṣr al-Ḥadīth," *al-Muslim al-Muʿāṣir*, no 5 (Jan.-March 1976), 206-10. However this may be questioned as some Muslim statesmen, both *Shiʿi* and *Sunni*, have under different pretexts allowed for transgressing even the clearest injunctions of the Islamic law. I have in mind the late *imām* Khomeini and Ḥasan al-Turābi. Al-Turābi says: "No limits on revolution and freedom . . . are imposed; thus *ijtihād* rearranges the *Shariʿah* without any institutional regulative principle." al-Turābi, *Qaḍāyā al-Ḥurriyyah wa al-Waḥdah wa al-Shūrā wa al-Dimuqrāṭiyyah wa al-Din wa al-Fann*, Jedda, al-Dār al-Suʿūdiyyah, 1987, 10-11. Necessity dictates its imperatives; it can overrule anything and everything! Khomeini on his part proclaimed that the *Shariʿah* does not restrict the power of *wali al-faqih*, as he can suspend and alter any element of religious rule or worship, even fasting and ḥajj. Sami Zubaida, *Islam: The People and The State - Political Ideas and Movements in the Middle East*, 2d rev. ed. (London: I. B. Tauris & Co.. Ltd., 1993), 177.

[259] Ṭāhā Jābir al-ʿAlwāni, "Authority: Divine or Qur'anic?," *The American Journal of Islamic Social Sciences* 13, no. 4 (1996): 541, 549. For the (original) Arabic version see T. J. al-ʿAlwāni, "Ḥākimiyyat al-Qur'ān," *Qaḍāyā Islāmiyyah Muʿāṣirah* 2 (1998), 85-108.

[260] Othman, "Modern Democracy and the Concept of *Shūrā*," 118.

[261] Fatḥi ʿUthmān, *Fī al-Tajribah*, 30-37.

[262] "The Muslim Brotherhood's Statement," 100; al-Qaraḍāwi, *Min Fiqh al-Dawlah*, 62; F. Huwaydi, *al-Islām wa al-Dimuqrāṭiyyah*, 185; Jaʿfar, *al-Abʿād*, 256; al-ʿAwaḍi, *Ḥukm al-Muʿāraḍah*, 10; The Constitution of the Republic of the Sudan, Article 4; Kurdi, *The Islamic State*, 37-39. There is still

source of legitimacy under the encompassing roof of the *Shari'ah*, and that this principle has nothing to do with theocracy as it has been known in the West. The importance and even centrality of the concept for Islamic political thought is undeniable. In fact, many Islamic thinkers summarize the differences between Islamic political system and democracy by reference to *ḥākimiyyah*.[263] In line with this, the imprisoned Algerian leader, 'Alī Belḥāj, postulates two conditions for legitimacy of government: compliance with the *Shari'ah* and popular will.[264] On another occasion he puts the same idea eloquently saying: "One does not vote for God, one obeys Him . . . ."[265] The Saudi scholar and dissident, Safar al-Ḥawālī, equates popular sovereignty with *kufr*; as used to do 'Alī Belḥāj and the late Sayyid Quṭb.[266] To Ḥalīmah, democracy is 'an associationist notion as it associates people with God' (*fikrah shirkiyyah, tushrik al-sha'b ma' Allāh*). And so is it for Shaykh Sayyid Sha'bān.[267] Muṣṭafā Mashhūr puts the *Shari'ah* above the vote, and so does Muḥammad Quṭb who wrote:

> The arbitration/establishment of the *Shari'ah* is an affair in which no choice is given to the people, and they are not to be asked about it because God decrees that "It is not fitting for a Believer man or woman when a matter has been decided by Allah and His Apostle to have any option about their decision: if anyone disobeys Allah and His Apostle he is indeed on a clearly wrong Path" (*Sūrat al-Aḥzāb*, 33: 36). Is a Muslim to be given a choice in the Islamic state and to be asked: "Would you like to be a Muslim, or would you prefer to be a *kāfir*? ... God forbid![268]

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a lot of confusion about the appropriate terminology. For instance, a *Shī'ī* scholar, Muḥsin Bāqir al-Mūsawī, argued in a well-written article that we should talk about *wilāyah* that belongs to God and *khilāfah 'āmmah* that belongs to the *Ummah*. al-Mūsawī, "Qā'idatā al-Ḥukm fī al-Islām," 73. On the other hand, a renown Lebanese *Shī'ī* leader, Muḥammad Mahdī Shams al-Dīn, says that *wilāyah* belongs to the *Ummah*, and not to the *faqīh*. M. M. Shams al-Dīn, "Ḥiwār Fikrī," 18.

[263] William E. Shepard, *Sayyid Quṭb and Islamic Activism: A Translation and Critical Analysis of Social Justice in Islam* (Leiden: E. J. Brill, 1996), 107-8, hereafter cited as *Sayyid Quṭb and Islamic Activism*; Mumtaz Ahmad, "Introduction: Islamic Political Theory – Current Scholarship and Future Prospects," in *State Politics and Islam*, ed. Mumtaz Ahmad (n.d.: American Trust Publications, 1986?), 4, hereafter cited as "Islamic Political Theory."

[264] Luṭfī ibn Ramaḍān, "al-Jazā'ir… Ḥaqīqat al-Dajjah Ḥawl Rasā'il Belḥāj: Hal Hiya Dharī'ah li Taharrub al-Sulṭah min al-Ḥiwār?" *Filisṭīn al-Muslimah*, December 1994, 42, hereafter cited as "al-Jazā'ir."

[265] Daniel Brumberg, "Islam, Elections, and Reform in Algeria." *Journal of Democracy* 2, no. 1 (Winter 1991), 64.

[266] Belḥāj declared that "democracy is *kufr*." See interview with 'Alī Belḥāj in *Horizons*, 23 February 1989, quoted in Mehdi Mozaffari, "Islamism in Algeria and Iran," in *Islamic Fundamentalism*, ed. Abdel Salam Sidahmed and Anoushirvan Ehteshami (Boulder, CO: Westview Press, 1996), 23, hereafter cited as "Islamism in Algeria and Iran"; Sayyid Quṭb, *Fī Ẓilāl al-Qur'ān*, 6 vols., 16th ed. (Cairo: Dār al-Shurūq, 1990), 4: 1990; See also Muḥammad 'Abd al-Qādir Abū Fāris, *al-Niẓām al-Siyāsī fī al-Islām*, 2d ed. (Amman: Dār al-Furqān, 1986), 34).

[267] Ḥalīmah, *Ḥukm al-Islām*, 113; Raghid El-Solh, "Islamist Attitudes Towards Democracy: A Review of the Ideas of al-Ghazālī, al-Turābī, and 'Amāra," *British Journal of Middle East Studies* 20, no. 1 (1993): 58, hereafter cited as "Islamist Attitudes Towards Democracy."

[268] Muḥammad Quṭb, *al-'Almāniyyūn wa al-Islām* (Cairo: Dār al-Shurūq, 1994), 62. See Muṣṭafā Mashhūr's similar statements on the same issue in "al-Ra'y fī Dukhūl al-Majālis al-Niyābiyyah wa Musānadat al-Murashshaḥīn lahā," *al-Da'wah*, October 1994, 43, hereafter cited as "al-Ra'y fī Dukhūl al-Majālis," and Hishām Aḥmad, "al-Āthār al-Siyāsiyyah li Ishtirāk al-Ikhwān fī al-'Amal al-Siyāsī," *al-Da'wah*, August 1994, 30.

Amazingly enough, on the next page he writes: "We do not ask for power . . . we ask for freedom of *da'wah* . . . ." A few pages later he states: "According to God's scale there are two kinds of government (*ḥukm*): Either government of God, or *jāhiliyyah* government." After citing *Sūrat al-Mā'idah*, 5: 50 he continues: "Therefore any government other than the government of God is *jāhilī* government. And since democracy is not government of God then it is, on God's scale, *jāhilī* government." Why? Because,

> when democracy gives the right of legislature/law-making, i.e., the right of making things lawful and unlawful, to "the *Ummah*" and not to God, it falls into one of the main types of *shirk* (associationism) [i.e., *shirk al-ittibā'*]. Hence it is *jāhiliyyah* on God's scale . . . Islam protects the individual from misuse of power by the state, but it refuses to give men - any men - the right of legislation initially (*ibtidā'an*) even if it contradicts God's injunctions . . . Islam protects the individual against the state and gives him the right to voice opposition and take his ruler to account. But Islam cannot allow for atheism and immorality under the pretext of freedom. . . . . History testifies that Islam accepts pluralism, but not an absolute one . . . . Pluralism of human ideas - yes; but where God's word is clear there can be no pluralism.[269]

Regarding the alternation of power he writes:

> We say to the secularists that - from a pure theoretical viewpoint - there is no obstacle for having one government ('*ahd*) changed and another one installed. . . . But both the first and the second must rule according to the Law of God! Because it is inconceivable for a Muslim to rule the people according to some law other than the Law of God and thus fall into shirk leading out of the fold of Religion, and let them also - if they accept it and follow him - fall in the *shirk* leading out of the religion.[270]

Nevin Muṣṭafā also holds that the will of majority is to be followed only when it does not contradict the clear Islamic principles; if it does, the believing minority would not submit to it because it cannot neglect the explicit text of the *Sharī'ah*.[271] Al-Qaraḍāwī asserts that what the Islamists mean when they advocate democracy and the sovereignty of the people is not absolute sovereignty, but one under the roof of the *Sharī'ah*. Sovereignty of the people should not be taken to work against the

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[269] M. Quṭb, *al-'Almāniyyūn wa al-Islām*, 64-72. Three decades ago al-Qaraḍāwī wrote almost similarly:

> By freedom we do not mean submission to the desires and release of lower instincts. That is animalism, not freedom. Neither do we mean by it the pursuit of suspicions and confusion of ideas and incitement of *fitan*. All that is anarchy and not freedom. By freedom of citizen or man here we mean his deliverance (*khalāṣuh*) from any domination (*sayṭarah*) that holds sway over his thinking or consciousness or movement, be it domination of a despotic ruler or imposing priest, or oppressing feudal lord or capitalist.

He went on detailing out what this means, and it meant, *inter alia*, freedom of association "on the sound intellectual basis, under the condition of being respective of the creed of the land and its *shar'ī* system of life." Yūsuf al-Qaraḍāwī, *al-Ḥall al-Islāmī: Farīḍah wa Ḍarūrah*, 11th ed. (Beirut: Mua'ssasat al-Risālah, 1985, 1st ed. 1974), 77-78, hereafter cited as *al-Ḥall al-Islāmī*.

[270] M. Quṭb, *al-'Almāniyyūn wa al-Islām*, 74.

[271] Nevin Muṣṭafā, *al-Mu'āraḍah,* 54. See also her discussion of the concept of sovereignty of God, Ibid., 79-90.

sovereignty of God. That is out of question. It should be taken only as a negation of the rule of one person.[272] Thus, the view of the majority of contemporary Islamic thinkers is that the affirmation of the sovereignty of God's will as embodied in the *Shari'ah* is of great significance for the nature of Islamic political system which, according to Hishām Ja'far, should more accurately be called *Niẓām al-ḥākimiyyah.*[273]

In view of what has been said in this section, the concept of *ḥākimiyyah* has a decisive role in allowing certain types of opposition to exist, and prohibiting others. *Ḥakimiyyah* is often, rightly, seen as the main difference between democracy and Islamic political system. 'Abd al-Qādir 'Awdah asserts that the Islamic system has nothing in common with dictatorship or theocracy; it partakes in some characteristics of democracy, but it opposes the sovereignty of the people and unrestricted freedom; it allows rulers to rule for life; its understanding of justice and equality is guided by the Qur'ān and the *Sunnah.*[274] Departing from the premises that any state must be based on the consent of its citizens and that "a state formed by a Muslim community will by necessity be an Islamic state, or based on the sharia," Abdelwahab El-Affendi contends that

> [t]he provisos set forth by extracautious theoreticians who insist that an Islamic state cannot be a democracy because that would imply that the will of the people is above all law, including sharia, is misplaced. If a community rejects sharia, it is by definition not Islamic, and the arguments of these writers are therefore irrelevant to it.[275]

At the end of this discussion, it should however once again be stressed that the concept of *ḥākimiyyah* is invaluable in the legitimization of non-structural opposition, although it does seem to prevent the existence of legal structural opposition. The crucial question, however, is whether at least some aspects of this sovereignty as embodied in the *Shari'ah* should be imposed by force on a community

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[272] al-Qaraḍāwī, *Min Fiqh al-Dawlah*, 139-40. It seems that his understanding of democracy is that of "a process through which the exercise of political power by regime and state becomes less arbitrary, exclusive, and authoritarian." Michael C. Hudson, "Democratization and the Problem of Legitimacy in Middle East Politics," *Middle East Studies* 22 (1988): 157, cited in D. F. Eickelman, "Re-Imagining Religion and Politics," 268. This understanding of democracy as basically value-neutral concept seems to be well in accordance with what we have said in the previous chapter about Muslim authors understanding of democracy and Opposition. M. M. Shams al-Dīn explicitly states that Muslim cannot accept democratic pressumptions but only its institutions and arrangements. M. M. Shams al-Dīn, "Ḥiwār Fikrī," 22. When al-Ghannūshī wrote that democracy is essentially value-neutral that Islamic values and democratic institutions make for perfect system he was, in fact, expression the position of the majority of mainstream Islmaic thinkers. al-Ghannūshī, *al-Ḥurriyyāt al-'Āmmah*, 88.

[273] Ja'far, *al-Ab'ād*, 256.

[274] 'Abd al-Qādir 'Awdah, *al-Māl wa al-Ḥukm fī al-Islām*, 5th ed. (Jedda: al-Dār al-Su'udiyyah li al-Nashr wa al-Tawzi', 1984), 126, 129-30. See also Muḥammad 'Imārah, *Ma'rakat al-Muṣṭalaḥāt bayn al-Gharb wa al-Islām* (Cairo: Nahḍat Miṣr, 1997), 24, 27; al-Kaylānī, *al-Quyūd*, 62-63; 'Adnān 'Alī Riḍā al-Naḥwī, *al-Shūrā wa al-Dīmuqrāṭiyyah* (Cairo: Dār al-Ṣaḥwah, 1985), 106; Hashim Kamali, "Characteristics of the Islamic State," *Islamic Studies* 32, no. 1 (1993): 34-5.

[275] El-Affendi, *Who Needs an Islamic State?*, 90. Similar argument is advanced by Fazlur Rahman: "I whish to remind the readers once again that if the Muslim community at large has lost the Islamic vision of life, then the Muslim ummah does not exist. If this is so, then no amount of self-styled political, religious, or intellectual elites can save the situation for Islam since the Qur'an has reposed its charge and its trust in the Muslim community alone." Fazlur Rahman, "Shura," 95.

or whether it should be applied only to those who choose it. Lu'ayy Ṣafī (Louay Safi) has argued that we should make a distinction between the role of the Islamic state and that of the *Ummah*, and consequently between Islamicity and legitimacy of state/power.[276] Fatḥī 'Uthmān urges Muslim thinkers to make a distinction between 'assault on Islam' (*al-khurūj 'alā al-Islām*) and 'exit from Islam' (*al-khurūj min al-Islām*), and another one between *taḥrīm* and *tajrīm*.[277] These distinctions smack of secularism but they are worth considering. Their implications are far-reaching. Among other things, they mean that an Islamic state may allow structural opposition (and thus guard freedom) while it would be the duty of the *Ummah* to make sure through democratic means that the *Sharī'ah* be the law of the land. This recognition that certain values approved by the *Sharī'ah*, such as justice, equality and freedom,[278] might come into contradiction with the total application of the *Sharī'ah* and that, in the interest of the former, the latter should be postponed or temporarily suspended is of paramount importance.[279] Ibn Taymiyyah in this way explained the Negus' non-application of the *Sharī'ah* and even his hiding of Islam. He also firmly stated that God will support the government of just infidel (*kāfir*) and will not support unjust rule of a Muslim, and advised his disciples not to prohibit Tatars from drinking wine, as he saw them more devastating while sober. In recapitulation of this view al-Ghannūshī recently said that: "It is possible to conceive of an unjust 'Islamic' state

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[276] Louay M. Safi, "The Islamic State: A Conceptual Framework," *The American Journal of Islamic Social Sciences* 8, no. 2 (1991), 221, 223, 226-68, 232-33. Al-'Awwā seems to think along the same lines. In fact he seems to be undecided; one he says that pluralism should be allowed only under the roof of the *Sharī'ah*, while pledging that if he ever becomes an official of the future Islamic state (which he does not believe) he would prevent nobody from setting up a party and expressing his views even if it happens to be an outright *kufr* (*kufr bawwāḥ*). He believes that citizens will not respond to the call of such parties because they are believers, as British did not respond to the call of legally protected Communist party which had to announce its dissolution because of pure response. Al-'Awwā ends his confusing/puzzling reasoning by saying: "We shall stand by what we have said, i.e., that there is a framework which is the Islamic law (*al-Sharī'ah al-Islāmiyyah*). Inside it everything is permissible. Outside it is disbelief (*kufr*); if people accept it then they are infidels, and if they do not it will fall on its own and disappear." al-'Awwā, *al-Ta'addudiyyah*, 31-34. The quotation is from page 34. From what he says here and at another place it is clear that people are the ultimate judge and source of *political* authority. Their will must be followed in any case. If people vote for un-Islamic laws and policies those policies are legitimate, although they will cease to be Islamic, and Islamists should accept them as such. In other words, what he says about unpermissibility of transgressing the *Sharī'ah* is religious judgement, not legally sanctioned one. Still, the source of Islamicity is the *Sharī'ah* "for Islam does not accept 'society' as authoritative in matters of knowledge, or invest it with authority to bring about changes that will lead Muslims astray. Society, in so far as knowledge and the understanding of Islam and its worldview are concerned, has no authority; . . . ." al-Attas, *Prolegomena*, 31.

[277] F. 'Uthmān, "Azmat al-Fikr al-Siyāsī al-Islāmī fī al-'Aṣr al-Ḥadīth," 150.

[278] Fatḥī Yakin argues that equality and justice should be emphasized before implementation of the *Sharī'ah* in the political program of Islamists in Lebanon. Fatḥī Yakin, "al-Taḥaddī al-Ṣuhyūnī Huwa Akhṭar mā Yuwājih al-Ummah al-Islāmiyyah," interview by Aḥmad Manṣūr, in *al-Mujtama'*, 12 June 1995, 24; For an exposition of Islamic conception of freedom see al-Attas, *Prolegomena*, 33-4, 54.

[279] I think that it is misleading to juxtapose the *Sharī'ah* and justice or public interest, for instance, and then claim than there is a contradiction between the two as both of them are parts of the *Sharī'ah*. So, when 'Umar 'suspended' application of *ḥadd al-sariqah* in the Year of Hunger he did not give precedence to the public interest or justice over the *Sharī'ah* but simply realized that conditions for the aplication of that particular *Sharī'ah* rule (*ḥadd al-sariqah* in this case) are not fulfilled.

and a just non-Islamic state. In that case, the Islamic vision incites us to expect the prosperity and development of the just state despite its being non-Islamic, and on the other hand the corruption and decadence of the unjust state despite its being 'Islamic'."[280] Mark Juergensmeyer points to potential usefulness of recognition of two levels of the *Shari'ah*. According to him, some Islamists from Egypt and Palestine have indicated that religious state may solve the problem of minority rights through recognition of two levels of the *Shari'ah*:

> at a general cultural level there are social mores that are incumbent on all residents of the nation, regardless of their religious [and political] affiliation. This general level of *Shari'ah* is much like what passes for law-abiding, civilized behavior everywhere. At a more particular level, however, are detailed personal and family codes of behavior that are required only of Muslims.[281]

Whether this solution will work will depend heavily on the willingness of non-Muslims to regard Islamic laws and Muslims as equals to them and their laws.

IV. The Philosophy of Independent Reasoning (*ijtihād*)

The philosophy of *ijtihād*[282] or independent (juristic) reasoning in its entirety is another source of Islam's liberal ethos and as such is often called upon as evidence for the admissibility of plurality of views even when we know for certain that all of them are not true.[283] In a well known *ḥadīth* the Prophet is reported to have said: "When a judge/person making decision (*ḥākim*) exerts himself and makes a correct decision he will have a double reward, and if he errs in his judgement, he will still merit a reward."[284] The unmistakable implications of this *ḥadīth* are generalized to

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[280] Ibn Taymīya, *Public Duties in Islam*, 95. This – among traditional *'ulamā'* - unusually frank and straight to the point tribute to Justice is favorable quotation of many contemporary Islamists. See, for instance, Rāshid al-Ghannūshī, "An-Nahda's Long March to Freedom," interview by Faruqi M. H. *Impact International*, December 1998, 11.

[281] Juergensmeyer, *Religious Nationalism*, 182.

[282] By *ijtihād* here we do not mean *ijtihād* as a technical concept in *uṣūl al-fiqh*. What we mean is rather a general Islamic concept (very much related to the Islamic conception of man as a free agent) which permeates the whole Islamic teachings. According to it an individual is doing *ijtihād*, i.e., making decisions of importance to his ultimate salvation/success all the time by himself according to the best of his knowledge and conscience; nobody else is allowed to do it for him, neither is he supposed to follow others where his conscience does not approve certain direction of action. (Islamic law makes only few exceptions here, namely: child and insane person). The Prophet, peace be upon him, said: "Ask your heart for a *fatwā* (*istaftī qalbak*)." Choosing one's religion is the gravest instance where an individual has to make his own *ijtihād*, judgement.

[283] See 'Imārah's comment in al-'Awwā, *al-Ta'addudiyyah*, 27; Kamali, *Freedom of Expression*, 45-49. Majority of Islamic jurists hold the position that the truth is one in its essence, numerous in its actual existence/appearance. Consequently, only one of the juristic opinions is correct, but still mutliplicity of views is allowed. This group of scholars is known as *mukhaṭṭi'ah*. Only few think that truth is numerous in its essence (*muṣawwibah*), or that it is one in essence and appearance. Mona Abul-Fadl, "Squaring the Circle in the Study of the Middle East: Islamic Liberalism Reconsidered," *The American Journal of Islamic Social Sciences* 8, no. 3 (1991), 541-43. See especially a very good article by al-Milād, "al-Ta'addudiyyah," 31-32. Al-Milād has identified four approaches to justifying pluralism: historical, legal, political and *uṣūlī* (p. 27). Historical approach draws upon the historical examples of pluralism in early Islamic history. Legal or 'rightist' (pertaining to rights, pp. 35-36) falls back on the rights guaranteed by the *Shari'ah*. Political approach is based, mainly, on *maṣlaḥah* (pp. 36-38), and *uṣūlī* on the philosophy of *ijtihād*.

[284] Hasan, *Sunan Abī Dāwūd*, 3: 1013, *ḥadīth* no. 3567.

justify the existence of divergent political platforms and organizations advocating them. Accordingly, modern political parties are likened to *madhāhib*[285] in politics and *firaq*.[286] It is also deduced from this that allowing certain opinions and programs to exist does not mean their approval. In other words, the legitimacy of an opinion does not depend on its correctness.[287] False opinions are allowed in order to facilitate arrival at correct ones. Fatḥī 'Uthmān urges Islamists to tolerate mistakes because that is the only way to learn.[288] It was mainly due to this *ḥadīth* that the idea of relativity of legal and political truth developed inside religious circles.[289] *Imām* Shāfi'i's words "My opinion is right, and may yet be proven wrong; while the opinion of my opponent is wrong but may yet be proven right," and Abū Ḥanīfah's words "This science/knowledge of ours is [a matter of] opinion, and it is the best we could come up with. And whoever comes with something better we will accept it"[290] reflect that relativism.[291] Obviously, this principle can serve as the foundation for only limited types of opposition, namely Islamic ones. Finally, let me note that in the light of what we have just said, Ḥayder Ibrāhīm 'Ali's claim that "relativity is unknown in religious thought"[292] appears to be wide off the mark and dogmatic indeed.

V. The Principle of Disagreement (*Ikhtilāf*)

The principle of *ikhtilāf*[293] (diversity, pluralism, disagreement) is another principle on which proponents of legal Opposition often fall back. Muḥammad Salim al-'Awwā writes that "pluralism is acceptance of disagreement/diversity (*ikhtilāf*), and diversity/disagreement is reality that no sane person can deny. Disagreement is a right of those who differ and nobody has the right to prevent them from practicing it,

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[285] al-Qaraḍāwī, *Min Fiqh al-Dawlah*, 151-53; Muḥammad 'Imārah, "al-Ta'addudiyyah … al-Ru'yah al-Islāmiyyah wa'l-Tahaddiyāt al-Gharbiyyah," *al-Jāmi'ah al-Islāmiyyah*, no. 2 (April-June 1994): 76. Huwaydī reports that this was the general conclusion of the symposium on political pluralism organized by The Center for Civilizational Studies, Cairo (3 August 1992). See Huwaydī, *al-Islām wa al-Dīmuqrāṭiyyah*, 78, also Ṭaḥḥān, *Tahaddiyāt*, 56. However, al-Albānī et al. in their *fatwā* strongly deplore this analogy as totally mistaken. Halīmah, *Hukm al-Islām*, 55.

[286] al-Ra'is, *al-Nazariyyāt*, 51.

[287] Huwaydī, *al-Islām wa al-Dīmuqrāṭiyyah*, 27.

[288] 'Uthmān, *Fī al-Tajribah*, 54.

[289] Abou El Fadl, "Aḥkām al-Bughāt," 165.

[290] Aḥmad Kamal Abū al-Majd, "Ḥurriyyat al-Fikr fī al-Islām," *Majallat Minbar al-Islām* 19, no. 12 (May 1962): 82, quoted in Nevin Muṣṭafā, *al-Mu'āraḍah*, 70.

[291] The relativism we are talking about is a kind of limited relativism; relativism up to a point, so to speak. It does not arise/stem from agnosticism, as it does in the modern West, but from the realization that we as human beings are limited and that knowing is a process in which we err and through erring and correcting errors reach at truth. Absolute relativism, the one that borders agnosticism is, indisputably alien to Islam. al-Attas, *Prolegomena*, p. 14.

[292] Ḥayder Ibrahim Ali, "Islamism in Practice: The Case of Sudan," in *The Islamist Dilemma: The Political Role of Islamist Movements in the Arab Contemporary World*, ed. Laura Guazzone (Reading: Ithaca Press, 1995), 203.

[293] al-Qaraḍāwī, *Min Fiqh al-Dawlah*, 153-54; Esposito and Voll, *Islam and Democracy*, 43-46; Ṭāhā Jābir al-'Alwāni, *The Ethics of Disagreement in Islam*, ed. A. S. al Shaikh-Ali, trans. AbdulWahid Hamid (Herndon, VA: The International Institute of Islamic Thought - IIIT, 1994), passim; Ṭaḥḥān, *Tahaddiyāt*, 75; Mohammad Hashim Kamali, "The Scope of Diversity and *Ikhtilāf* (Juristic Disagreement) in the *Sharī'ah*," *Islamic Studies* 37, no. 3 (Autumn 1998): 315-37, hereafter cited as "*Ikhtilāf*."

or believing it, or calling to what they believe."[294] In one version, the principle itself is an offshoot of the institution of *ijtihād* and represents a relatively obscure technical term in Islamic jurisprudence on the basis of which differences among Muslims in the interpretation of Islamic sources were legitimized. *Madhāhib* are the actualization of this version of *ikhtilāf*. In another version, *ikhtilāf* is seen as God's will operating in the Universe allowing disobedient human beings to enjoy their lives and wealth, and profess their faith.[295] The concept of *ahl al-dhimmah* represents an institutionalization of this principle in Islamic practice of politics. Finally, diversity is one of the signs of God in the Universe (*āyāt Allāh*).[296] Several aspects of the principle of *ikhtilāf* are said to validate Opposition. First of all, according to the text of the Qur'ān differences are God-intended and they cannot possibly be eliminated. Secondly, *ikhtilāf* about *ijtihādi* matters suspends *ḥisbah*.[297] As the best example of the embodiment of this principle in practice is caliph 'Alī's treatment of *khawārij*.[298]

This episode of Islamic history is, indeed, of paradigmatic importance given the normative character attributed to it by many Muslims. Its interpretation deserves our attention here. The precedent itself features high in contemporary Islamic writings on opposition. Yūsuf al-Qaraḍāwi, Muḥammad Mahdi Shams al-Dīn, Fahmi Huwaydī, Lu'ayy Ṣāfi, and many others consider this experience to be a mine of lessons and principles regarding the limits of Opposition in the Islamic state. According to them, only armed/violent/military (*musallaḥah*) opposition would not be allowed to exist in such a state. There would be no limits on opposition regarding verbal assault on the *imām*, because *khawārij* excommunicated 'Alī (together with the majority of the *Ummah*) from above the pulpit and of course broke their *bay'ah*, but he left them alone saying: "There are three things we owe you: not to keep you from mentioning the name of the Lord in the Lord's mosques, not to initiate war against you, and not to deprive you of your share of *fay'* so long as you stick with us."[299] In other words, he ensured them that they will have freedom of religion, life,

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[294] al-'Awwā, *al-Ta'addudiyyah*, 2.

[295] Apparently, most of those today who would bomb and kill all the sinners just repeat what *malā'ikah,* surprised by God's announcement that he is going to make man *khalīfah* on the Earth, said. They asked God: "Wilt thou place therein one who will make mischief therein and shed blood? Whilst we do celebrate Thy praises and glorify Thy holy (name)?" He said: "I know what ye know not." (*Sūrat al-Baqarah*, 2: 30). The same question is often directed at liberal Islamists when they reassert their commitment to allow secularists and even atheists to enjoy their political rights. Ṭaḥḥān on his part interprets the above-mentioned verse that even God accepted opposition. Ṭaḥḥān, *Taḥaddiyāt*, 77.

[296] al-'Awwā, *al-Ta'addudiyyah*, 3. See verses: *Sūrat al-An'ām*, 6: 98-99, *Sūrat Fāṭir*, 35: 27, *Sūrat al-Rūm*, 30: 22.

[297] Yūsuf al-Qaraḍāwi, *al-Ṣaḥwah al-Islāmiyyah bayn al-Ikhtilāf al-Mashrū' wa al-Tafarruq al-Madhmūm*, 2d ed. (Beirut: Mu'assasat al-Risālah, 1992), 69-70.

[298] al-'Ibādi, "al-Mu'āraḍah," 174-77; Kamali, *Freedom of Expression*, 197-98.

[299] Muḥammad Mahdi Shams al-Dīn, "Ḥiwār Fikri," 24; Huwaydī, "al-Ta'addudiyyah wa al-Mu'āraḍah fī al-Islām," 31-32; al-Qaraḍāwi, *Min Fiqh al-Dawlah*, 157; Idem, *al-Ṣaḥwah al-Islāmiyyah bayn al-Juḥūd wa al-Taṭarruf* (Qatar: Ri'āsat al-Maḥākim al-Shar'iyyah wa al-Shu'ūn al-Dīniyyah, 1402A.H.), 147-50; Lu'ayy Ṣāfi, *al-'Aqīdah wa al-Siyāsah: Ma'ālim Nazariyyah 'Āmmah li al-Dawlah al-Islāmiyyah* (Herndon, VA: International Institute of Islamic Thought, 1996), 76. The quotation is from Abū al-Ḥasan al-Māwardī (d. 450), *al-Aḥkām al-Sulṭāniyyah wa al-Wilāyāt al-Dīniyyah* (n.p.: Markaz al-Nashr- Maktab al-I'lām al-Islāmi, 1985, photocopied from Cairo: Maktabat Muṣṭafā al-Bābi al-Ḥalabī, 1973), 58. trans. Wafaa H. Wahba, *The Ordinances of Government: A Translation of al-Aḥkām al-Sulṭāniyyah wa al-Wilāyāt al-Dīniyyah* (Reading: Garnet Publishing, 1996), 64.

property, and social security as long as they did not resort to violence. Indeed, he fought them only after they took up arms against him. This treatment may be understood in the light of the fact that ʿAlī (r.a.) himself was, in a way, a founder of opposition in Islam.[300] Al-Sarakhsī commented on ʿAlī's words saying that they are evidence that the *imām* has no right to imprison or execute opponents as long as they do not embark on armed rebellion (*khurūj*). There is also a proof in it that insulting the *imām* (*shatm*) does not necessitate discretionary punishment (*taʿzīr*).[301] Similarly, ʿUmar b. ʿAbd al-ʿAzīz did not want his curser punished.[302] In addition, the majority of Islamic jurists considers the testimony of *khawārij* to be valid.[303] However, the Saudi scholar al-Fawzān happens to know of only the last episode of this important period of Islamic history. Arguing against pledging allegiance to the leaders of organizations (*jamāʿat*), besides the one given to the *imām*, he supports his view by saying that: "The Commander of the Faithful, ʿAlī b. Abī Ṭālib, and senior *ṣaḥābah* together with him fought *khawārij* and *bughāh* until they exterminated them, extinguished their power, and relieved Muslims from their evil."[304]

Jamāl al-Dīn Muḥammad Maḥmūd narrates another episode of a similar content, but unfortunately does not provide the source. According to him it is reported that when ʿAlī settled in al-Rabdhah on the way to meet his opponents under the leadership of Ṭalḥah and al-Zubayr (r.a.) he was asked by a man: "What do you

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[300] al-ʿIbādī, "al-Muʿāraḍah," 173. See Lewis, *Political Language of Islam*, 92-93 for his claim that the Prophet was a 'role model' of opposition to emulate. Hishām Jaʿiṭ gives a detailed comparative account of the break between ʿAli and *khawārij*. According to this account the drift went out of hand and conflict evolved in the worst of all possible directions due to uncompromising stands of *khawārij* and their refusal to hand over the killers of ʿAbd Allāh Khabbāb, ʿAli's messanger. Jaʿiṭ, *al-Fitnah*, 224-35.

[301] Muḥammad ibn Aḥmad al-Sarakhsī, *Kitāb al-Mabsūṭ*, 30 vols. (Cairo: Maṭbaʿat Dār al-Saʿādah, 1324A.H.), 10: 125-26. A Hanbali textbook mentions two opinions in this regard. One is that they shoud be subjected to *taʿzir* in order to preserve the respect for the *imām*, while the other opinion, based on the above mentioned precedent does not approve of *taʿzir* in this case. Ibrāhim ibn Muḥammad ibn Sālim Ḍūyān, *Manār al-Sabil fī Sharh al-Dalīl ʿalā Madhhab al-Imām al-Mubajjal Aḥmad ibn Hanbal*, ed. Zuhayr Shāwish, 7th ed., 2 vols. (Beirut: al-Maktab al-Islāmī, 1989), 2: 403, hereafter cited as *Manār al-Sabil*. In our times Morocco's 1992 constitution "reaffirms that expressing a critical opinion on the monarchy or Islam or failing to respect the king is off-limits." See *Al Bayane* (Casablanca), August 22, 1992, pp. 2-3, which reproduces the full text of the Article 102 of the Moroccan the constitution, quoted in D. F. Eickelman, "Re-Imagining Religion and Politics," 256. In 1984 thirteen Islamic activists were sentenced to death, and thirty four to life imprisonment. They were charged with "plotting against the monarchy and planning to set up an Islamic state . . . ." Jamal Benomar, "The Monarchy, the Islamist Movement and Religious Discourse in Morocco," *Third World Quarterly* 10, no. 2 (April 1988): 553.

[302] Abū Zahrah, *al-Jarimah wa al-ʿUqūbah*, 160.

[303] Ḍuyān, *Manār al-Sabil*, 2: 402.

[304] al-Rifāʿi, ed., *Murājaʿāt*, 46. The publication and the content of the three interviews in this collection should be analyzed against the backdrop of two 'letters of advice' sent by Islamists to the Saudi King Fahd in May 1991, and to Shaykh Bin Bāz (in fact to the king again) in September 1992, of which the second one prompted especially strong reaction from the regime due to its direct and challenging tone. See R. Hrair Dekmejian, *Islam in Revolution*, 141-46; Idem, "The Rise of Political Islamism in Saudi Arabia," *Middle East Journal* 48, no. 4 (Autumn 1994): 629-35; Madawi al-Rasheed, "God, the King, and the Nation: Political Rhetoric in Saudi Arabia in the 1990s," *Middle East Journal* 50, no. 3 (Summer 1996): 362-64; Faksh, *The Future of Islam*, 97. Interestingly none of the two documents demands political pluralism or wide participation in politics. See the letter sent by Salmān b. Fahd al-ʿAwdah and Safar ʿAbd al-Raḥmān al-Ḥawāli to the late *mufti* of Saudi Arabia, Bin Bāz on the ave of crackdown on Islamic activists in Saudi Arabia after 'two letters of advice' in 1993.

intend to do, and where are you taking us?" He responded: "Reconciliation, if they accept it from us and respond positively to it." The man asked again: "And what if they do not accept?" The Commander of the Faithful said: "We shall leave them with their excuse. We shall give them their right, and be patient (with them)." "And, what if they are still not satisfied?" asked the man again. "We shall leave them alone as long as they leave us alone," responded 'Alī. "And if they do not leave us?" insisted the man. "We shall forbear."[305]

Another precedent from this caliphate induced Abū Ḥanīfah to say that it is not lawful to jail or punish those who oppose legitimate and just caliphs, curse the imām or even publicly threaten to assassinate him as long as they do not embark on military revolution or spread (bathth) terror in the land. He substantiated his view by 'Alī's treatment of khawārij and another episode from his caliphate when his soldiers caught five men in Kufa who were publicly insulting/cursing him (yashtumūnah), while one of them even pledged to have him killed. 'Alī ordered his men to release the five. When one of the soldiers objected that he ('Alī) should not release the man who promised to kill him, he answered: "Would you kill him when he did not kill me?" The soldier asked about cursing him, and 'Alī responded: "Curse him as well, or leave him."[306]

Another two precedents worthy of investigation here are 'Umar ibn 'Abd al-'Azīz's treatment of khawārij,[307] and the transition of power from Ḥasan to Mu'āwiyah (r.a.). As it is well known, in an extraordinary political settlement in Islamic history, Ḥasan handed power over to Mu'āwiyah in spite of himself being more deserving of it, which sets the precedent for handing power to the Opposition which may, Islamically speaking, be less worthy of power.

Different people have justified different types of opposition based on the notion of ikhtilāf, the reason being that they differ on the limits of legitimate and thus acceptable diversity of opinions. Some see diversity as a necessary evil and feel uneasy about it, while others think of it as a blessing and a source of flexibility and resourcefulness in the Sharī'ah.[308] Although he considers ikhtilāf to be 'a further evidence to the reality of pluralism in Islamic law,' Mohammad Hashim Kamali, appreciative of the values of consensus and unity, sees the need for it to end at certain point in any one issue. Basing himself on the legal maxims of Fiqh which declare that "the command of the Imām puts end to disagreemnt (amr al-imām yarfa' al-khilāf)" and "the command of the Imām is enforceable (amr al-imām nāfidh)" he concludes that it is the responsibility of ulū al-amr ('government leaders and those in charge of the community affairs' or ''the ruling authorities') to put an end to disagreement by selecting one of the opinions on the issue as binding opinion. Their selection must be in the best interest of the people. "Once a maṣlaḥah-oriented selection has been made by the ruling authorities, everyone must comply with it: neither the mujtahid nor a layman is entitled to deviate from the command of the ulu 'l-amr, as this is where disagreement must be laid to rest. . . . it becomes a ḥukm shar'ī."[309] This conclusion is, I think, acceptable only if: (1) it means that everyone

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[305] Maḥmūd, al-Dawlah, 158-59.

[306] Nevīn Muṣṭafā, al-Mu'āraḍah, 389.

[307] Sa'd 'Abd al-Salām Ḥabīb, 'Umar b. 'Abd al-'Azīz (Cairo: Dār al-Fikr al-'Arabī, 1980), 151-56,

[308] al-'Alwānī, The Ethics of Disagreement in Islam, 11-19.

[309] Kamali, "Iktilāf," 333-35.

has to follow *imām*'s choise in practice while preserving his right to argue for adoption of another view and (2) if *imām* does not intervene on issues which are not the concern of the state, as his intervention in everything may ultimately leed to totalitarianism, as we observed at the beginning of this chapter. Otherwise, it would be legitimate to claim that caliph al-Ma'mūn (r. 813-33) was, at least partially, right in the infamous *miḥnah* affair. Apparently, *imām* Aḥmad ibn Ḥanbal and his associates in *miḥnah* did not believe that caliph (who is *ulū al-amr*) had the right to put an end to the *ikhtilāf* over the issue of creation of the Qur'ān. Kamali's suggestion also seems to erase the separation of legislative and executive powers in an Islamic state. However, to make things even worse, Professor Kamali went on to say that: "Experience may have shown that due to a high level of sensitivity, certain issues have become a continuous hotbed of tension in the community, and it is possible that the *ulu 'l-amr* impose a total ban on all manners of disagreement and *ikhtilāf* over them."[310] I have strong reservations about this conclusion of his because of the authoritarian dangers inherent in it. Similarly, Ismā'il al-Badawi would not allow any discussion after a decision is taken.[311] Interestingly enough, looking favorably at *ikhtilāf* did not prevent some Muslim scholars, including Ḥasan al-Bannā, from advocating abolition of all parties.[312]

VI. Maxims of Islamic Law (*Qawā'id Fiqhiyyah*)

Qawā'id fiqhiyyah are not sources of Islamic law but may prove an extremely useful guide in resolving ambiguous issues. Since the issue of opposition is one such issue, it is only natural that Islamic thinkers often rely on some of the said *qawā'id* for clarification. The most often quoted maxims are: "That which is a condition for a duty, is duty itself";[313] "Norms that apply to the goals apply to their means," and the principle of choosing the lesser of two evils.

VII. The Principle of *Lā ikrāh fī al-dīn*

The right to oppose undeniably implies the right to and freedom of religion, conscience and expression.[314] The Qur'ānic dictum *Lā ikrāh fī al-dīn* proves to be a

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[310] Ibid., 334.

[311] al-Badawī, *Ikhtiṣāṣāt al-Sulṭah al-Tanfīdhiyyah*, 255-56.

[312] Ḥasan al-Bannā, *Majmūʻat Rasāʼil al-Imām al-Shahīd Ḥasan al-Bannā* (Cairo: Dār al-Ḥaḍārah al-Islāmiyyah, 1980), hereafter cited as *Majmūʻat Rasāʼil*. Compare his views regarding unavoidability of differences (pp. 25-27, 216) with his stand against parties and advocy of their disolution in Egypt (pp. 20-21, 28, 158, 146-48, 165-69, 214-15, 290, 325-27, 332). According to Huwaydī (*al-Islām wa al-Dīmuqrāṭiyyah*, 124) al-Bannā in 1948 delivered a lecture entitled "Islamic democracy" in Cairo at the headquarters of *Jamʻiyyat al-Shubbān al-Muslimīn*. This and al-Bannā's stands on other issues pertaining to parliamentarism, representation, disagreement, and tolerance put him well ahead of many of today's Islamists in terms of development of Islamic pluralism. Had it not been for his uncompromising stand on parties he would have been celebrates as its champion. Sayyid Quṭb, on the other hand, rejected talk about 'the democracy of Islam.' See W. E. Shepard, *Sayyid Quṭb and Islamic Activism*, 108. Similarly, ʻAbd al-Qādir 'Awdah claims that it is ignorance to say "Islamic democracy" thinking that it is praise for Islam because Islam is much nobler than democrcay. ʻAbd al-Qādir ʻAwdah, *al-Islām wa Awḍāʻunā al-Siyāsiyyah*, 3rd ed. (Cairo: al-Mukhtār al-Islāmi, 1978), 254.

[313] al-Ṭayyib Zayn al-ʻĀbidīn, "Naḥw Shūrā Fāʻilah," in *al-Fikr al-Ḥarakī al-Islāmī wa Subul Tajdīdih* (Kuwait: Wizārat al-Awqāf wa al-Shuʼūn al-Islāmiyyah, 1993), 231.

[314] Kamali, *Freedom of Expression*, 87-107.

corner stone in establishing these rights.[315] Its implications, especially when generalized and unrestricted, are of immense importance for the validation of opposition. The logic of the argument is that if God does not want us to be all alike in our beliefs and gives an individual the right to chose between belief and disbelief, which is the most crucial decision one can possibly make, why then restrict his choice in less paramount issues. As Huwaydī puts it: "If God has decreed that there shall be no compulsion in religion, by way of priority, then, there should be no compulsion in the administration of this world (*siyāsat al-dunyā*)."[316] He wrote elsewhere: "Political pluralism is a natural product of freedom; and freedom is another aspect of worship (*'ubūdiyyah*) of God alone. Hence, confiscation (*muṣādarah*) of this freedom in any form amounts to violation of God's right."[317] Ḥāmid Sulaymān for his part writes that: "In brief, what philosophy of Islamic thought [sic] says about freedom is: the nature of Muslim is, indeed, democratic Muslim (*muslim dīmuqrāṭi*) because this philosophy departs from the idea of freedom of choise in the first instance."[318]

A corollary to freedom of religion is freedom of practice, advocacy/propagation and expression. Had it not been for the issue of apostasy, which according to the majority of doctors of Islamic law carries mandatory capital punishment, this freedom could have served as the argument *sine qua non* for Opposition. There has never been a consensus on how an apostate should be treated,[319] but the last decades have witnessed some serious attempts to prove that apostasy *per se* does not carry a mandatory capital punishment.[320] These efforts fall back on classic Muslim scholars who were of the same opinion or left some space for maneuver in that regard. Al-Māwardī, for instance, decrees that an apostate should be killed because the Prophet said: "You must kill anyone who changes his faith,"[321] but does not list apostasy among the acts punishable by statutory penalties.[322] The majority of contemporary Islamic thinkers of the Arab world still think so, justifying it by saying that since Islam is not only a religion but a political system as well, apostasy amounts to treason.[323] However, some of them argue that apostasy is a matter to be settled

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[315]   Zayn al-'Ābidīn, "Naḥw Shūrā Fā'ilah," 228.

[316]   Huwaydī, *al-Islām wa al-Dīmuqrāṭiyyah*, 170.

[317]   Huwaydī, "al-Ta'addudiyyah wa al-Mu'āraḍah fī al-Islām," 30.

[318]   Sulaymān, *Alghām fī Ṭarīq al-Ṣaḥwah al-Islāmiyyah*, 80. However, he is quick to remind his reader that "freedom should not go against the laws of the *Shari'ah*." Ibid., 82.

[319] In fact, a Hanbali scholar, Ibrāhīm M. S. Ḍuyān claims *ijmā'* on the capital punishment for apostate. *Manār al-Sabīl*, 2: 404.

[320] An extreme example of this is Abdallahi Ahmed an-Na'im who argues that apostasy as a concept should be removed from law. An-Na'im, *Towards an Islamic Reformation: Civil Liberties, Human Rights, and International Law* Syracuse, NY: Syracuse University Press, 1990), 109.

[321] Wahba, *The Ordinances of Government*, 60.

[322] Ibid., 242.

[323] George Sfeir contends that this comparison "fails to take into account the restrictions placed on the concept of high treason in modern constitutions." Sfeir, "Basic Freedoms," 409. Muḥammad al-Ghazālī claimed that apostasy was allowed for 20 years but then it was used to endanger the wellbeing of Muslim community and eventually was proclaimed a criminal act punishable by death. M. al-Ghazālī, *al-Islām wa al-Istibdād al-Siyāsi*, 122-25. See also 'Abd al-Ḥalim al-Fawr's interview with Ja'far Shaykh Idrīs, "Khilāfī ma' al-Turābi Fikrī wa Siyāsi wa Khuluqī," in *al-Shāri' al-Siyāsi*, 26 April 1998, p. 5, hereafter cited as "Khilāfī ma' al-Turābi"; Abū Fāris, *al-Ta'addudiyyah*, 36; Kurdi, *The Islamic State*, 51-53; Maḥmūd, *al-Dawlah*, 242-44; Kamali, *Freedom of Expression*, 93-105. See also Muhammad Hamidullah, *Muslim Conduct of State*, repr. (Lahore: Sh. Muḥammad Ashraf, 1987), 174-77. Saudi Arabia regularly cites the issue of apostasy

between God and an individual in the Hereafter, and hence, should have no implication for the individual's status in this world. Lu'ayy Ṣāfi argues that the above-mentioned ḥadīth is specific (khāṣṣ), and even if it were general ('āmm) it would still be insufficient because of the singular nature of its chain of transmitters (āḥād). Similarly, al-Turābi contends that this saying "is pronounced within the context of war conditions," and adds:

> Muslims were greatly affected to see one of their companions desert his faith and join the ranks of disbelievers. They were not sure if they should kill him or spare his life because he was a Muslim once. The Prophet, peace be upon him, explained that one who abandons his religion and deserts his fellows should be killed. Regrettably, people of subsequent generations have taken the Prophet's saying out of its historical context and generalised it. In so doing they deny one of the basic truths of Islam: the freedom of faith.[324]

Mohamed Talbi considers this ḥadīth and similar ones to be false.[325] Muḥammad Mahdi Shams al-Dīn distinguishes between an individual's change of religion (which he calls tabdīl al-ra'y and al-rujū' 'an al-Islām) and a person calling others to his infidel beliefs. The former should be left alone, while the latter cannot possibly be left alone, for no political system allows for the advocates of the distruction of its foundations.[326] Similarly, Muḥammad 'Imārah argues that neither the Qur'ān nor the Sunnah prescribe a worldly punishment for apostasy: "Guiding the perplexed, replacing their doubt with conviction, and instilling faith in the hearts of heretics, is a battle of the mind for which scholars and intellectuals must bear responsibility and not the penal institutions of the state."[327] Al-Ghannūshi was asked about apostasy and his answer exhibits the characteristic line of argument: Apostasy is not subject to ḥudūd. The judgement on apostasy is in the hereafter. Abū Bakr, the Trustworthy, when he fought the apostates, fought them because of their political rebellion against Islam. It was not because of their position on creed. Allāh is the sole judge of the apostate.[328]

When asked if the civil liberties he advocates include the "right to apostasy," that is the rejection of say an Islamic ideal that was once adopted, and how does this stand with traditional Islamic laws which sanction to death one who rejects the faith or one who quits the daily prayers?, he responded:

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and the marriage of Muslimah to a non-Muslim as two main reasons for not signing international declarations and resolutions on human rights. While this may be one of the reasons, the real reason may well be the Saudi government unwillingness to acknowledge any political rights to its citizens. See Turki ibn Muḥammad ibn Su'ūd al-Kabir, "Ḥuqūq al-Insān fī al-Islām," al-Ḥiwār (April 1997): 28-30. (Pakistan's government has signed the Universal Declaration on Human Rights. Robert Traer, *Faith in Human Rights: Support in Religious Traditions for a Global Struggle* (Washington, D.C.: Georgetown University Press, 1991), 111).

[324] Hassan al-Turabi, "Opinion on Apostasy Stirs a heated Debate in Islamic Juristic Circles," translation of an interveiw by *al-Mustaqillah* Newspapar (no. 96, 11 March 1996), *The Diplomat* no. 2 (June 1996): 39, hereafter cited as "Opinion on Apostasy."

[325] Mohamed Talbi, "Religious Liberty: A Muslim Perspective," *Islamochristiana* 11 (1985): 109. For his explanation why apostasy should not be punished see pages 108-13.

[326] M. M. Shams al-Din, "Ḥiwār Fikri," 25-26.

[327] Muḥammad 'Imārah, "Ru'yah Islāmiyyah fī Ma'ānī al-Riddah 'an al-Dīn wa 'Uqūbatihā al-Shar'iyyah," *al-Ḥayāh*, October 2, 1996, quoted in Sfeir, "Basic Freedoms," 410.

[328] al-Ghannūshī, *al-Ḥurriyyāt al-'Ammah*, 1993), 48-51.

1. All Muslims recognize the freedom of everyone whether or not to embrace Islam, but differ about movement in the opposite direction; that is, quitting Islam after having embraced it. The majority of scholars agree on its prohibition and regarding it as a crime that whoever commits is to be legally penalized by execution, despite the fact that Qur'ānic texts only abominate it and warn of its punishment on the Day of Judgement, without specifying a punishment in this world similar to that specified for grave sins such as theft, adultery and *ḥirābah* (armed robbery). In the Prophet's Sunnah, however, there are authentic *aḥādīth* ordering the execution of whomever renounces his religion. The most prominent practical example on which the punishment for apostasy was established was what occurred after the death of the Prophet (peace be upon him), when most of the Arab tribes renounced Islam refusing to pay *zakāh*, inducing the caliph to fight them because they made a distinction between prayer and almsgiving. Thus Islamic jurisprudence established the consideration of apostasy as a crime to be sanctioned.

2. Facing this majority view, there exists a different opinion that judges that the available evidence concerning apostasy do not attain the level of certainty required for it to be included in the legal (*shar'ī*) sanctions (*ḥudūd*) that the Muslim ruler is obliged to effectuate in all cases. This view is based on examples of situations during and after the Prophet's life where apostates were not executed but were forgiven, rendering the first caliph's proclamation of war on apostates closer to being a political than a religious action that is part of his authority to judge for the interest of the nation and not an obligatory religious command, otherwise neither the Prophet nor his caliphs would have been able to forgive the offender. The reason behind the confusion with respect to the evidence on which the judgement of apostasy as a compulsory legal sanction (*ḥadd*) was based, might have been the disagreement of legal schools on the matter of execution of the female apostate, since Ḥanafīs judge that she should not be executed since she is not expected to carry arms, which supports the view that apostasy is a political crime left for the leader to judge the most appropriate method for its treatment. Jurists also differed on the time of execution of the apostate: should it be instant, or is it to be postponed? And for how long? Some were of the opinion that he should be granted delay for life in prison. In contrast, *ḥudūd* have not been differed about in such a way. Thus we personally give preponderance to the second opinion since it is more in harmony with Qur'ānic evidence which asserts the principles of freedom of belief and forbids compulsion, and demands the satisfaction with delivering the message whilst leaving the matter of judging what is hidden within hearts solely to Allāh: "you are not one to compel them by force" (Sūrat Qāf, 50: 45), "Will you then compel mankind against their will, to believe." (Sūrat Yūnus, 10: 99)

3. However, the recognition of the freedom of belief within the Islamic state should not deceive us into assigning religion in the Islamic state the same status as that assigned to it in a secular state. The Islamic state in no way takes a neutral stand with respect to beliefs, for it is founded on creed, and exists for its service and the provision of the appropriate climate so as to enable the greatest number of people to be acquainted with it, to embrace it and live according to it. That does not however extend to denying other creeds and the right of others to hold them, express them and even call to them, and protects their equal rights to citizenship, on condition that it does not infringe public order, that is, the Islamic religious reigning character, and that it does not impair the stability of society's order and its general moral standards, which include mutual respect between believers of different creeds. "Revile not ye those whom they call upon besides Allāh, lest they

out of spite revile Allāh in their ignorance." (Sūrat al-An'ām, 6: 108). We defend the Islamism (Islamic character) of our state as the choice of the majority of its people, as do the promoters of republican, royal or secular states, but without denying the rights of others. And should the majority of people reject us, we would have no option but to transfer to the opposition and elaborate our methods of (invitation) and education so as to create a public opinion demanding the Islamic project for state and society.

He was also asked:
What about the "Rushdie Affair"? Your name appears on the signatories of a 1994 Le Pen Club document which condemns "acts of violence or appeals to violence." How do you propose to deal with those who attack symbols of Islam with their pen, or say for instance the case of Egyptian Prof. Naṣr who did not attack Islam *per se* but argued for a non-canonical [sic!] interpretation? How do you propose to deal with such men and women?

He responded by saying:
I was indeed honoured to attend the founding conference of "Le Pen international organisation" in 1994 in Denmark, ... I was . . . invited by the president of the conference to sign a declaration condemning the *fatwā* issued against Salman Rushdie which I refused to do, objecting to the restriction of that privilege to that particular writer, while his situation as living under the protection of a "great nation" is not worse than hundreds of writers and journalists subjected to slow murder in tyrants' prisons as is the case of many in Tunisia such as Hamadi Jebali, Ali Laarayidh, Dr. Ahmed Labyadh, Abdallah Zouari, Laajmi Lourimi, Habib Ellouz, and many others. Why should Salman Rushdie enjoy such concern/protection and not those and hundreds like them who are victims of repression in numerous countries? I am ready to sign a general declaration defending the freedom of writers of any tendency and condemning the repression they are subjected to, without mentioning any particular names. Otherwise if names are to be mentioned, let them all be mentioned or the prominent from amongst them without privileging one particular writer, the concentration on whom might probably have been transformed into a weapon against a particular religion or a particular state, not for any political reasons or any (pure) principles.

As to the appropriate method of dealing with those who possess views (attacking) Islam or deviating from its path, or those suspected to be of the like, I believe that they should be argued with "in ways that are best and most gracious", and faced with serious arguments that demolish their claims and assert the strength of Islamic argument and our deserved elevation to the level of that challenge. "Say: produce your proof if you are truthful." (Sūrat al-Baqarah, 2: 111)

Part of the secret behind the eternity of Islam is its flexibility and infinite ability to evolve and comprehend all the facts and achievements of reason. That flexibility however does not render it a surreal text liable to tolerate everything as is the heart of Ibn 'Arabī when he said "My heart has become tolerant of any (way), for it is a monastery of monks, a temple of idols, or a *Ka'bah* of a worshipper; I follow the creed of love whatever its direction." There exists within the essence of Islam and its great truths something that rejects plying, modeling and falsification, which makes me unconcerned about the deviant interpretations which aim at secularizing Islam and inhibiting its law, for they would all be eliminated by Islam in its eternal successful march in the same way as the bellows eliminates iron and the wind eliminates clouds. It is protected by Allāh's divine

protection and by the efforts of its scholars and Muslims in general, which constitute the (reserve) of the Islamic truth.[329]

Understood in this way freedom of religion provides a foundation for structural opposition in the Islamic system. However, like the majority of classic scholars, the majority of contemporary thinkers are of the view that apostasy should not be tolerated. What pluralist/liberal authors approve on the basis of this freedom is largely nullified by the latter view.

An institution related to freedom of religion and *ikhtilāf,* although less useful in establishing rights of opposition, is the institution of *ahl al-dhimmah.* Even in its classical formulation this institution provides strong affirmative evidence for the pluralism and political rights of Jews and Christians in the Islamic state, the right to set up parties included.[330] When the institution is expanded/widened/broadened to include non-Muslims other than *ahl al-kitāb,* including atheists by analogy, as is often the case in modern contemporary literature, it proves to be a useful foundation/argument for allowing non-Islamic, structural opposition.[331] Reportedly, the second *Murshid* of the *Ikhwān,* Ḥasan al-Huḍaybī, accepted the formation of parties for Copts and Communists.[332] His son, Ma'mūn al-Huḍaybī, a spokesman of the Muslim Brothers in Egypt, assured Judith Miller in 1994 that "in an Islamic Egypt all parties, "EVEN atheists," would be able to participate in politics."[333] Ismā'il Rāji al-Fārūqi believes that even polytheists have the right to call Muslims to their religion as long as they do not incite *fitnah.*[334]

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[329] Intra*View* with Tunisian Sheikh Rached Ghannoushi, 10 February, 1998. URL: http://msanews.mynet.net/intra2.html. I have made a few necessary interventions in the English translation of the interview.

[330] Ṭahḥān, *Taḥaddiyāt,* 67.

[331] Ismā'il Rāji al-Fārūqi, introduction to *Towards an Islamic Theory of International Relations: New Directions for Methodology and Thought,* by 'AbdulḤamid A. AbūSulaymān, 2d rev. ed. (Herndon, VA: International Institute of Islamic Thought, 1993), xxxvi-xxxix; F. 'Uthmān, *Fī al-Tajribah,* 30, 35; Esposito and Voll, *Islam and Democracy,* 46-47; P. J. Vatikiotis, *Islam and the State* (London: Croom Helm, 1987), 84-99; Kate Zebiri, "Relations Between Muslims and Non-Muslims in the Thought of Western-Educated Muslim Intellectuals," *Islam and Christian-Muslim Relations* 6, no. 2 (1995): 255-71.

[332] Ṭahḥān, *Taḥaddiyāt,* 67; Fathi Osman, *The Muslim World,* 119-20, 255.

[333] Judith Miller, *God Has Ninety-Nine Names,* 64. On the same page Miller claims that M. al-Huḍaybī contradicted himself a few months later when in an interview to Charles J. Hanley ("West rethinks Islamic 'Threat'; Move Toward Conciliation," *Chicago Tribune,* 11 November 1994) said that 'while he might favor tolerating secular parties in an Islamic state, "the people would not accept it, and we cannot make people accept soemthing they do not want." The contradiction is not all that clear, and very much depends on the meaning of 'accepting.' Esposito and Piscatori make similar claim about Ma'mūn al-Huḍaybī. Be it as it may, one thing is certain: he has never been Supreme Guide of the Muslim Brotherhood, as they described him. John L. Esposito and James P. Piscatori, "Democratization and Islam," *Middle East Journal* 45, no. 3 (Summer 1991): 439.

[334] Ismā'il Rāji al-Fārūqi, "Ḥuqūq Ghayr al-Muslimīn fi al-Dawlah al-Islāmiyyah," *al-Muslim al-Mu'āṣir,* no. 26 (April-June 1981), 31-32. Al-Ghannūshi notes that al-Mawdūdi was of the opinion that non-Muslims will have the right to criticize Islam as Muslims have the right to criticize their religions. They will also have the right to praise their religions. If any Muslim converts to any of those religions it will not be the fault of non-Muslims, but of that Muslim. See Abū'l-A'lā al-Mawdūdi, *Naẓariyyat al-Islām wa Hadyuh fī al-Siyāsah wa al-Qānūn wa al-Dustūr* (Beirut: Dār al-Fikr, 1964), 361; al-Ghannūshī, *al-Ḥurriyyāt al-'Āmmah,* 48.

VIII. The Concept of *maṣlaḥah*

Finally, given the alleged benefits that societies allowing for opposition get from functional opposition - which we discussed in the first chapter - some scholars in validating opposition fall back on the concept of *maṣlaḥah*. They contend that since all rules of the *Sharī'ah* are formulated to facilitate the realization of the common good of human society, and since opposition brings more benefit than harm, opposition should be allowed.[335] On the more restricted scale, others like 'Abd al-Raḥmān 'Abd al-Khāliq, al-Qaraḍāwī, and Huwaydī believe that the establishment of parties and similar organizations is not explicitly prohibited in the holy texts and should thus be considered a part of *al-maṣālih al-mursalah* or *al-siyāsah al-shar'iyyah*. 'Abd al-Khāliq in a clear attempt at distinguishing pluralism (that he advocates) from agnosticism, ethical relativism,s and religious indifference (which he disapproves of), argues that

> The setting up of parties and organizations in a democratic system which allows for pluralism of views and perspectives does not necessarily mean approval of the opponents, nor does it mean approval of their untruth (*bāṭil*). It only means approval of peaceful means and open/public propagation as a method for change and rejection of politics of terror and secrecy, which is in itself praised in the Religion; what is more it is a pillar of call to God.[336]

B. Negative Evidence

On the opposite side of this affirmative evidence we find a number of restraints of both moral and legal nature.

I. Moral Restraints

Moral restraints are well-known prohibitions of backbiting (*ghībah*), defamation, derision,[337] exposing of the weaknesses of others, especially the ruler (*iẓhār al-'uyūb wa al-zallāt*),[338] acrimonious contention, disputation and argumentation (*mirā', jadal, khuṣūmah*),[339] and public utterance of harmful speech (*al-jahr bi al-sū' min al-qawl*).[340] These are well-established Islamic norms which, some suggest, are regularly transgressed in the practice of political opposition as known in the West. Supporters of legal Opposition say that this is true but it must be taken as a lesser evil and collateral damage, and law should make provisions for those who commit such offences.[341]

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[335] Nabīl Shabīb, "al-Islāmiyyūn wa 'Sullam al-Dīmuqrāṭiyyah'," *Qaḍāyā Duwaliyyah*, 14 June 1993, 4-5; al-'Awwā, *al-Ta'addudiyyah*, 5, 10; Huwaydī, "al-Ta'addudiyyah wa al-Mu'āraḍah fī al-Islām," 31; Khālid M. Khālid, *Difā' 'an al-Dīmuqrāṭiyyah* (Cairo: Dār Thābit, 1985), 274; Zayn al-'Ābidīn, "Naḥw Shūrā Fā'ilah," 231.

[336] 'Abd al-Raḥmān 'Abd al-Khāliq, *al-Muslimūn wa al-'Amal al-Siyāsī* (Kuwait: n.p., n.d.), 28, quoted in al-Milād, "al-Ta'addudiyyah," 50. See also Huwaydī, "al-Ta'addudiyyah wa al-Mu'āraḍah fī al-Islām," 31 al-Qaraḍāwī, *Min Fiqh al-Dawlah*, 131.

[337] Abū Fāris, *al-Ta'addudiyyah*, 41, 50-51; Kamali, *Freedom of Expression*, 118-23.

[338] Ḥalīmah, *Ḥukm al-Islām*, 62-65; Kamali, *Freedom of Expression*, 123-7.

[339] Kamali, *Freedom of Expression*, 56, 152-56.

[340] Ibid., 167-70.

[341] See Abū Fāris, *al-Ta'addudiyyah*, 50-51.

What is more, democracy and Opposition as its extension are said to have the strong tendency toward immorality in general. Ḥalīmah, for instance, claims that the synonym for democracy in Arabic is *ibāḥiyyah* (nihilism, promiscuity).[342] ‘Abd al-Salām Yāsin rejects the Western type civil society claiming that it does not prevent immorality, in addition to call(ing) for the abolition of Islam.[343] However, others strongly contest this claim. Abdelwahab El-Affendi hopes that constant disappointments that Islamists have experienced in their collaboration with authoritarians have yet to convince them that authoritarianism is more a source of corruption than freedom, and concludes:

> The experience of today's Muslim societies where coersion is more frequently used to subvert than to promote Islamic ethics should be proof enough. . . . Freedom does not necessarily imply lack of all constraints, including moral constraints. To be free does not mean to be amoral as is implied by certain interpretations of liberalism. . . . Freedom implies lack of external undiserable constraints.[344]

Fatḥī ‘Uthmān refutes the claim that democracy is nihilism.[345] Al-Qaraḍāwī observes that the Qur'ān establishes connection/causal relationship between oppression and corruption (*fasād*).[346] Imām argues that:

> It is a truism to say that the rule of a dictator kills the principles of morality. That is the unavoidable result of the rule established on fear and inculcation of terror in the hearts of the people and use of sword or threat of its use all the time. Who can in such a suffocating atmosphere (*al-jaww al-khāniq*) say the truth? Or stick to noble virtues? Or refuse to give and receive bribe? Or refuse to testify falsely (*shahādat al-zūr*)? Furthermore, if the ruler calls brother to spy on brother, and student on his teacher, and officer on his chief . . . . How can morality then exist? Can there be moral principles without self-respecting individuals, respected and protected by the state?[347]

Can there be morality under dictatorship when "acts (*lisān ḥāl*) of the dictatorship say that his people do not deserve honor (*karāmah*) of self-determination and administration of their interests freely . . . "?[348] Muḥammad al-Ghazālī laments: "Islam built in its lands odorous gardens, pleasant for the eye and refreshing, and then political dictatorship came as if it was smoke from burnt petrol that suffocates people."[349] Imām and al-Ghazālī are, in fact, repeating al-Kawākibi who a century ago said that it was all dictatorship's fault. Al-Kawākibi also considered dictatorship

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[342] Ḥalīmah, *Ḥukm al-Islām*, 40, see also 13, 116.

[343] 83, 71. For the similar concerns on the part of Sayyid Quṭb see Shukri B. Abed "Islam and Democracy," in *Democracy, War, and Peace in the Middle East*, ed. David Garnham and Mark Tessler (Bloomington: Indiana University Press, 1995), 125.

[344] El-Affendi, *Who Needs an Islamic State?*, 88.

[345] ‘Uthmān, "Qaḍāyā al-Dustūr," 110.

[346] al-Qaraḍāwi, *Min Fiqh al-Dawlah*, 134.

[347] Imām ‘Abd al-Fattāḥ Imām, *al-Ṭāghiyah: Dirāsah Falsafiyyah li Ṣuwar min al-Istibdād al-Siyāsi* (Kuwait: al-Majlis al-Waṭani li al-Thaqāfah wa al-Funūn wa al-Ādāb, 1994), 352-53.

[348] Muḥammad al-Hāshimi al-Ḥāmidi, "Awlawiyyāt Muhimmah fī Daftar al-Ḥarakāt al-Islāmiyyah," in *Mustaqbal al-‘Amal al-Islāmi: al-Ḥarakah al-Islāmiyyah fī Ẓill al-Taḥawwulāt al-Dawliyyah wa Azmat al-Khalīj*, ed. Aḥmad Yūsuf (Chicago: United Assoiation for Studies and Research, 1991), 239, hereafter cited as "Awlawiyyāt."

[349] M. al-Ghazāli, *al-Islām wa al-Istibdād al-Siyāsi*, 230-31. The Muslim Brothers believe that it is only tyranny and oppression that maintains present situation whereby the *Shari‘ah* is not applied. "The Muslim Brotherhood's Statement," 102.

to have a very negative impact on morals.[350] Muddathir 'Abd al-Raḥim counts the negligence of *shūrā* and pervasive dictatorship as among the first reasons that led Muslims away from Islam and pushed them in the direction of westernization.[351]

More important than these moral are legal restraints at the top of which is already mentioned sovereignty of God/the Book/the *Sharī'ah*, which is said to limit the scope of political opposition to that of the *Sharī'ah*-abiding one. We have also ascertained that the principle of *ḥisbah* has been called upon to justify restrictions on the political and others rights of citizens, including the right to oppose the government under the pretext that wickedness often wears the garment of Opposition. The proponents of this argument point out that one does not tolerate and provide legal conditions for evil, whatever its formal justification may be, but suppresses it. Of course, this suppressing of evil runs the danger of turning into witch hunting. That is what makes the use of *ḥisbah* for restricting political Opposition disputable and controversial.[352]

II. Apostasy (*riddah*)

The aforementioned norms on apostasy provide for another restriction on the exercise of political opposition. Indeed, they prohibit people from leaving the Islamic fold once they had voluntarily entered it or happened to have been born into it. By analogy, nobody would be allowed to call for the abolition of the *Sharī'ah*, or to call Muslim citizens to some other belief. It seems to me that the issue of apostasy is the crux of the whole matter of right to oppose without too many restrictions. For there is seemingly little difference between an individual's change of religion and alternation of belief and disbelief in power. That is the reason why several contemporary Islamic thinkers and leaders advocate abandoning apostasy through reinterpretation of the Qur'ānic[353] and the *Sunnah* texts related to apostasy so as to

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[350] Huwaydi, *al-Islām wa al-Dimuqrāṭiyyah*, 175, 179. Robert Dahl argues persuasively that non-democrats and traditionalists "fail to provide us with a scantilla of evidence that modern political life in democratic countries is less moral and decent, or that persons involved in public life are less commited to serving the public good, than was the case during the many centuries when the traditions they describe dominated intellectual life." Dahl, *Democracy and its Critics*, 299-300.

[351] 'Abd al-Raḥim, "al-Da'wah," 8. Prof. al-Attas makes a different diagnosis. According to him, at the root of our present crisis is the corruption of knowledge which resulted in loss of *adab* ('right action'), which is reflected in the political and social life as lack of respect for the true leaders and authorities and commitment to the false once. The corruption of knowledge itself has many causes among which the confusion brought by secularism is the most prominent single one. al-Attas, *Prolegomena*, 15, 20-29, Idem, *Islam and* Secularism (Kuala Lumpur: Muslim Youth Movement of Malaysia – ABIM, 1978), 104, 108-16, hereafter cited as *Islam and Secularism*. In accordance with this diagnosis he prescribes a recipe which concentrates on curbing and curing the corruption of knowledge and repossession of *adab* through education proper (*ta'dib*), which will prepare an individual Muslim for the Islamic state and ensure that it does not fail. It is obvious that this is a proposal for solving the crisis of political leadership in the Muslim world at a different, higher level; at the level of worldview and political culture. As such it is radically different from most of the programs put forward by the thinkers under examination, and if carried out successfully would, perhaps, yield much more radical and enduring solution to the problem of political authority. al-Attas, *Prolegomena*, 16; Idem, *Islam and Secularism,* 127-60.

[352] Kamali, *Freedom of Expression*, 52.

[353] In a clear reference to the Qur'ānic verse: "Those who believe, then reject Faith, then believe (again) and (again) reject Faith, and go increasing in unbelief – Allah will not forgive them nor

allow the logic of *Lā ikrāh fī al-dīn* to work both ways: into and out of Islam. The fate of structural opposition in any Islamic state depends very much on the manner in which this dilemma is resolved.[354]

III. Blasphemy (*Sabb Allāh wa sabb al-Rasūl*)

Related to the issue of apostasy is the question of blasphemy and it's legal repercussions. Ibn Taymiyyah is a representative of the classical *'ulamā'*'s stand on the question: blasphemy, for him, was a grave sin punishable by death. Again, contemporary Muslim scholars are ready to approach the issue with new insights into the evidence for the said punishment. We have seen what al-Ghannūshī thinks about this issue. Ḥasan al-Turābī who once said that the execution of the Sudanese dissident Maḥmūd Ṭāhā on account of apostasy in 1985 - which he supported at the time - was wrong, appears, in some of his writings, to be even more liberal on this issue. According to him, neither apostasy nor sedition and blasphemy should be punishable, whereas insurrection should.[355] He is, however, very unconvincing in his claim that "[i]t has been very clearly revealed in the Qur'an that the prophet Mohammad, peace be upon him, had not sentenced anyone to death, though numerous people had tried to defame and discredit him."[356] He is unconvincing because the books of *sīrah* and *ḥadīth* mention several persons, often poets, whom the Prophet order to be killed because of their defamation of Islam and the Prophet. Such was the case with al-'Aṣmā' bint Marwān who was killed by 'Umayr b. 'Adiyy b. al-Khuṭamī, and Abū 'Ifk killed by Sālim b. 'Umayr.[357] One should add the assassinations of Ka'b b. al-Ashraf and Abū Rāfi' Sallām b. Abī al-Ḥuqayq.[358] Regrettably, these sources do not make it clear whether they were killed because of blasphemy or war activities. Usually both are cited as reasons. On the other hand,

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guide them on the Way." (*Sūrat al-Nisā', 4: 137*) al-Turabi talks about the absence of any temporal punishment for apostate. He says: "At the time of the Prophet Mohammad, peace be upon him, the Qur'an tells us of those who believed and then disbelieved again and so forth. The opinion of the people of those days changed so easily and freely – between belief and disbelief – that it appeared to swing like a pendulum." al-Turabi, "Opinion on Apostasy," 38-39. While such an understanding is possible, one has to be cautious in accepting it as a decisive proof against temporal punishment for apostasy since most classic Islamic jurists would give apostate an opportunity to repent. Thus, this 'pendulum-like' change of opinion could occur even where and when capital punishment for apostasy is standing.

[354] Kamali, *Freedom of Expression*, 87-107, 218-22.

[355] Esposito and Voll, *Islam and Democracy*, 45-46; H. I. Ali, "Islamism in Practice: The Case of Sudan," 194. See also Kamali, *Freedom of Expression*, 93-105. For a good account of the 'evolution' of al-Turābī's thinking regarding the freedoms and the huge gap separating al-Turābī's model of Islamic state from the actual conduct of the government controlled by his party, see Abdel Salam Sidahmed, "Sudan: Ideology and Pragmatism," in *Islamic Fundamentalism*, ed. Abdel Salam Sidahmed and Anoushirvan Ehteshami (Boulder, CO: Westview Press, 1996), 190-96.

[356] Al-Turabi, "Opinion on Apostasy," 39.

[357] Ibn Sa'd, *Ṭabaqāt*, 1-2: 18, cited in Ṣāliḥ Aḥmad al-'Alī, *al-Dawlah fī 'Ahd al-Rasūl* (Baghdad: al-Majma' al-'Ilmi al-'Irāqi, 1988), 148, 150-51.

[358] Ibn Jarir l-Ṭabari, *The History of al-Ṭabari (Tārīkh al-Rusul wa al-Mulūk): An Annotated Translation*, vol. 7, *The Foundation of the Community – Muhammad at al-Madina A.D. 622-626 / Hijrah-4 A.H.,* trans. and annotated by W. Montgomery Watt and Michael V. McDonald (Albany: State University of New York Press, 1987), 94-104.

Ibn Ṣayyād and Abū ‘Āmir al-Rāhib are mentioned as persons who used to say very negative things about Islam but the Prophet continued to talk to them and never killed them.[359]

Yet, by contrast with the case of apostasy, most of the authors discussed in this study would punish blasphemy, their argument being that while classical opinions about apostasy may go against the principle of *Lā ikrāh fī al-din*, there is nothing which can justify blasphemy.[360] Reasoned critique of Islamic tenets may be allowed, as al-Ghannūshī and Fatḥī ‘Uthmān argue, but blasphemy has no place in the Islamic state.[361] Thus, when sedition, blasphemy, and rebellion accompany apostasy, force may be used against it.

IV. The Concept of *fitnah*

Fitnah is yet another idea that is said to work in favor of restricting if not prohibiting opposition. However, the matter is not that simple as *fitnah* is "a complex concept that can be used both to limit opposition and to oppose rulers."[362] This is due to the polysemic nature of the word *fitnah*, which has been reflected in its legal usage as well. According to Muhammad Hashim Kamali, the word has the following meanings: temptation, trial, misguidance, enticement, fascination, commotion, sedition, affliction, torture, and strife.[363] Most of the meanings are of a moral nature. This polysemy has been reflected in the juridical meaning of the word. Two of the juridical meanings of *fitnah* are of special relevance to our subject matter as they work in opposite directions vis-a-vis the validation of opposition. On the one hand,

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[359] ‘Ṣāliḥ A. al-‘Alī, *al-Dawlah fī ‘Ahd al-Rasūl*, 149-55.

[360] Kamali, *Freedom of Expression*, 212-50; A decade after Khomeini issued his *fatwā* against Salman Rushdi, the Islamic Republic he established distanced herself from it. Associated Press, "Iran Distances Itself from Reward for Killing Rushdie," *The Star* (Kuala Lumpur), 25 September 1998, p. 25. According to some reports, Iran does not punish apostasy as well. "Sweden: New Policy for Iranian Converts," *Impact International*, October 1995, 38-9.

[361] Majority of the Kuwaiti *Majlis al-Ummah* voted for setting up an inquiry committee to investigate selling of 160 books 'insulting God and Prophets.' After several delays of the report, the Minister of Information, a member of ruling family, eventually resigned. Some members of the Parliament proposed amending the existing law on blasphemy dating from 1961 so that maximum punishment for blasphemy of the God, prophets, the Companions of the Prophet and Islam become ten years, instead of present six months, and 10,000 Kuwaiti dinars instead of 1000 rupiahs currently. Muḥammad ‘Abd al-Wahhāb, "Lajnat al-Taḥqīq bi Bay‘ al-Kutub al-Mamnū‘ah Tuthīr Rumūz al-Yasār bi al-Barlamān," *al-Mujtama‘*, 13 January 1998, 10; ‘Abd al-Razzāq Shams al-Dīn, "Na'm li Ta'dīl al-Qānūn," *al-Mujtama‘*, 13 January 1998, 12. According to many observers this case indicates greater powers of the present Kuwaiti parliament in comparison with the two previous ones. (As I was putting finishes touches to this thesis news agencies reported that the Amīr of Kuwait, Shaykh Jābir al-Aḥmad al-Ṣabāḥ, "[a]ssailing legislators for what he called misuse of their constitutional powers, . . . , dissolved parliament and set new elections for July 3 - more than a year ahead of schedule – in a dispute over 120,000 printed copies of the Koran. Legislators were poised to oust the Islamic Affairs Minister, Ahmed al-Kulaib, because of his over-all responsibility for the printing and distribution of copies of the Koran . . . with verses missing, repeated or out of order. Some political sources accused the government of creating the crisis to prevent questioning over handling of Kuwait's wealth and finances." "World Watch," *Time*, May 17, 1999, 13.

[362] Esposito and Voll, *Islam and Democracy*, 43; M. ‘Abd al-Raḥīm, "The Roots of Revolution in the Qur'ān," 14.

[363] Kamali, *Freedom of Expression*, 190-94.

fitnah is defined as seditious speech and acts which attack the legitimacy of a lawful government so as to endanger normal order in society, while on the other hand the Qur'ān typically uses it for the denial of the faithful of the right/freedom to practice their faith. In other words *fitnah* amounts to the destruction of freedom of religion. *Fitnah* is condemned in both instances although no specific penalty is stated in either case. However, according to the former meaning opposition constitutes *fitnah* and hence should be suppressed, while according to the latter opposition is justified as a form of *jihād* against *fitnah* of oppressors.[364] It is to be noted that historically Muslims tended to emphasize the first of the two meanings, while in the Qur'ān the second dominates. The more fragile the political climate is the more frequent reference to *fitnah* becomes.[365]

This kind of restriction on opposition is actually not peculiar to Islamic communities. In the first chapter we have seen that in the West too opposition is expected to keep a delicate balance between freedom and incitement to violence. Indeed no system allows violent opposition.[366] The greater the threat to the survival of the state the greater are the restrictions placed on freedom of opposition. The United Sates, for instance, introduced considerable restrictions on Opposition at the height of the Cold War in the 1950s and '60s.

Sedition is, however, an elusive concept and, as has just been pointed out, it carries no prescribed punishment. Much more precise is the concept of *baghy* (insurrection). This is well-established in Islamic law and features prominently in contemporary Islamic discourse on opposition.[367]

V. Norms Concerning Rebellion (*baghy*)

The norms regarding *baghy* are of limited relevance to the issue of opposition; only to the extent that the classical concept of *baghy* and the modern concept of Opposition overlap. They overlap to a certain extand but differ significantly. According to most Muslim jurists *baghy* is an act of rebellion (*khurūj*) by a group enjoying power (*shawkah*) with an interpretation (*ta'wīl*), i.e., justification of their cause.[368] The opposition we are primarily interested in here (i.e., legal Opposition) does not qualify for the status of *baghy* easily unless we accept the broadest of definitions of *khurūj*. Many *fuqahā'* do not allow the *imām* to initiate fighting against *bughāh* as long as they remain law-abiding and continue to perform their duties, while others argue that *khurūj* may be even verbal.[369] The second condition of *baghy* is that the rebels in question propagate a doctrine/'innovation' that breaks away from the consensus of the Community. If they openly expound it they should be confronted with arguments, although disciplinary chastisement short of killing

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[364] Kamali, *Freedom of Expression*, 190, 192, Esposito and Voll, *Islam and Democracy*, 42-43.

[365] For instances of historical events usually designated as *fitnah* see Kamali, *Freedom of Expression*, 194-98. Perhaps the most serious contemporary Muslim attempt at understanding 'the Great Discord' or *al-Fitnah al-Kubrā* which overshadows all Muslim history that came after it is Hishām Ja'īṭ's already cited work *al-Fitnah*. Less scrupulous is Ṭāhā Ḥusayn's *al-Fitnah al-Kubrā* (Cairo, Dār al-Ma'ārif, 1966).

[366] Esposito and Voll, *Islam and Democracy*, 34-35.

[367] Wahba, *The Ordinances of Government*, 64-67; Kamali, *Freedom of Expression*, 197-201.

[368] Abou El Fadl, "Ahkam Al-Bughat," 155.

[369] Wahba, *The Ordinances of Government*, 64.

and statutory punishments may be administered to those who willfully parade a perversity.[370]

VI. The Requirements of Advice-Giving (*Naṣīḥah*)

The confidantial nature of *naṣīḥah* is cited as yet another piece of counter-evidence. According to two prominent scholars from Saudi Arabia the *naṣīḥah* to the rulers should be given in private and any public criticism amounts to *khurūj*, or rebellion.[371] One of them says: "The duty established by the *'ulamā'* ends with advice. If you want to repeat advice that would be acceptable, but to embark on the next step, which is *khurūj*, . . . would be inadmissible. I believe that advice continues and there is no other step after it. It is advice. Advice only."[372] Indeed, al-Sadlān claims that "rebellion (*al-khurūj*) by word is worse than armed rebellion, because it is the former that incites the latter." His opinion strikes at the heart of our understanding of the role of public opinion and mass media today, and I think it is shocking enough to be translated here in full. When asked about his opinion regarding public criticism of rulers, he responded:

> This is an important question. Some of our brothers may do it with the best of intentions believing that rebellion is by arms only. The truth, however, is that rebellion is not limited to rebellion by arms or uprising with conventional means only. In fact, rebellion by word is even worse than armed rebellion because armed and violent rebellion is not incited except by word. Hence we say to the brothers overtaken by enthusiasm - and we think good of them, God willing - you have to be patient, you have to show forbearance, because your swaggering and your severity feed something in the hearts . . . . They feed young hearts which know only rashness, as they also open the doors in front of people with ill-intent (*aṣḥāb al-aghrāḍ*) to speak out, be it truth or falsehood.[373]
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> There is no doubt that rebellion by word and use/exploitation of pen in any manner, or exploitation/use of tapes, lectures, and symposiums in exciting people in a way disapproved by the *Sharīʿah* . . . . I think that this forms the basis for armed rebellion, and I strongly warn against it. And I say to those people: You have to look at results and to those who preceded you in this field. Let them take a look on *fitan* that some Islamic societies live. What are their causes and what step led them to where they are? Once we know this, we understand that rebellion by word and exploitation/use of mass media in mobilizing, exciting, and extremism (*tashaddud*) feed *fitan* in the hearts.[374]

Somewhat similarly, Schleifer claims that 'the right to know/information' is un-Islamic.[375] Of course, in a society in which this opinion is dominant, no politically

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[370] Ibid., 64. For more details see already cited excellent article Abou El Fadl, "Ahkam Al-Bughat," *passim*.

[371] Faksh claims that this is a Saudi tradition. Faksh, *The Future of Islam*, 96.

[372] al-Rifāʿi, ed., *Murājaʿāt*, 85-87.

[373] Aḥmad Shawqī al-Fanjarī, however, opines that the ruler has no right to question his Opposition's intentions. al-Fanjarī, *al-Ḥurriyyah al-Siyāsiyyah fī al-Islām*, 172-4, 259.

[374] al-Rifāʿi, ed., *Murājaʿāt*, 53, 65, 88-90.

[375] Quoted by Abdelwahab El-Affendi, "Eclipse of Reason: The Media in the Muslim World," *Journal of International Affairs* (1993), URL: http://www.saudhouse.com/info/media.htm. For the opposite view see Osman, *Concepts of the Quran*, 765.

conscious public opinion is expected to emerge, and there is little hope for the development of Opposition. The following *aḥadīth* are cited as the evidence:

> One who gives advice is a confidant.; and When one of you gives advice to his brother, let him isolate him (from) the company of others.[376]
>
> Whoever wants to give advice to a man in authority (*dhī sulṭān*) let him not do it publicly. But let him take his hand and advise him in isolation. If the (advised) person accepts it, that is fine, otherwise the one who gave advice has performed his duty.[377]

Indeed, al-Sadlān affirms that advice is the only obligation that we have. Advice forever![378] The proponents of this view claim that public criticism of leadership will diminish the authority of the government, weaken the unity of the group/community,[379] and may even lead to civil disturbances, which according to classic theory should be avoided at any cost.

VII. The Requirements of the Pledge of Allegiance (*Bayʿah*)

The requirements of the pledge of allegiance (*bayʿah*) are said to constitute another restriction on opposition. The loyalty of a citizen, it is argued, should not be divided and the oath of allegiance cannot be revoked without a strong reason, which is *kufr bawwāh*.[380] Political parties actually teach citizens hypocrisy as they ask them to divide their loyalty between the head of the state and the leader of the party.[381] The threat reserved for those trying to install another ruler while Muslims are united on one man is severe: death by the sword.[382] Al-Māwardī says: "Once the Caliph is

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[376] Shams al-Dīn ʿAbd Allāh ibn Mufliḥ al-Maqdisī, *al-Ādāb al-Sharʿiyyah wa al-Minaḥ al-Marʿiyyah*, 3 vols. (Beirut: Dār al-ʿIlm li al-Jamiʿ, 1972), 1: 328. According to al-Maqdisi the *ḥadīth* is narrated by Abū Dāwūd in *Sunan*, al-Tirmidhī in *Sunan*, Ibn Mājah in *Sunan*, and al-Nasāʾi in his *Sunan*.

[377] Aḥmad ibn Ḥanbal, *Musnad*, 5: 231, *ḥadīth* no. 15336.

[378] al-Rifāʿī, ed., *Murājaʿāt*, 85-87.

[379] Muḥammad Sayyid Ḥusayn, review of *Bayn al-Qiyādah wa al-Jundiyyah ʿalā Ṭarīq al-Daʿwah*, by Muṣṭafā Mashhūr, in *al-Muslim al-Muʿāṣir* 15, no. 59 (Feb.-Apr. 1991): 126. Raphael Patai contends that one of the characteristics of the Arab mind is group cohesion and unity. R. Patai, *The Arab Mind*, rev. ed. (New York: Charles Scribner's Sons, 1983), 78.

[380] al-Rifāʿī, ed., *Murājaʿāt*, 46. On the same page al-Fawzān says that "The duty of Muslims residing in one province or in one kingdom is to give one *bayʿah* to one *imām*. It is not permissible to give several *bayʿah*s. That is of exudations of differences of this age and of ignorance in the matters of the religion." One wonders since when kingdom has become a *Sharīʿah* concept. Perhaps since 1925.

[381] Ḥalimah, *Ḥukm al-Islām*, 65-66.

[382] See *aḥadīth* in Nevīn Muṣṭafā, *al-Muʿāraḍah*, 71, note 3, and 110, notes 1-2, and Kamali, *Freedom of Expression*, 194, 253. In a *ḥadīth* recorded by Ibn al-Qayyim in *Ighāthat al-Lahfān min Makāyid al-Shayṭān*, ed. Muḥammad Anwar al-Balṭaji (Cairo: Dār al-Turāth al-ʿArabī, 1983), 2: 123 and Muḥammad ibn ʿAbd Allāh al-Khaṭib al-Tabrīzī, *Mishkāt al-Maṣābiḥ*, ed. Muḥammad Nāṣir al-Dīn al-Albānī, 2d ed. (Beirut: al-Maktab al-Islāmī, 1979), *ḥadīth* no. 3678, the Prophet, a.s., said: "If you are all united under one leader and then someone attempts to split you asunder and destroy your unity, kill him." Aḥmad S. al-Fanjari argues that the use of this *ḥadīth* in this context is not justified as it is directed against hypocrites who are trying to plant *fitnah* among Muslims and as such has nothing to do with open opposition over political issues. Opposition should properly be called *al-raʾy* and *naṣīḥah* and as such it is obligatory in case of rulers commiting mistakes. On the

acknowledged . . . , the whole nation must entrust public business to him without violence or opposition (*wa lā muʿāraḍah lah*)[383] so that he can carry out his duties in protecting their interests and managing their affairs."[384] He also says that the Community owes him obedience and support *as long as his policy does not change.*[385] It is precisely this point that has been used as the departing station in interpretation of the concept of *bayʿah* as the foundation of constitutional democracy in Islam.[386] We also know for certain that even *ṣaḥābah* tolerated those who never gave *bayʿah.* Saʿd ibn ʿUbadah never gave *bayʿah* to Abū Bakr or ʿUmar, Fāṭimah never gave *bayʿah* to Abū Bakr, and ʿAli delayed it for several month.[387] Saʿīd ibn al-Musayyib was whipped sixty lashes for not giving *bayʿah* to al-Walīd and Sulaymān, two sons of ʿAbd al-Malik ibn Marwān, and he never gave it.[388]

It is also argued that it is a well-established Islamic principle that Muslims should not campaign for themselves nor appeal to the people to vote them into office.[389] Since this is the essence of party politics, some thinkers argue, parties should be prohibited.[390] Advocates of parties argue that the prohibition is not absolute. The prophet Yūsuf asked for the post of, what today would be, ministry of agriculture or the treasury/finance. Secondly, when the Prophet told Abū Dharr not to ask for governorship he explained himself saying: "You are weak, and it is a [heavy] burden, ..."[391] It is understood from this *hadīth* that those who feel competent enough should proceed and put forward their candidacy, not for their personal gain, but in order to help establish justice and to prevent the incapable and ill-intended from reaching office. More than that, it is also unlawful for a competent Muslim to remain silent in such situations.[392]

Qurʾānic verses negating any chance of equal treatment of believers and non-believers by God are cited as yet another argument against un-Islamic parties.[393] It is however questionable whether we in this world can apply divine eschatological principles. Unfortunately, this mixing of *dunyā* with *ākhirah* appears regrettably

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other hand, rulers are obliged to listen to opposite opinion. In fact, the *ṣaḥābah* reported that they were giving pledge on advising their rulers. al-Fanjari, *Kayf Naḥkum bi al-Islām*, 47.

[383] Nevin Muṣṭafā understands this to mean no contestation of the post (*allā yunaziʿuh aḥad sulṭātih*). Nevin Muṣṭafā, "Muqaddimah," 27.

[384] Wahba, *The Ordinances of Government*, 15.

[385] Ibid., 17.

[386] Fathi Osman, "The Contract for the Appointment of the Head of an Islamic State," in *State Politics and Islam*, ed. Mumtaz Ahmad (n.p.: American Trust Publications, 1986?), 69, hereafter cited as "Baiʿat al-Imam." This article is a good introduction to the theory and practice of *bayʿah.*

[387] Muḥammad ibn Jarīr al-Ṭabarī, *The History of al-Ṭabarī*, vol. 9, *The Last Years of the Prophet*, trans. Ismail K. Poonawala (Albany: State University of New York Press, 1990), 9: 196, note 1352, and 186-7; al-ʿIbādi, "al-Muʿāraḍah," 173, 174; J. M. Maḥmūd, *al-Dawlah*, 157; Huwaydī, *al-Islām wa al-Dimuqrāṭiyyah*, 89.

[388] Huwaydī, *al-Islām wa al-Dimuqrāṭiyyah*, 89.

[389] For relevant evidence from the *Sunnah* see Ḥalīmah, *Ḥukm al-Islām*, 60-62.

[390] Ḥalīmah, *Ḥukm al-Islām*, 60-62.

[391] Zakī al-Dīn al-Mundhiri, *Mukhtaṣar Ṣaḥīḥ Muslim*, ed. Muḥammad Nāṣir al-Dīn al-Albānī (Kuwait: Wizārat al-Awqāf wa al-Shuʾūn al-Islāmiyyah, 1969), 2: 88, *hadīth* no. 1204.

[392] al-ʿAwaḍi, *Ḥukm al-Muʿāraḍah*, 53.

[393] Ibid., 58. For relevant verses see *Sūrat al-Qalam*, 68: 36, *Sūrat al-Sajdah*, 32: 18; *Sūrat Ṣād*, 38: 28.

often in contemporary Islamic thinking, and has been responsible for many misinterpretations of the Qur'ān and the *Sunnah*.[394]

VII. The Imperative of Unity

Finally, the Qur'ānic and *Sunnah* injunctions against the division of the *Ummah* and calls for its unity[395] are often invoked in the discussion of opposition, especially when it comes to the establishment of political parties, which are the common form of organizing effective opposition today. The most extreme stand on the unity of the *Ummah* claims that:

> Islam is the religion of oneness (*waḥdāniyyah*) in everything: God is one and has no partner; the Prophet -SAW- is one and there is no prophet after him; the Qiblah is one; the successful, victorious community of Muslims (*al-manṣūrah al-nājiyah*) is one; the truth which is to be followed is one and does not multiply; . . . and the Party of God is one. "What then remains after the Truth except the falsehood?" [*Sūrat Yūnus*, 10: 32][396]

Six decades ago martyr Ḥasan al-Bannā used to say similar things.[397] To this kind of thinking applies Von Grunebaum and Nazih Ayyubi's observation that Islamic thought is authoritarian; political absolutism parallels theological absolutism.[398] It seems to me, however, that much more reasonable and closer to the Islamic understanding is the view that oneness (*waḥdāniyyah*) is the distinguishing attribute of God, while all His creatures are numerous (*mutaʿaddid*).[399] ʿImārah on his part strongly condemns such a view reassuring us that those who claim that Islam knows no pluralism do not really know it.[400] Al-Qaraḍāwi calls this view 'strange and deviant' (*gharībah wa shādhdhah*) and considers it to be opposed to the "nature of human being and the logic of Islam itself."[401]

Some writers think that even if democracy ever takes root in the Arab world, it will be less adversarial and more consensual or unitary in tone.[402] There is no doubt that unity and consensus are preferred to conflict in Islamic politics, the issue being whether these should be forced unto the *Ummah*. The proponents of pluralism and the right to form opposition bodies argue that one way to schism is too much

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[394] For an insightful discussion of this point with regard to the *Sunnah*, see Yasuf al-Qaraḍāwi, *Kayf Nataʿāmal maʿ al-Sunnah al-Nabawiyyah: Maʿālim wa ḍawābiṭ*, 2d ed. (Herndon, VA: The International Institute of Islamic Thought, 1990), 173-77.

[395] For evidence see: *Sūrat al-Anfāl*, 8: 46; *Sūrat al-Anʿām*, 6: 16, 159; *Sūrat Āl ʿImrān*, 3: 103, 105; *Sūrat al-Shūrā*, 42: 13; *Sūrat al-Rūm*, 30: 31; *Sūrat al-Anbiyāʾ*, 21: 92. For *aḥadith* invoked see Ḥalimah, *Ḥukm al-Islām*, 59-60; Nevin Muṣṭafā, *al-Muʿāraḍah,* 110, notes, 2-3.

[396] Ḥalimah, *Ḥukm al-Islām*, 57. The verse is *Sūrat Yūnus*, 10: 32.

[397] al-Bannā, *Majmūʿat Rasāʾil*, 168.

[398] von Grunebaum, *Islam*, 135; Nazih Ayubi, *Political Islam: Religion and Politics in the Arab World* (London: Routledge, 1993), 15.

[399] See the comment of Aḥmad al-Mahdi in al-ʿAwwā, *al-Taʿaddudiyyah*, 18-19. See also al-Attas, *Prolegomena*, 75.

[400] al-Milād, "al-Taʿaddudiyyah," 39. Both ʿImārah and al-ʿAwwā refute *aḥadith* about Jews, Christians and Muslims being divided into more than seventy sects as unauthentic. See al-ʿAwwā, *al-Taʿaddudiyyah*, 26, 28.

[401] Huwaydi, *al-Islām wa al-Dimuqrāṭiyyah*, 82.

[402] Esposito and Voll, *Islam and Democracy*, 19.

emphasis on unity.[403] They understand that the texts prohibiting division of the *Ummah* cannot be interpreted as prohibition of Opposition, but only as a demand that Opposition be organized in a way that does not endanger unity. Pluralism is not sectarianism/schism/disunity (*tafarruq*). They say 'yes' to parties, but 'no' to partisanship.[404] Al-'Aww̄ā points out that all the verses which talk about one *Ummah* of ours talk, in fact, about Community united in creed (*'aqīdah*), and not about political, social, economic, literary, or medical Community *Ummah*).[405] They also refuse to consider those texts isolated from others validating *ikhtilāf* and *ijtihād*, counseling and competition in doing good. This understanding is in line with basic principles of *tafsīr*.[406] Abū Fāris concedes to the argument somewhat, but argues that the damage that multi-partism causes to the unity of the *Ummah* should be viewed as collateral damage, or lesser of two evils as no individual can stand up to the government, and the only alternatives to multipartism being dictatorship, secret/clandestine organizations and revolutions.[407] Huwaydī is of the same opinion and claims that restriction of the other view under the pretext of prevention of division is a call for dissipation of a *certain* good in fear of *possible* evil (*mafsadah*), an exercise which neither reason nor religious authority approves of.[408]

In the tradition of literal interpretation of the Qur'ān much is made of the Qur'ānic use of the word '*ḥizb*.' It is usually pointed out that the term is used in the plural only in negative contexts and that, as such, it is regularly condemned.[409] On the other hand, there is reference to only one party of God (*ḥizb Allāh*). Hence, many Islamic movements avoid calling themselves 'party.'[410] Several notes are in place here. First of all, as Sa'īd Ḥawwā consistently argued Qur'ānic *ḥizb* is not party in our modern sense. It refers to the entire community of the faithful.[411] Muḥyi al-Dīn 'Aṭiyyah and Ja'far Shaykh Idris are of the same opinion.[412] What we have just said about *ḥizb Allāh* is equally true for of *al-firqah al-nājiyah* and *al-ṭā'ifah al-manṣūrah* mentioned in *ḥadīth*. This is perhaps too obvious to be emphasized here as the concept of political party dates back only some two hundred years. Yet the note is important as it invalidates one of the apparently most impressive arguments of the opponents of pluralism, mainly their contention that the Qur'ān knows only of two parties; that of Allāh and the other one of the Satan. Second, as 'Imārah writes,

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[403] al-Milād, "al-Ta'addudiyyah," 39.

[404] "The Muslim Brotherhood's Statement," 103; Abū Fāris, *al-Ta'addudiyyah*, 42, 52-56; al-'Awaḍī, *Ḥukm al-Mu'āraḍah*, 35-37.

[405] al-'Aww̄ā, *al-Ta'addudiyyah*, 13. For a two level unity see also al-Attas, *Prolegomena*, 29.

[406] Nevin Muṣṭafā, *al-Mu'āraḍah*, 71-75.

[407] Abū Fāris, *al-Ta'addudiyyah*, 40-45. See also M. F. Othman, "Modern Democracy and the Concept of *Shūrā*," 112.

[408] Huwaydī, "al-Ta'addudiyyah wa al-Mu'āraḍah fī al-Islām," 30-31.

[409] al-Milād, "al-Ta'addudiyyah," 22; Ḥalīmah, *Ḥukm al-Islām*, 73-74.

[410] Gudrun Kramer, "Cross-Links and Double Talk? Islamist Movements in the Political Process," in *The Islamist Dilemma: The Political Role of Islamist Movements in the Arab Contemporary World*, ed. Laura Guazzone (Reading: Ithaca Press, 1995), 49, hereafter cited as "Cross-Links."

[411] Sa'īd Ḥawwā, *Jund Allāh Thaqāfatan wa Akhlāqan* (Beirut: Dār al-Kutub al-'Ilmiyyah, n.d.), 25-27; Idem, *Jund Allāh Takhṭīṭan* (Beirut: Dār 'Ammār, 1988), 5, 45; See also Suha Taji-Farouki, "Islamic Discourse and Modern Political Methods: An Analysis of al Nabahāni's Reading of the Canonical Textual Sources of Islam," *The American Journal of Islamic Social Sciences* 11, no. 3 (1994): 376-7, hereafter cited as "Islamic Discourse."

[412] Idris, "Khilāfi ma' al-Turābī," p. 5; Huwaydī, *al-Islām wa al-Dimuqrāṭiyyah*, 67.

the term 'party' (*ḥizb*) in the Islamic sources - the Qur'ān and the *Sunnah* - as well as in the experience/practice of the first Islamic state during the time of the Prophet, peace be upon him, is not rejected in itself, nor absolutely, as it is not acceptable in itself and absolutely. For the criterion of the admissibility of the term 'party,' and hence coming together and setting up of parties, is the content of the objectives, goals, and principles for which, and on which the given party is established.

He also points out that term '*ḥizb*' was not alien to first Muslims: The tribe of the al-Ash'aris sang about meeting "Muḥammad and his *ḥizb*," while al-Bukhārī reports from 'Ā'ishah, may God be well pleased with her, that "the wives of the Prophet were two *ḥizb*s"[413] – surely, not in the modern sense of political parties. It is, thus, rather difficult for us to accept the claim that parties are *bid'ah* and as such represent misguidance (*ḍalālah*) which is to be avoided.[414]

Bernard Lewis observed that the term *ḥizb*, though most probably a loanword from Ethiopic, became the common Arabic term for political parties, in the Western sense, in the early twentieth century.[415]

In conclusion, perhaps one more note is in order. The advocates of restricting or even prohibiting Opposition altogether rely excessively, but selectively, on *sīrah* and the conduct of Abū Bakr (r.a.). From the *sīrah* they invoke assassinations of the Prophet's opponents, and from Abū Bakr's caliphate the wars of apostasy that he fought. Their opponents, on their part, rely much more on precedents from caliph 'Ali's life, Qur'ānic verses and general principles of the *Sharī'ah*.

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[413] 'Imārah, "al-Islām wa al-Ta'addudiyyah al-Ḥizbiyyah," 97-98. Somewhat similarly Hishām Ja'far put forward five criteria for judging Islamicity of a concept and institution. The basic idea is that we should avoid formalism in judgement and resist temptation of loose analogies. We should abstract the essence of the given concept/institution and judge it, not particular actualization of it, or its misuse. For, as Huwaydī writes, "the misuse of a right cannot be cured by negating that right, but through the correction of misuse and provision of necessary guarantees against recurrence of such a misuse." Huwaydī, "al-Ta'addudiyyah wa al-Mu'āraḍah fī al-Islām," 30; Ja'far, *al-Ab'ād*, 153, note 19.

[414] Ḥalīmah, *Ḥukm al-Islām*, 72-73.

[415] Lewis, *Political Language of Islam*, 123, note 25. See also Marius K. Deeb, "Ḥizb," in *The Oxford Encyclopedia of Modern Islamic World*, 2: 120-21.

2. Islamic Spectrum of Opinions[416]

The dominant feature of the contemporary Islamic discourse on the subject of opposition is divergence, if not contradiction.[417] This diversity of opinions forms a wide ranging spectrum of opinions[418] which can be loosely classified into three groups: (1) shariatocrats, (2) Islamic authoritarians/exclusivists, and (3) Islamic pluralists/liberals. The heterogeneity, non-monolithic nature of these groups, and the lack of convergence among them cannot possibly be exaggerated. It is also to be noted that the views of all the writers considered here do not weigh equally in the Islamic field. What Mashhūr and al-Qaraḍāwi think about Opposition is much more important for the present and the future of this *Ummah* than what Ḥalimah thinks on the same issue. With these two notes in mind we proceed to outline the position and arguments of the three groups.

A. Shariatocrats or Theo-Democrats

The majority of contemporary Islamic thinkers stand in the middle ground of the spectrum of Islamic political ideas which I intend to designate *'shariatocracy,'* a neologism formed from *shari'at + kratein*. What characterizes this position most is a strong call for the supremacy of the *Shari'ah* over all politics *and* over popular vote,[419] the logic being that "one does not vote for God, one obeys Him." For the purpose of this debate the *Shari'ah* is usually understood to be different and much

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[416] From this survey I have excluded Muslim-Arab intellectuals with secular or overtly modernist leanings. Those are Muḥammad 'Ābid al-Jābiri, 'Abd Allāh al-'Arwi (Laroui) (Morocco), Muhammad Arkoun (Algeria), Muḥammad Shaḥrūr or Shuḥrūr (Syria), Bassam Tibi (Syria-Germany), Naṣr Ḥāmid Abū Zayd, Muḥammad A. Khalaf Allāh, Ḥasan Ḥanafi, Muḥammad Sa'id al-'Ashmāwi, Fu'ād Zakariyyā (Egypt), Maḥmūd Ṭāhā (Sudan), and Mahmoud Ayoub (Lebanon – U.S.A.). Although a cursory reference to the work of Ḥusayn Aḥmad Amin (Egypt) and Mohamed Talbi (Tunis) can be found in this essay, more research has to be done before any generalizations about them can be made. On some of these and other 'Muslim seculars' see Jebran Chamieh, *Traditionalists, Militants and Liberals in Present Islam* (Montreal and Beirut: The Research Publishing House, 1995), 202-229. For the views of Ḥusayn A. Amin see his *Dalil al-Muslim al-Ḥazin*, 2d ed. (Cairo: Maktabat Madbūli, 1987), and *Hawl al-Da'wah ilā Taṭbiq al-Shari'ah al-Islāmiyyah wa Dirāsāt Islāmiyyah Ukhrā*, 2d ed. (Kuwait: Dār Su'ād al-Ṣabāḥ, 1992).

[417] Shukri B. Abed, "Islam and Democracy," 116.

[418] I believe that differences in position on pluralism, democracy and Opposition among Islamic thinkers and Islamists are real, not superficial as Youssef Choueiri claims. According to him, when it comes to democracy there are three groups of Islamists: (1) radical group (Sayyid Quṭb, and others) that condemns democracy both as means of attaining power and a process of government, (2) groups, such as the Muslim Brotherhood of Jordan and FIS in Algeria, that accept means and processes of multipartism and democratic institutions without accepting democracy as a permanent system or the ultimate form of government; their ultimate goal being an Islamic state which "by its very nature excludes non-Islamic platforms and ideas," and (3) groups that have been officially deprived of the implicit or explicit legality of the second category (Tunisian *Nahḍah*, Syrian *Ikhwān*), they stress peaceful and democratic nature of their struggle blaming sporadic violence on the harsh treatment that their members get on the hands of security forces. For Youssef Choueiri however they are all same. One wonders how different this 'enlightened' intellectual is from those Islamic 'fundamentalists' (whom he so vehemently criticizes) who keep repeating that '*al-kufr millah wāḥidah*.' May God be merciful to 'Ali, r.a., who uttered that memorable phrase: "*Kalimat Ḥaqq, yurād bihā bāṭil*." See Youssef Choueiri, "Political Discourse," 20-21. For another, more objective, three-fold categorization see El-Solh, "Islamist Attitudes Towards Democracy," 58.

[419] al-Mūsawi, "Qa'idata al-Ḥukm fi al-Islām," 67-69.

narrower than *fiqh*, referring only to the clear and well established injunctions of the Qur'ān and the *Sunnah* (*qaṭ'iyyāt*). The advocates of this view would permit opposition and pluralism of parties inside general framework of Islamic state (*niẓām 'āmm*)[420] or definitives of the *Sharī'ah* (*al-qaṭ'iyyāt al-shar'iyyah*) or fundamentals/basics (*thawābit*). Al-Qaraḍāwi writes:

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[420] Suha Taji-Farouki writes: "There is little agreement among modern Sunni theorists concerning what constitutes an Islamic State." Suha Taji-Farouki, "Islamic State Theories," 135. Traditional Islamic political theory defined the purpose of political authority as "the preservation and implementation of the *shari'ah* and the institution of political authority such as the selection of a caliph" with considerable differences over the latter (Mumtaz Ahmad, "Islamic Political Theory," 5-6). Today, however, it seems as if Islamic state and government are, like democracy, 'essentially contested concepts.' B. Tibi, on his part, claims that one cannot find a definition of the Islamic system (*al-niẓām al-islāmī*) in the revivalist literature. Bassam Tibi, "Major Themes in the Arabic Political Literature of Islamic Revivalism, 1970-1985: The Islamic System of Government (*al-niẓām al-islāmī*), *shūrā* Democracy and the Implementation of the Shari'a as opposed to Secularism (*'ilmāniyya*)," Part One *Islam and Christian-Muslim Relations* 3, no. 2 (December 1992, pp. 184-210), and Part Two *Islam and Christain-Muslim relations* 4, no. 1 (June 1993, pp. 83-99), 205, hereafter cited as "Major Themes." He is correct to a large extend, and this represents one of the problems in the Islamic discourse on opposition since it is particularly difficult to talk with clarity about the Opposition in the Islamic political system when the features of that very system are unclear. Political features of Islamic state are considered to be least developed aspect of 'Islamism.' Laura Guazzone, "Islamism and Islamists in the Contemporary Arab World," in *The Islamist Dilemma: The Political Role of Islamist Movements in the Arab Contemporary World*, ed. Laura Guazzone (Reading: Ithaca Press, 1995), 19, hereafter cited as "Islamism and Islamists." As we have seen in the first chapter what one thinks of opposition depends to a large extend on what features and objectives of the ideal political system are. As Tibi himself observes, the application oh the *Sharī'ah* (*Taṭbīq al-Sharī'ah*) and *shūrā* figure high on the list of characteristics of the Islamic political system. Tibi, "Major Themes," 83. Muḥammad Salīm al-'Awwā writes that every state has its *niẓām 'āmm* and mores (*ādāb*). "*Al-Niẓām al-'Āmm* and mores are defined - by the lawyers - as the spirit which dominates political and legal system of the state. It is not allowed to go against the dominant spirit and political and legal system of the state. The spirit dominating the Islamic state is the Qur'ān and the *Sunnah* or the *Sharī'ah* with its prohibitions, obligations, licits and illicits. No party in the Islamic state can go against it (*yukhālifuhā*)." However, there will be no committee to decide on this. al-'Awwā, *al-Ta'addudiyyah*, 31. Hishām Ja'far thinks that *niẓām 'āmm* of the Islamic state, which no party should be allowed to transgress, consists of the "agreement on the unity of faith and the unity of the Law/*Sharī'ah*." Ja'far, *al-Ab'ād*, 147-8, note 14. Fahmi Huwaydī has done well in identifying the basic features of the Islamic system. Under the sub-title 'Seven pillars of the Islamic system' he produced the following list of 'basic features and characteristics' of the Islamic system: (1) authority (*al-wilāyah*) of the *Ummah*, (2) the whole society – not only the government - is responsible and answerable for the establishment of Religion, cultivation of this world, and protection of public interests, (3) freedom for all, (4) equality is one of the basics, (5) the (different) Other has his legitimacy, (6) injustice is prohibited and its resistance is obligatory, and (7) Law is above all. Besides, he makes difference between these features and means and goals of the Islamic system. The ultimate goal of the Islamic system is Justice (*al-'adl*), while two most important means for achieving it are mutual consultation (*shūrā*) and accountability of rulers. *al-Islām wa al-Dīmuqrāṭiyyah*, 103-114. 'Abd al-Qādir 'Awdah (*al-Māl wa al-Ḥukm fī al-Islām*, 109) says that the role of government is to "establish God's rule" (*iqāmat amr Allāh*) and to "look over interests of the Community" (*li tushrif 'alā maṣāliḥ al-jamā'ah*) (Ibid., 122). Aḥmad al-'Awaḍī puts forward five principles of the government in Islam: (1) Allāh is the sole Lawgiver/Sovereign, (2) the appointment of one caliph is obligatory for Muslims, and appointment of more than one is *ḥarām*, (3) *shūrā* between *imām* and the *Ummah* is obligatory, 4) *imām* has the sole right of adoption (*tabannī*) of *Sharī'ah* norms and his actions must take into account the interest of the *Ummah*, and (5) the calling of *imām* to account and his supervision is obligatory for the *Ummah* al-'Awaḍī, *Ḥukm al-Mu'āraḍah*, 19-21. While operationalization of these principles is far more important than their establishment as such, there is also long-standing disagreement about at least

There are also affairs which are not subject to vote, because they are fundamentals/basics (*thawābit*) which are not subject to change, except when society itself changes and becomes Muslim no longer. There is, then, no place for voting on *qaṭ'iyyāt al-shar'*, and the foundations of the religion and on the matters known to be a part of it by necessity. Voting can be administered on *ijtihādi* matters which can sustain more than one opinion, and over which people usually differ, such as election of a certain candidate to a given post, ...

Regarding the setting up of parties he postulates a condition that they do not work against Islam or the *Ummah*. "It is not permissible to set up a party that will call to

one of these pillars, namely that requering Muslims to appoint one caliph only, and not more than one. See also Kurdi, *The Islamic State*, 64-65; Maḥmūd, *al-Dawlah*, 88, 118. Shaykh al-Qaraḍāwi and al-Turābi put forward the religious politics (as opposed to secular one) as the first feature of the Islamic solution/politics. al-Qaraḍāwi, *al-Ḥall al-Islāmi*, 76, and al-Turābi, "Fi al-Fiqh al-Siyāsi al-Islāmi," 83. Over two decades ago al-Qaraḍāwi in *al-Ḥall al-Islāmi* promised to write about characteristics of Islamic solution/system (*ḥall-niẕām islāmi*) and then wrote about general characteristics of Islam claiming that they are one and the same. These characteristics, as identified by him, are: (1) divine origin (*al-rabbāniyyah*), (2) humanism (*al-insāniyyah*), (3) comprehensiveness (*al-shumūl*), (4) moderation (*al-wasaṭiyyah*), (5) realism (*al-wāqi'iyyah*), (6) clarity (*al-wuḍūḥ*), (7) combination of progress and permanence (*al-jam' bayn al-taṭawwur wa'l-thabāt*). Yūsuf al-Qaraḍāwi, *al-Khaṣā'iṣ al-'Āmmah li al-Islām*, 2d rev. and exp. ed. (Beirut: Mu'assasat al-Risālah, 1985), 9-258. This description itself indicates how general the Islamic political discourse still is. For Sayyid Quṭb, "[e]very government that is based on the principle that God alone has sovereignty and then enforces the Islamic *Shari'ah* is Islamic government, and every government that is not based on the recognition that God alone (S) has sovereignty and does not enforce the *Shari'ah*, is not recognized by Islam, even if it is run by an official religious group or bears the name of Islamic." W. E. Shepard, *Sayyid Quṭb and Islamic Activism*, 115. Muḥammad Y. Mūsā in his *Niẕām al-Ḥukm fī al-Islām* (N.P.: Dār al-Fikr al-'Arabi, n.d.) states that "the purpose of authority (*ḥukm*) and its pillars" are: (1) proper explanation of Religion to the people in order to refute doubts about it; . . . its protection from atheists and transgressors, and support/defence of the *Shari'ah* in case that somebody tries to go against its norms, (2) work for the unity of the *Ummah*, . . . , cooperation between its sons, and provision of respectable livelihood for all of them, and (3) protection of the country from aggression, and its sons form injustice and despotism; establishment of equality between all of them in rights and obligations . . . . (167-69). A. El-Affendi has also an interesting, and completely different, point to make here. He argues that

> Muslim political community [not an Islamic state, A. A.] is therefore an institution required to ensure that Muslims live in peace and harmony with one another, with other communities within the territory ruled by their polity and with other nations and communities on our planet. This peaceful co-existence has to be based on on the rules of equity and fairness, and must not force Muslims to live contrary to their principles. The central misunderstanding of current Muslim political thinking is the confused belief that a state based on Islamic principles is one which forces people to live according to Islam. In truth, the purpose of Islamic political community is to enable individual Muslims to live according to Islam, and to protect them from coersion which tend to subvert their commitment to Islam. All current references to the 'imposition of sharia' or the Islamic state, whether by Islamic thinkers or opponents of Islam, actually misunderstand the issue completely. (El-Affendi, *Who Needs an Islamic State?*, 94).

From this survey of Islamic discourse on the nature, goals, basic features of the Islamic system, and the means for attaining it we clearly see how little agreement there is among contemporary Islamic thinkers on this important issue. With regard to the subject of Opposition it should be pointed out that different conceptions of the Islamic system ascribe different status and role to Opposition. While at least three characteristics of the Islamic system enumerated by Huwaydi and El-Affendi's conception give legitimacy to Opposition, its position in other conceptions of the Islamic system mentioned above is hardly promising.

atheism, or nihilism/promiscuity, or irreligion (*lādīniyyah*), or a party that will attack revealed religions in general, or Islam in particular . . . ."[421]

The greatest contemporary Islamic movement, the Muslim Brotherhood, holds that:

The *umma* owes allegiance to Allah alone. . . . . It believes that the people cannot rule except by what Allah has revealed and in accordance with the *Sharī'a*. Hence, it cannot delegate anyone it chooses to rule over it except in matters that the *Sharī'a* has permitted. The *umma* has no right to ask its leaders to rule in those areas that have already been determined by the *Sharī'a*. If the *umma* chooses a ruler, then he should deal with matters in accordance with the teachings of Islam because Islam is the basis and the ruler is a mere guardian.[422]

Quite representative of this position are also the following words of al-'Awwā:

When we speak about the Islamic vision of the political system [we should say that] pluralism inside it is obligatory, the legal (*shar'ī*) criterion for it being commitment (*iltizām*) to the *niẓām 'āmm* of the Islamic state, which is built upon respect of all for the basic Islamic values. If English law can demand respect for two persons; that of king/queen and Jesus, as each of them represents a symbol of the society and a value in it, then we also have the right to decide what must be agreed upon of the higher, general values, with the condition that disagreement be allowed to all outside this frame. Things being so, we cannot prohibit any of the existing political trends, be they secular or Marxist, simply on the account that they are opposed to what some conceive about the Islamic framework. We have a right only to prevent them from destroying the Islamic system, and then we should not impose restrictions on the freedom of any of them to disagree and propagate. Let the election ballot be the referee between us. If they happen to win a majority against the Islamists, it would mean that Islamists have failed in convincing people on the basis of their program, and they therefore have to bear the responsibility of their remissness (*taqṣīrihim*) and failure, and they should leave the stage for those who gained the confidence of the people and their support.[423]

The crucial issue here is the meaning of the word 'commitment.' Does it simply mean that they do not show enmity towards the Religion even if they do not practice it, or does it mean that they have to abide by the norms of the Islamic law, in which case the difference between Islamic and non-Islamic parties will fade away.

Similarly, al-Qaraḍāwī and Huwaydī say that if Islamists win the trust of the people and come to power through elections, and then lose that trust despite all the instruments of power and control, including mass media, that they have; then it means that there is a grave remissness in their performance. They should bear responsibility for that and leave power for those whom people trust.[424] The possibility of losing power and abolition of the *Sharī'ah* will help Islamists stay sober and alert all the time without falling in complacency or resorting to force in

[421] al-Qaraḍāwī, *Min Fiqh al-Dawlah*, 142, 148. Similar view is expressed by M. 'Imārah in al-'Awwā, *al-Ta'addudiyyah*, 26-27. For a detailed list of the guidelines for the political pluralism in an Islāmic state and a proposed draft of the law of political parties in such a state see Abū Fāris, *al-Ta'addudiyyah*, 57-72.
[422] "The Muslim Brotherhood's Statement," 101.
[423] Huwaydī, *al-Islām wa al-Dīmuqrāṭiyyah*, 80.
[424] Huwaydī, *al-Islām wa al-Dīmuqrāṭiyyah*, 170.

case that it happens. It will ensure that Islamists do not substitute (mis)use of law and force for their laziness; it will help them stay immune to the *'mu'tazilah* disease.' Indeed, democracy 'saves us from us,' as Fatḥi 'Uthmān put it.[425]

Huwaydi puts his view in the following manner:

I say it clearly that the secular trends with their different orientations (*ṭabaqāt*), Marxists included, should be recognized in the Islamic political program. We should also distinguish here between the sort of secularism which is at peace with Religion (*'almāniyyah mutaṣāliḥah ma' al-dīn*) and the other brands of secularism which are opposed to it (*mukhāṣimah lah*). Let conciliation (*taṣāluḥ*) with religion, meaning the Islamic creed (*'aqīdah*), be the criterion of the acceptance and rejection. What I know is that many secularists and some Marxists are not against religion, nor are they outside the fold of Islam . . . . Regarding the rest who oppose (*yukhāṣimūn*) the religion and the creed (*'aqīdah*), and hence call for the destruction of the basis/foundation on which the state is established, and call for the enmity toward its *niẓām 'āmm*, . . . there is no place for them. To prevent them from doing so is a religious and political obligation at the same time as we know of no political system that confers legitimacy on advocates of its destruction and extinction. The criterion in all this is the constitution to which *Ummah* consents. Those principles established in the constitution should be abided by and respected by all, and those who want to transgress them should be prevented from doing it.[426]

However, inside this framework there should be alternation of power if people decide so. Islamists should not get glued to power. He complains that the leaders of the Third World remember very well those chapters of the law (*fiqh*) related to the accession to power. However their knowledge of its transmission to others is always close to zero. He himself argues that *fiqh* of alternation in power (*fiqh tadāwul al-sulṭah*) can be built around two basic Islamic principles. First, Islam is a message of *hidāyah* first and foremost, before being a social, economic and a political system.[427] Second, the only responsibility of Muslims towards that *hidāyah* (in addition to its following) is *tablīgh* (reaching out), i.e., they are *du'āh* not *quḍāh*.[428] Politics is only supposed to serve the mission of *hidāyah*; it is a means not an end in itself. Hence, Islamists should not insist on power when it does not serve the ultimate objective. To do so would be equal to putting the cart before the horse.[429]

Belḥāj put it slightly differently when he wrote to the Algerian President in 1994 saying that the only legitimate government (and opposition) in Islam is the one that enjoys endorsement of both the *Ummah* and the *Shari'ah*. In other words, they

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[425] 'Uthmān, "Qaḍāya al-Dustūr," 110.

[426] Huwaydi, *al-Islām wa al-Dīmuqrāṭiyyah*, 82-83. Ṭāriq al-Bishri would exclude two types of secularists from "Islamic Nationality" (*al-waṭaniyyah al-islāmiyyah*) which he believes can provide a satisfactory framework for understanding and cooperation between most social forces; one is that which believes in materialistic worldview which denies the existence of *ghayb*, while the other one is that which is westernized formally and essentially (*qalban wa qāliban*), and has went far away from the roots of the *Ummah*, and who are basically no different from European colonizers in Africa. Ṭāriq al-Bishri, *al-Ḥiwār al-Islāmi al-'Almāni*, 55-56.

[427] *Sūrat al-Baqarah*, 2: 2; *Sūrat al-Naml*, 27: 66; *Sūrat al-Tawbah*, 9: 33.

[428] *Sūrat al-Mā'idah*, 5: 99, 105; *Sūrat al-Shūrā*, 42: 48; *Sūrat al-Naḥl*, 16: 82; *Sūrat al-An'ām*, 6: 66; *Sūrat Āl 'Imrān*, 3: 20; *Sūrat al-Nisā'*, 4: 80; *Sūrat Luqmān*, 31: 23; *Sūrat al-Ghāshiyah*, 88: 21-26.

[429] Huwaydi, *al-Islām wa al-Dīmuqrāṭiyyah*, 164-71. Similar idea is put forward by M. 'Abd al-Raḥim in *The Development of Fiqh*, 68.

must combine political/social and legal/juristic legitimacy (*shar'iyyah* and *al-mashrū'iyyah*).[430]

Opposition for the sake of opposition is not allowed, and so are not secularists and Communists. To my mind, this looks like a kind of rigid constitutionalism; many of them would not impose the *Shari'ah* without the consent of majority, but once it is voted in they would not allow for its disestablishment arguing that no system can provide for the legal existence of the forces bound for its destruction. Thus, the initial consensus of the *Ummah* is seen as the only legitimate one and not subject to revision. This is in fact a replica of the argument from *uṣūl al-fiqh* that later *ijmā'* cannot abrogate a previous one. In addition, they argue that no system allows for frequent change of its fundamentals. Aziza al-Hibri points out that the American system too knows antimajoritarian difficulty and that the perceived differences between democracy and '*shariatocracy*', under closer scrutiny, are rapidly diminishing.[431] Fathī 'Uthmān points out that some democratic theories allow for certain chapters of the constitution to be unchangeable/unalterable; these usually refer to natural law, or a certain ideology . . . . Islamic creed (*'aqīdah*) can be granted such a status, and thus the issue of sovereignty of God would be resolved, without violating the rights of the people.[432] to this group of thinkers applies Gudrun Kramer's observation that "'moderate', modernist Islamic political thought might be said to have evolved in the direction of pluralism, but not of liberalism."[433] In fact, it turns out that Western liberals are demanding and expecting too much from Islamists; they ask for concessions they themselves are not ready to make. The same is true of most Islamists.

A note on the term 'shariatocracy' itself is, perhaps, in order here. There are several terms which could be used for the description of this position. One is clearly out, and I mean that of theocracy, at least in the Sunnī word. The other term is 'theo-democracy' coined by al-Mawdūdī. It is not far from acceptable except for its cumbersomeness and, if we accept al-'Alwānī's reservations about sovereignty of God as valid, its mistaken implication that God is directly involved in the rule of the *Ummah* as He was in the rule of the Jewish community. Another term suggested here is '*shūrāqrāṭiyyah*.'[434] One is tempted to ask if this term can have any precise

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[430] Ibn Ramaḍān, "al-Jazā'ir," 42; Fathi Osman, "Bai'at al-Imam," 84; Nevīn Muṣṭafā, "Muqaddimah," 38-39. See also the guidelines for political pluralism in the Islamic state, and the draft of law of political parties in the Islamic state which reflect the views of Shariatocrats in Abū Fāris, *al-Ta'addudiyyah*, 57-72. One has to acknowledge Belḥāj's clearity and courage. Some Islamists, perhaps wanting to appear liberal, pronounce bombastic statements, only to relativize them in the next sentence. For instance, Muḥammad Ḥasan al-Amin says that "legitimacy depends solely on the choise of the people *irrespective of doctrinal content (al-muḥtawā al-'aqadī) of the system* [italics mine]." However, three pages later he opines that atheist parties should not be allowed to organize, unlike secular ones. Muḥammad Ḥasan al-Amin, "*al-Islām wa al-Dimuqrāṭiyyah*," *Qaḍāyā Islāmiyyah Mu'āṣirah* 2 (1998), 228, 231-32.

[431] Aziza Y. al-Hibri, *Islamic Constitutionalism*, 17-20.

[432] Fathī 'Uthmān, *Fī al-Tajribah*, 17.

[433] Gudrun Kramer, "The Integration of the Integrists: A Comparative Study of Egypt, Jordan and Tunisia," *Democracy without Democrats?: The Renewal of Politics in the Muslim Wolrd*, ed. Ghassan Salame (London: I. B. Tauris Publishers, 1994), 208-9. His description of this thought as modernist may be challenged but we leave it here as it is. See also his "Islamist Notions of Democracy," 80.

[434] Muḥammad Najib Yāsin, "al-Ḥarakah al-Islāmiyyah bayn al-Taḥawwul al-Dīmuqrāṭi wa al-Khaṭar al-Khāriji," in *Mustaqbal al-'Amal al-Islāmi*, 167. The leader of Algerian Ḥamās has used it often.

meaning when *shūrā* itself is an underdeveloped concept. The term *shariatocracy*, i.e., 'a government of the *Sharī'ah*,'[435] is actually a variation of the term 'nomocracy' which is often thought to be the most suitable/accurate description of classical Islamic political theory on which *shariatocrats* are leaning.[436] However, this position could not evolve without selective disregard for some of the traditional concerns of Islamic political thought, such as unity and consensus, and the adoption of some elements from European thought such as the conflictual nature of politics. Eclecticism and selective borrowing appear to be the main characteristics of this approach.

As has been mentioned above, this is the position of most Islamic thinkers today and the majority of Islamic movements. During my readings I have found sufficient evidence to include in this category the following influential personalities: 'Abd al-Karim Zaydān,[437] Ṭāhā Jābir al-'Alwāni, Munīr al-Bayāti (Iraq),[438] 'Abd al-Qādir 'Awdah, Ḥasan al-Huḍaybi, Yūsuf al-Qaraḍāwi, Muḥammad al-Ghazāli, 'Ali Jarishah, Muḥammad 'Imārah, Ṭāriq al-Bishri, Muḥammad Sa'id al-'Awwā, Fahmi Huwaydi, Khālid Muḥammad Khālid,[439] Muṣṭafā Mashhūr, Ṣalāḥ al-Ṣāwi,[440] Ahmad Shawqi al-Fanjari,[441] Tawfiq al-Shāwi,[442] Muḥammad Ḍiyā' al-Dīn al-Ra'is, Jamāl al-Dīn Muḥammad Maḥmūd, Anwar al-Jundi,[443] al-Damirdāsh al-'Iqāli, Nevin Muṣṭafā, Hishām Aḥmad Ja'far, Kamāl al-Halbāwi, Aḥmad al-'Assāl, Ismā'il al-Badāwi, Muḥammad al-Ṣādiq 'Afifi (Egypt), 'Abd al-Raḥmān 'Abd al-Khāliq[444] (Kuwait), 'Abd al-Majid al-Zindāni[445] (Yemen), Ja'far Shaykh Idris,[446] (Sudan),

See interview with Naḥnāḥ in *el-Waṭan*, 20 June 1991, quoted in Ahmed Rouadjia, "Discourse and Strategy of the Algerian Islamist Movement (1986-1992)," in *The Islamist Dilemma: The Political Role of Islamist Movements in the Arab Contemporary World*, ed. Laura Guazzone (Reading: Ithaca Press, 1995), 78, hereafter cited as "Discourse and Strategy."

[435] Hassan al-Turabi, "The Islamic State," in *Voices of Resurgent Islam*, ed. John L. Esposito (New York: Oxford University Press, 1983), 244.

[436] Kamali, "Characteristics of the Islamic State," 35-36; Tamara Sonn, "Political Authority in Classical Islamic Thought," *The American Journal of Islamic Social Thought* 13, no. 3 (1996), 309; Ann K. S. Lambton, *State and Government in Medieval Islam* (Oxford: Oxford University Press, 1985), 1. By way of comparison Mark Juergensmeyer uses the term 'torahcracy' to describe Jewish fundamentalists' conception of political system. Juergensmeyer, *Religious Nationalism*, 175.

[437] 'Abd al-Karīm Zaydān, *Role of State and Individual in Islam* (Delhi: Hindustan Publications, 1983), 21-22.

[438] Munīr al-Bayāti, *al-Niẓām al-Siyāsi al-Islāmi: Muqāranah bi al-Dawlah al-Qānūniyyah*, 2d ed. (Amman: Dār al-Bashīr, 1994), 207.

[439] Khālid, *Difā' 'an al-Dimuqrāṭiyyah*, 191, 212, 228-9, 269.

[440] Ṣalāḥ al-Ṣāwi, *Jamā'at al-Muslimīn: Mafhūmuhā wa Kayfiyyat Luzūmihā fī Wāqi'inā al-Mu'āṣir* (Cairo: Dār al-Ṣafwah, 1992), 122-23; "al-Ta'addudiyyah al-Siyāsiyyah fī al-Islām: Fī Nadwatay Markaz al-Dirāsāt al-Ḥaḍāriyyah bi al-Qāhirah," *Qaḍāyā Duwaliyyah*, 12 October 1992, 21-23.

[441] al-Fanjari, *Kayf Naḥkum bi al-Islām*, 53; John Keane, "Power-Sharing Islam?," in *Power-Sharing Islam?*, ed. Azzām Tamimi (London: Liberty for Muslim World, 1993), 19-22.

[442] al-Shāwi, *al-Shūrā A'lā Marātib al-Dimuqrāṭiyyah*, 190, 193; Idem, *Fiqh al-Shūrā wa al-Istishārah*, 351, 354, 356, 751.

[443] Anwar al-Jundi, *Tayyārāt Masmūmah wa Naẓariyyāt Haddāmah Mu'āṣirah Tuḥāṣir al-Islām wa Taḥmil Liwā' Hadm Qiyamih al-Asāsiyyah* (Cairo: Maktabat al-Turāth al-Islāmi, 1993), 550; Idem, *al-Islām wa al-Muṣṭalaḥāt al-Mu'āṣirah* (n. p.: Dār al-Hidāyah, 1997), 324.

[444] Huwaydi, *al-Islām wa al-Dīmuqrāṭiyyah*, 74.

[445] Shaykh al-Zindāni argues that while elections are acceptable, sovereignty of people is not; the Qur'ān and the *Sunnah* are above the constitution. 'Abd al-Majid al-Zindāni, "Maṭlabunā: al-

Lu'ayy Ṣāfī, Saʿīd Ḥawwā (Syria), Muṣṭafā Ṭahhān (Syria-Turkey-Kuwait), Muḥammad Faḍl Allāh,[447] Muḥammad Mahdi Shams al-Dīn,[448] (Lebanon), Muḥammad Abū Fāris, Aḥmad al-ʿAwaḍī (Jordan), Aḥmad Yāsīn, ʿAbd Allāh al-ʿAzzām,[449] Munīr Shafīq (Palestine), Nabīl Shabīb (Syria-Germany), ʿAdnān al-Naḥwī (Syria-Saudi Arabia), Rābiḥ al-Kabīr, ʿAlī Belḥāj (Algeria), and Aziza al-Hibri.

However, this group is not monolithic and we found that some of the aforementioned personalities are very reluctant in resorting to suppression of opponent's views. Two cases of intellectual debate will help clarify the point. Egyptian secularists Faraj ʿAlī Fūdah for long tested the limits of intellectual freedom in Egypt and the level of tolerance of the Islamists. Finally, in 1992 he was assassinated. The Egyptian state brought the assassins to the court and called upon the late Muḥammad al-Ghazālī to testify. To the surprise of many he defended the assassination claiming that Fūdah as a secularist was *kāfir* and hence *murtadd*. According to Islamic law the state was supposed to kill him, but it did not. Those who took justice into their hands have transgressed the authority of the state (*iftiʾāt*), but there is no punishment for that in Islamic law as the murdered person was a legitimate target (*ḥalāl al-damm*).[450] In another, more recent case, a professor of Cairo University, Naṣr Ḥāmid Abū Zayd came under fire of Egyptian *ʿulamāʾ* led by ʿAbd al-Ṣabūr Shāhīn for the former's 'unorthodox' interpretation of the Qurʾān. The court's decision involved divorsing the professor from his wife after which they went into self-exile to Holland. While many of the *ʿulamāʾ* close to the Muslim Brotherhood sided with ʿAbd al-Ṣabūr Shāhīn, Muḥammad ʿImārah and Yūsuf al-Qaraḍāwī advocate more understanding and resolution of the matter through dialogue.[451] Rābiḥ Kabīr,[452] al-ʿAlwānī, Aziza al-Hibri, Fahmī Huwaydī, Khālid

Qurʾān wa al-Sunnah Fawq al-Dustūr wa al-Qānūn," interview by 'Iṣām ʿAbd al-Ḥakim, in *Qaḍāyā Duwaliyyah*, 18 January 1993, 18-19.

[446] Jaʿfar Shaykh Idrīs said that Sudan should be divided into provinces and the people in non-Muslim ones be given freedom to choose or refuse the *Shariʿah*. No such choice would be given to Muslims. Idrīs, "Khilāfī maʿ al-Turābī," p. 5.

[447] Muḥammad Ḥusayn Faḍl Allāh, *Taʾammulāt fī al-Fikr al-Siyāsī al-Islāmī* ([Beirut]: Kitāb al-Tawḥīd, 1995), 34-38; Idem, *al-Insān wa al-Ḥayāh*, ed. Shafīq al-Mūsawī (Beirut: Dār al-Mallāk, 1996), 102; al-ʿIbādī, "al-Muʿāraḍah," 180-81.

[448] Muḥammad Mahdī Shams al-Dīn, "Ḥiwār Fikrī," 5-33.

[449] For ʿAzzām's views on democracy see Ḥaydar Ibrāhīm ʿAlī, *al-Tayyārāt al-Islāmiyyah wa Qaḍiyyat al-Dīmuqrāṭiyyah* (Beirut: Markaz Dirāsat al-Waḥdah al-ʿArabiyyah, 1996), 169.

[450] Faksh, *The Future of Islam*, 54. Saʿd al-Dīn Ibrāhīm, ed. *al-Mujtamaʿ al-Madanī wa al-Taḥawwul al-Dīmuqrāṭī fī al-Waṭan al-ʿArabī: al-Taqrīr al-Sanawī 1993* (Cairo: Markaz Ibn Khaldūn li al-Dirāsāt al-Inmāʾiyyah, 1993), 53. An interviewer asked al-Fawzān about this issue without naming it, to which he responded: "It is not permissible to transgress authorities of the ruler of the Muslims. One who kills somebody without legal decision/judgement (*ḥukm sharʿī*), but kills him according to his personal view, ... He is to be killed in retribution (*qiṣāṣ*) if the guardian of the killed asks for it, except if it gets established that the killed person was an apostate. In that case his killer would not be killed, but the ruler has the right to chastise him because of transgerssing his authorities as he sees fit." He was then asked: "And what about punishment by the way of deterrence (*al-ḥadd taʿzīran*)?" He responded: "Sometimes *taʿzīr* reaches the death penalty if the guardian of the Muslims' affair sees that it is impossible to avoid the evil of the *mufsid* except by his death. In that case he is to be killed." al-Rifāʿi, ed., *Murājaʿāt*, 58-59. I have never come across an intervirew resembling interogation so much.

[451] Maḥmūd Khalīl, "al-Qaḍāʾ al-Miṣrī Yaḥkum bi "Riddat" Naṣr Abū Zayd waʾl-Ruʿb Yatamallak al-ʿAlmāniyyīn al-ʿArab," *al-Mujtamaʿ*, 27 June 1995, 38-39; Sfeir, "Basic Freedoms," 410; Naṣr Ḥāmid Abū Zayd, "Silencing is at the Heart of My Case," interview with elliot Colla and Ayman

Muḥammad Khālid, later Saʿīd Ḥawwā[453] and Ḥasan al-Huḍaybī also appear to be leaning toward more liberal stand while martyr ʿAbd Allāh al-ʿAzzām, Belḥāj[454] and al-ʿAwaḍī seem to feel uneasy even about pluralism under the sovereignty of the *Shariʿah*.

More importantly, whole movements and institutions seem to be adopting this stand; the *Ikhwān* in Jordan, Yemen, Algeria (*Ḥamās*), Kuwait (*al-Ḥarakah al-dustūriyyah al-Islāmiyyah*), Lebanon (*al-Jamāʿah al-Islāmiyyah*) Egypt, Syria, and the Sudan, Algerian FIS[455] and *Nahḍah*, Kuwaiti *salafis*,[456] Moroccan *Jamāʿat al-ʿAdl wa al-Iḥsān, Ḥizb al-Taḥrīr al-Islāmī*, the Lebanese *Ḥizb Allāh*,[457] and, perhaps, the Sudanese NIF. Al-Azhar and the OIC also subscribe to this standpoint as can be deducted from the draft of the Islamic Constitution and the Charter of Human Rights in Islam, which they respectively produced.[458] Again, *Ḥizb al-Taḥrīr* is very close to the more authoritarian position advocated by the next group. Al-Azhar University has consistently tried to prevent distribution of the books of Muḥammad Saʿīd al-ʿAshmāwī.[459]

Bakr, *Politcal Islam*, ed. Beinin and Stork, 327, 330; J. Miller, *God Has Ninety-Nine Names*, 76-78; Faksh, *The Future of Islam*, 53-54.

[452] Rābiḥ Kabīr, "Ḥawl al-Azmah bi Iṭlāq Sarāḥ al-Shuyūkh wa al-Bad' bi Mufāwaḍāt Jāddah," interview by Luṭfī ibn Ramaḍān, in *Filisṭīn al-Muslimah*, September 1994, 37.

[453] See especially his denounciation of one-party system in one of his latest books *Jund Allāh Takhṭiṭan*, 15, 71. In the same work he advised Islamists to go for democracy. Ibid., 71, 88, 104-7.

[454] In 1991 Belḥāj gave numerous warnings to the opponents of FIS and threatened the destruction of Ḥamās and Nahḍah if they continue to attack the party. He also explained why the leader of Ḥamās was condemned to death in *fatwā* issued in 1992 and renewed in 1993 by the leader of the executive committee of of the FIS, Rezki Houmil, also known as Ahmed Houmil. See Ahmed Rouadjia, "Discourse and Strategy" 77.

[455] The FIS is an extremely difficult to categorize since it has never been a monolithic party. It is, however, indisputable that authoritarian overtones have been strong inside it since its inception. Leaving aside its leaders with openly authoritarian leanings like ʿAli Belḥāj, even 'moderates' like Abbāsi Madani maintained that his party has a 'mandate from God.' Hence, "to vote against the FIS is to vote against God." Needless to say that such mentality allows for no pluralism and political dissent. See Francis Ghiles, "Algeria Locked in a Vicious Cycle of Violence," *Middle East International 9* (July 1993): 18; Robert A. Mortimer, "Algeria: The Clash between Islam, Democracy, and the Military," *Current History* (January 1993): 38 quoted in Faksh, *The Future of Islam*, 72. The differences of opinions among FIS leaders pertaining to democracy were highlited in D. Brumberg, "Islam, Elections, and Reform in Algeria," 63-68.

[456] Kuwaiti *salafī* movement seems to be moving ahead of the rest of the *salafī* movement in terms of readiness to organize and participate in the political systems of the country. Wāʾil Muḥammad al-Ḥassāwī, "al-Isʾhāmāt al-Fikriyyah li al-Ḥarakah al-Salafiyyah," in *al-Fikr al-Ḥarakī al-Islāmī wa Subul Tajdīdih*, Tawfiq al-Shāwī et al. (Kuwait: Wizārat al-Awqāf wa al-Shuʾūn al-Islāmiyyah, 1993), passim, hereafter cited as "al-Isʾhāmāt"; Ghānim al-Najjār, "al-Intikhābāt al-Barlamāniyyah fī al-Kuwait," *al-Jāmiʿah al-Islāmiyyah* 2, no. 3 (July-September 1995), 204.

[457] For an insight into the process 'democratization' which Ḥizb Allāh underwent see very up to date Eyal Zisser, "Hizballah in Lebanon - At the Crossroads," in *Religious Radicalism in the Greater Middle East*, ed. Bruce Maddy-Weitzman and Efraim Inbar (London: Frabnk Cass, 1997), 90-110; Assaf Kfoury, "Hizb Allah and the Lebanese State," in *Political Islam: Essays from Middle East Report*, ed. Beinin, Joel, and Joe Stork (Berkeley: University of California Press, 1997), 136-43.

[458] "Draft of the Islamic Constitution," *Majallat al-Azhar* 51, no. 4 (April 1979), Article 42; The Organization of Islamic Conferention, "Wathīqat Ḥuqūq al-Insān fī al-Islām," *al-Muslim al-Muʿāṣir* 13, no. 50 (December 1987/January 1988), Articles 22 and 24.

[459] Sami Zubaida, "Religion, the State, and Democracy: Contrasting Conceptions of Society in Egypt," in *Political Islam: Essays from Middle East Report*, ed. Beinin, Joel, and Joe Stork (Berkeley: University of California Press, 1997), 61; Alexander Flores, "Secularism, Integrism, and Political Islam: The Egyptian Debate," in *Political Islam: Essays from Middle East Report*, ed.

B. Islamic Authoritarians (Exclusivists or Quasi-totalitarians)[460]

On the right side of our continuum is a group of individuals and movements, which I intend to call Islamic authoritarians. They advocate unity 'in everything', respect for, and submission to the (legitimate) leadership. Al-Fawzān, for instance, claims that the disunity and plurality of groups on the Islamic plane of today is one of the traps set up for the *Ummah* by devils among *jinn* and humans.[461] Fathī Yakin condemns pluralism in the Islamic organizations arguing that unity is a religious obligation and an Islamic work's necessity.[462] What characterizes some of them is strong adherence to the concepts of classical Islamic thought. This kind is to be found primarily but not exclusively in Arabia (Bin Bāz, al-Sadlān, al-Fawzān, al-Hawālī,[463] and Saudi *'ulamā'* in general,[464] al-Mubārakfūrī, Mustafā Kamāl Wasfī, Muhammad Ridā Muharram,[465] Abdullah Schleifer, Kurdi, al-Albānī, Halimah). Others have been influenced more by authoritarian European thought and practice, the terrible record of multipartism in the Arab world (al-Bannā, Yakin, and perhaps H. al-Turābī[466]), or simply believe that *jihād*, not democratic practices, is the Islamic way (Sayyid Qutb,

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Beinin, Joel, and Joe Stork (Berkeley: University of California Press, 1997), 93, hereafter cited as "Secularism, Integrism, and Political Islam."

[460] Jamal Al-Suwaidi uses the term 'quasi-totalitarian' to refer to "antidemocratic opposition movements that aspire to regulate broad aspects of sociopolitical life." Al-Suwaidi, "Arab and Western Conceptions of Democracy: Evidence from UAE Opinion Survey," in *Democracy, War and Peace in the Middle East*, ed. David Garnham and Mark Tessler (Bloomington and Indianapolis: Indiana University Press, 1995), 111.

[461] al-Rifā'ī, ed., *Murāja'āt*, 44-45.

[462] Fathī Yakin, *Abjadiyyāt al-Tasawwur al-Harakī li al-'Amal al-Islāmī*, 3rd ed. (Beirut: Mu'assasat al-Risālah, 1985), 68-77. Since the publication of this book Yakin has participated in post-war Lebanese parliament. It cannot be claimed with certainty if he has changed his view.

[463] Mamoun Fandy, "Safar al-Hawālī: Saudi Islamist or Saudi nationalist?" *Islam and Christian-Muslim Relations* 9, no. 1 (1998), 5-21.

[464] It is indeed an overpowering task to find an Islamist in Saudi Arabia approving political pluralism.

[465] Muhammad Ridā Muharram, "al-Intimā' al-Siyāsī li al-Muslim: 'Awdah ilā al-Usūl," *al-Muslim Mu'āsir*, no. 17 (January-March 1979), 124.

[466] Back in 1983 al-Turābī wrote, "There is no legal bar to the development of different parties or to the freedom of opinion and debate. . . . . However, a well-developed Islamic society would probably not be conductive to the growth of rigid parties . . . . While there may be a multiparty system, an Islamic government should function more as a consensus-oriented rather than a minority/majority system with political parties rigidly confronting each other over decisions." al-Turabi, "The Islamic State," 245; Arthur L. Lowrie, *Islam, Democracy, the State and the West: A Round Table with Dr. Hasan Turabi* (Tampa: Florida State University, May 1992), 26, note 6, quoted in Gabriel R. Warburg, "The Sudan under Islamist Rule," in *Religious Radicalism in the Greater Middle East*, ed. Bruce Maddy-Weitzman and Efraim Inbar (London: Frabnk Cass, 1997), 29; Hasan al-Turābī, *al-Shūrā wa al-Dimuqrātiyyah* (n.p.: 'Amir al-'Alamiyyah, n.d.), 23. It seems that NIF Sudan has attained the status of 'a well-developed Islamic society.' It is also clear from this passage that al-Turābī was never a democrat without reservations, as some analysts projected him. The phenomenon of 'two Turabis' is not a real one; there has always been only one al-Turābī who has always preferred to talk about pluralism of civilizations rather than pluralism inside civilizations, or even states. His talk reminds one of the misuse of 'Asian values' on the hands of its authoritarian advocates for whom they serve as a protect-shield against universal democratic discourse. See interview with al-Turābī in *al-Insān* 1, no. 5 (1991): 12 quoted in Aziz al-Azmeh, "Populism Contra Democracy: Recent Democratist Discourse in the Arab World," in *Democracy without Democrats? : The Renewal of Politics in the Muslim World*, ed. Ghassan Salame (London: I. B. Tauris Publishers, 1994), 126, hereafter cited as "Populism Contra Democracy"; Miller, *God Has Ninety-Nine Names*, 165.

Muḥammad Quṭb, Shaykh Sayyid Shaʿbān,[467] ʿAbbūd Zumar,[468] Ṭalʿat Fuʾād Qāsim,[469] ʿUmar ʿAbd al-Raḥmān). Of the groups that constitute this category *Jamāʿat al-Jihād, al-Jamāʿah al-Islamiyyah,*[470] *Jamāʿat al-Muslimīn* (*Takfīr wa al-Hijrah*),[471] the Lebanese *Ḥarakat al-Tawḥīd al-Islāmī*, and, perhaps, the Supreme Assembly for the Islamic Revolution in Iraq (SAIRI)[472] are the most prominent.[473]

The late Saudi *muftī*, ʿAbd al-ʿAzīz Bin Bāz, and other members of the subservient Saudi *Hayʾat Kibār al-ʿUlamāʾ* have regularly committed the mistake of assuming existence of false dichotomy. They talk in terms of full obedience without public advising, let alone criticism on the one hand, or outright rebellion (*khurūj*) on the other - as if there is/can be nothing in between. According to them, there are only few exceptions to what they conceive is the duty of total obligation. One of these is the case of sin (*maʿṣiyah*) committed/ordered by the ruler. But even then the maximum an individual is entitled to do is passive opposition, or disobedience in that particular case without the right to revolt, attempt change or anything of that kind. That, they say, is up to God.[474] The logic is "*Give them* their right, and *ask from God* what is yours," and "Listen and obey even if your property is taken and your back beaten."[475] Rights for the rulers, duties for the ruled, or as Ibn ʿAbd Rabbih recorded it from our predecessors, "If the sultan increases his generosity towards you, increase your respect towards him; and if he makes you a slave, make him a master."[476] Al-Bāqillānī (d. 403 A.H.), on his part, wrote that "the majority of

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[467] El-Solh, "Islamist Attitudes Towards Democracy," 58.

[468] ʿAbbūd Zumar, one of the leaders of Egyptian Jamāʿat al-Jihād, currently serving a forty-year sentence for his involvement in the assasination of Sadat, "strictly rejects the principle of party politics and is very suspicious of coordination with other parties and groups.' Asʿad Abū Khalil, "Jihad Organizations," in *The Oxford Encyclopedia of Modern Islamic World*, 2: 376.

[469] Ṭalʿat Fuʾād Qāsim, "What Does the Gamaʿa Islamiyya Want?" interview by Hishām Mubarak, in *Political Islam: Essays from Middle East Report*, ed. Beinin, Joel, and Joe Stork (Berkeley: University of California Press, 1997), 317.

[470] Shaḥātah Ṣiyām, *al-ʿUnf wa al-Khiṭāb al-Dīnī fī Miṣr*, 2d ed. (Cairo: Sīnā li al-Nashr, 1994), 80-82; Huwaydī, *al-Islām wa al-Dimuqrāṭiyyah*, 21, 69, 132; ʿAbd Allāh Fahd al-Nafisī, "al-Mūjaz fī Taqwīm al-Fikr al-Ḥarakī li al-Tayyārāt al-Islāmiyyah," in *al-Fikr al-Ḥarakī al-Islāmī wa Subul Tajdīdih*, Tawfīq al-Shāwī et al. (Kuwait: Wizārat al-Awqāf wa al-Shuʾūn al-Islāmiyyah, 1993), 187-88.

[471] ʿAbd al-Raḥmān Abu al-Khayr, *Dhikrayātī maʿ Jamāʿat al-Muslimīn (Takfīr wa al-Hijrah)* (Kuwait: Dār al-Buḥūth al-ʿIlmiyyah, 1980).

[472] Lately, however, SAIRI proclaimed its commitment to "freedom of opinion, the multi-party system and free elections." Heather Deegan, "Democratization in the Middle East," *The Middle East in the New World Order*, ed. Haifaa A. Jawad (London: Macmillan Press, 1994), 14; Amatzia Baram, "From Radicalism to Radical Pragmatism: The Shiʿite Fundamentalist Opposition Movements in Iraq," in *Islamic Fundamentalisms and the Gulf War*, ed. James Piscatori (Chicago: The American Academy of Arts and Sciences, 1991), 34-36.

[473] For a short but informative introductions to these and other contemporary Islamic movements and groups see respective entries in *The Oxford Encyclopedia of the Modern Islamic World*. The most exhaustive list of 'Islamist societies in the Arab world' can be found in R. H. Dekmejian, *Islam in Revolution*, 223-47.

[474] al-Rifāʿī, ed., *Murājaʿāt*, 10, 12, 25.

[475] Ibid., 25, 51. The *ḥadīth* is from *imām* Muslim, *Ṣaḥīḥ Muslim: Being Traditions of the Saying and doings of the Prophet Muḥammad as Narrated by his Companions and Compiled under the Title al-Jāmiʿ al-Ṣaḥīḥ by Imām Muslim*, trans. Mahmoud Matraji, 4 vols, 8 parts (Beirut: Dār al-Fikr, 1993), Kitāb al-Imārah, Bāb 13, 3a: 257, *ḥadīth* no. 1847R1.

[476] Abū ʿUmar Aḥmad ibn Muḥammad Ibn ʿAbd Rabbih, *al-ʿIqd al-Farīd*, ed. Aḥmad Amīn, Aḥmad al-Zayn, and Ibrāhim al-Abyārī, 7 vols. (Beirut: Dār al-Kitāb al-ʿArabi, 1983), 1: 18. One version of this goes: ". . . if he makes you father, make him master." Ibid.

ahl al-ithbāt and *aṣḥāb al-ḥadīth* are of the opinion that the *imām* is not to be deposed because of his sinning (*fisq*), or injustice committed by way of usurpation of property, lashing of skins, killing of the innocent, constraining the rights or suspending *ḥudūd*. The revolt (*khurūj*) against such an *imām* is not obligatory, on the contrary, it is obligatory to advice him, and to frighten him, and to disobey in the things prohibited by God . . . ."[477] Of completely opposite view was Ḥusayn b. ʿAlī (r.a.) who is reported to have said:

> When anyone sees the authorities make permissible what God had forbidden, violating God's covenant, and opposing the *Sunnah* of the Apostle of God by acting against the servants of God sinfully and with hostility, when anyone sees all these incidents and does not upbraid them by deed or by word, it is God's decree to make that person subject to fortune . . . .[478]

Of course, there is nothing that will protect the disobeying individual if the ruler decides to punish him for disobeying what he considers *maʿṣiyah*. Another reason for revolt is outright *kufr* (*kufr bawāḥ*). But even then, it is not permissible to revolt unless the person/group is sure that he/it is able to change the situation without endangering the public.[479] This is no different from telling the dictators: If you have strong police forces and secret services, do not worry. Of course, it does not come to the minds of these *ʿulamāʾ* that parties would to a great extend facilitate the possibility of change without causing harm to the public order and stability for which they worry so much. Al-Sadlān on his part says that in case of the ruler who does not apply the *Sharīʿah*, it is permissible to rebel against him only if "*all* citizens do not want this ruler ruling them in such a way."[480]

In repudiating this extremely submissive view I could hardly do better than summarize what the Sudanese political scientist, Muddathir ʿAbd al-Raḥīm, has to say about the very same issue. Drawing upon the Qurʾān and Abū Bakr's inaugural address he went on to argue that obedience to rulers is conditional upon their exercise of the powers according to the rules of Islam. Otherwise obedience is forfeited and the deviant rulers will have to relinquish power. If they refuse, the *Ummah* has not only the right but the duty to remove them. Revolution in such situation would be a form of *jihād*. The only restraint on the *Ummah* in such a case is avoidance of *fitnah*. But he perceives *fitnah* as only one of the factors to be considered by the aggrieved *Ummah*, and can by no means be said to share the overwhelming obsession of the Saudi *ʿulamāʾ* with *fitnah*. That apart, the most important which he makes is that the judge in all this is the *Ummah* or the nation itself.[481] So, while al-Fawzān *et al.* prohibit *khurūj* in any form unless incapacitating conditions are fulfilled, ʿAbd al-Raḥim holds the exactly opposite position; the *Ummah* is entitled, indeed obliged to act positively or even rise in revolt the only

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[477] al-Bāqillāni, *Tamhīd*, 478.

[478] Muḥammad Ibn Jarīr al-Ṭabarī, *The History of al-Ṭabarī* (*Tārīkh al-Rusūl wa al-Mulūk*), vol. 19, *The Caliphate of Yazīd ibn Muʿāwiyah*, trans. and annotated by I. K. A. Howard (Albany: State University of New York Press, 1990), 95-96; Abū al-Ḥasan Ibn al-Athīr al-Jazarī (d. 630 A.H.), *al-Kāmil fī al-Tārīkh*, ed. Abū al-Fidāʾ ʿAbd Allāh al-Qāḍī (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1987), 3: 408-9.

[479] al-Rifāʿī, ed., *Murājaʿāt*, 19, 25-26.

[480] Ibid., 80.

[481] M. ʿAbd al-Raḥim, "The Roots of Revolution in the Qurʾān,"13-15.

condition being that all necessary and possible precautions be taken to ensure that the revolt does not go out of hand or lead to anarchy.

The inclusion of Sayyid Quṭb in this group is questionable/problematic as it is difficult to find anything in his thought that is directly relevant to the subject. It is true that there is a strong authoritarian tendency in his thought, but it should also be kept in mind that he rejected violence and revolution as a means of change and insisted on preparing people for the implementation of the *Sharī'ah*.[482] As we just said, no conclusive evidence can be found as he, in line with his methodology, consistently refused to work out details of the future Islamic state.[483] His brother, until recently, refused to talk about opposition and multipartism under the same pretext. But lately he came with an opinion, which perhaps does not amount to total rejection of organized opposition but does call for it as the preferred solution.

It should be noted that we actually have two groups in this category. One is more traditionally authoritarian (*a la* Saudi *'ulamā'*), while others are more rightly called modern autocrats (e.g. Ṭal'at Qāsim). The former group advocates authoritarianism out of conservatism, while the latter advocates it out of its belief that the sovereignty of God is absolute, and that consensus and unity are matters of religious obligations and practical necessity. Both groups are usually very negative in their approach to democracy in general and institutionalized Opposition in particular, looking for flaws in the Western experience instead of evaluating it against available alternatives. Instead of analyzing our depressing political present and trying to find a way out of it, they focus on the side effects of democracy and pluralism. Needless to say that such an approach cannot possibly be objective and fruitful. As critics they are superb, as providers of alternatives they are worthless. After a fusillade on democracy and its defenders all they have to say about alternative is: Islam. How? Not even a word.[484] Thinking only of ascension to power Ḥalīmah suggests that the alternative to democracy and party politics is comprehensive preparation and then *jihād* (*i'dād shāmil thumma al-jihād*).[485] Aḥmad Shawqī al-Fanjarī, however, argues that the alternative to democracy and political freedom is dictatorship.[486]

Ḥalīmah, as one of the authors from this group, says that: "He who wants to be a democrat *a la* West should not call himself a Muslim; he should know that he has fallen into indisputable disbelief, and hence out of Islam . . . ."[487] It is impermissible

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[482] L. Safi, "From Reform to Revolution: A Critical Reading of the Political Discourse and Actions of the Islamic Movement in Egypt," *Intellectual Discourse* 3, no. 1 (1995), 39.

[483] Sayyid Quṭb, *Fī Ẓilāl al-Qur'ān*, rev. ed., 6 vols. (Beirut and Cairo: Dār al-Shurūq, 1981), 3:1213-20, 4:2008-13. However, Youssef Choueiri writes that "Sayyid Quṭb was openly hostile to liberalism, multi-party politics and all institutions which derive their legitimacy directly from a sovereign electorate." He makes reference to *Fī Ẓilāl al-Qur'ān*, 2: 1082-3, 3: 1754-5 where Quṭb insists on the sovereignty of God as the criterion of Islamicity, and hence, acceptability of any political system. See Youssef M. Choueiri, *Islamic Fundamentalism* (London: Pinter Publishers, 1990), 112.

[484] See especially Ḥalīmah, *Ḥukm al-Islām*, passim; Naṣr Muḥammad 'Ārif, *Naẓariyyāt*, passim; Ṣafiyy al-Raḥmān al-Mubārakfūrī, *al-Aḥzāb al-Siyāsiyyah fī al-Islām* (India: al-Jāmi'ah al-Salafiyyah, 1987), passim. 'Ārif, for example, spent only eight pages (in form of open-ended questions) on outlining 'Islamic alternative' while the rest of the book (ca 400 pages) was spent on critique of western or western-minded theories.

[485] Ḥalīmah, *Ḥukm al-Islām*, 117-23.

[486] al-Fanjarī, *al-Ḥurriyyah al-Siyāsiyyah fī al-Islām*, 271, 274.

[487] Ḥalīmah, *Ḥukm al-Islām*, 124.

under any circumstances to recognize and acknowledge the legitimacy of infidel secularist parties because: (1) the principle is that disbelief (*kufr*) and evil (*munkar*) should be fought against, not recognized, (2) approval of disbelief is disbelief (*al-ridā bi al-kufr kufr*), (3) these parties will seduce people away from God, and God says: "And fight them on until there is no more tumult or oppression and there prevail justice and faith in Allāh altogether and everywhere; but if they cease verily Allāh doth see all that they do." (*Sūrat al-Anfāl*, 8: 39), and (4) they divide the *Ummah*.[488] Al-Albāni *et al.* in their *fatwā* add that pluralism equates Muslim with non-Muslim, which in itself goes against *qatʿiyyāt*.[489]

C. Islamic Pluralists or Liberals

Perhaps the smallest of the three groups is the one that may, for need of a better term, be called Islamic pluralists/liberals. By Islamic liberalism/pluralism we here mean dedicated Islamists (not secularists) who believe that the *Shariʿah* should be the law of the land, but insist that it should not be forced on the population initially nor sustained in power by force. Faith and morality sustained by fear are worthless. Contrary to the anti-democrats among Islamists they claim that authoritarianism, and not democracy, is close to associationism (*shirk*). The late Muḥammad al-Ghazāli put it eloquently:

> And you will see that Islam and dictatorship are two opposites that do not meet, for the teachings of Islam end up with people in servitude to Allah while the dictates of dictatorship lead them to blind political polytheism (*shirk*). And I was scared to find that a large majority of the men working in the Islamic front do not comprehend this reality.[490]

They, in general, push the argument of *lā ikrāh fī al-dīn* to its logical conclusion: if an individual has the right to choose his religion upon his conviction then he should also be given the right to abandon it once his conviction is gone. By analogy, the community should be given the same right. Furthermore, human rights and democracy may not be a Muslim discovery, but are, and should be regarded as a common human heritage, universal values that are in perfect harmony with the teachings of Islam. Shaykh al-Ghannūshi puts it as follows:

> [D]emocracy and human rights, even though they constitute the ideal setting for the call to Islam and the establishment of its state, are not dependent on Islam, would find in Islam the ideal understanding and practice for these norms. Therefore, the Islamists' preference of democracy is guided by the teachings of their religion which encourages *shūrā* (consultation), justice and acquisition of good and wise things from any source.[491]

The difference, then, between these puarlists/liberals and liberals *a la* Arkoun is that the former are trying (and are to a large extent succeeding) to argue for the adoption of democracy, pluralism, and human rights on the basis that they are universal values that are consistent with the Qurʾān and the *Sunnah* as the eternal sources of the

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[488] Ibid., 42-49.

[489] Ibid., 53-56.

[490] M. al-Ghazāli, *al-Islām wa al-Istibdād al-Siyāsi*, 7; See also F. Osman, *The Muslim World*, 147-48.

[491] al-Ghannūshi, "an-Nahda's Long March to Freedom," 11.

Truth. In arguing their case Islamic pluralists/liberals often convincingly use classical Islamic methods of interpretation. On the other hand, Arkoun and like-minded scholars care little about the *Sunnah* and adopt western methods in the textual analysis and hermeneutics in their liberal interpretations of the Qur'ān. More importantly they advocate secularism, something that Muslims in general and Islamists in particular reject as unacceptable.[492] In fact, what most Islamists fear is secularism with which some of them lump democracy.[493] However Fatḥī 'Uthmān believes that democracy implies neither atheism nor secularism.[494] Democracy is not necessarily bound on purging Islam, as it did not do with Catholicism in Ireland. However, if, hypothetically, people choose non-Islam, what can we do? He asks: "If the majority of any Muslim people expresses through legal and free voting, that they do not want to be bound anymore [by] sharia, how could sharia be imposed on them by force, when Islam epmphatically states that there is no coersion in matters of faith?"[495] Islam without conviction is worthless. Al-Qaraḍāwī and al-'Awwā also believe that democracy will not go against the *Sharī'ah* in Muslim societies.[496]

This distinction of ours between two brands of 'Islamic liberalism' coincides partially with the one drawn by Leonard Binder. His description of the first brand differs somewhat. However, his description of the second trend is equal to what we have in mind here. According to him this form of Islamic liberalism can be called "scriptural liberalism" and it

> would justify the establishment of liberal institutions (parliament, elections, civil rights) and even some social welfare policies, not on the basis of the absence of any contradictory Islamic legislation, but rather on the basis of quite specific Islamic legislation, which they are inclined to deduce from canonical sources and from the available anecdotal histories of the early cliphate.[497]

He considers this to be an anomaly because, he argues, it is highly questionable if

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[492] For an insightful analysis of the roots, sources, implications and dangers of secularism and its critique from an Islamic perspective see al-Attas, *Islam and Secularims,* passim, especially pp. 13-46; Idem, *Prolegomena*, 13-46. It is indicative that some Muslim thinkers translate or equate secularism with irreligion (*lādiniyyah*). Al-Turābi, "Fī al-Fiqh al-Siyāsi al-Islāmi," 85. Anwar al-Jundī does it regularly in his writings.

[493] A. Yāsin, *Ḥiwār ma' al-Fuḍalā' al-Dīmuqrāṭiyyīn*, 58, 61, 73, 79; Emad Eldin Shahin, "Secularism and Nationalism: The Political Discourse of 'Abd al-Salām Yāsin," in *Islamism and Secularism in North Africa*, ed. John Ruedy (New York: St. Martin's Press, 1994), 173-75; Idrīs, "Khilāfī ma' al-Turābī," p. 5; Youssef M. Choueiri, *Islamic Fundamentalism*, 105.

[494] Osman, *The Muslim World*, 139-40, 167; Idem, *Sharia in Contemporary Society: The Dynamics of Change in the Islamic Law* (Los Angeles: Multimedia Vera International, 1994), 70, 78.

[495] Fathi Osman, *Sharia in Contemporary Society*, 78; M. F. Othman, "Modern Democracy and the Concept of *Shūrā*," 118-19. In an interesting passage al-Ṭabari recorded that al-Ḥusayn ibn 'Alī after presenting his case and the case of his family to his followers in 61 A.H. said: "If you dislike us, *or do not know our rights* [italics mine], and if your view has now changed from what came to us in your letters and what your messengers brought, then I will leave you." Al-Ṭabari, *The Caliphate of Yazīd ibn Mu'āwiyah*, 94. The question is how many Islamic leaders today are ready to say this to their followers?

[496] al-Qaraḍāwī, *Min Fiqh al-Dawlah*, 142; al-'Awwā, *al-Ta'addudiyyah*, 31-34.

[497] Leonard Binder, *Islamic Liberalism: A Critique of Development Ideologies* (Chicago: The University of Chicago Press, 1988), 243-44. The late Nazih N. Ayubi has lumped together several of 'our shariatocrats,' a number of pluralists and liberals with 'Muslim liberals' (as different from *Islamic* liberals) *a la* Faraj 'Ali Fūdah under the category of 'the Islamic liberals.' See Ayubi, *Political Islam*, 201-213

liberal institutions can be based upon explicit legislation of divine origin, and not upon liberal political, epistemological, and moral principles (pluralism, individualism, capitalism, agnosticism, empiricism, pragmatism, utilitarianism, tolerance, etc.). However, his reservations are irrelevant here for us as we are not trying to come up with the 'Islamic liberalism' that will be a carbon copy of western liberalism, nor to please the West; this has, in any case, proven beyond reasonable doubt to be a mission impossible. What interests us is the construction of a political model that will best facilitate the implementation of God's word on earth, without sacrificing man's wellbeing because, the achievement of that wellbeing is a sign that God's commandments were implemented rightly.

Presently, the most prominent advocates of this position are the leader of the Tunisian Islamic movement Rāshid al-Ghannūshī and an independent Egyptian thinker residing in the United States, Fathī 'Uthmān. For over two decades, they have been arguing persuasively for the adoption of human rights and (mainly liberal-pluralistic) democracy. Numerous other Islamic thinkers and leaders have argued along the same lines: Ismā'il R. al-Fārūqi, Mahfūz Nahnāh,[498] Hassān Hathūt,[499] Muhammad al-Hāshimī al-Hāmidī, Muddathir 'Abd al-Rahim, al-Tayyib Zayn al-'Ābidin, Zaki al-Milād, Jamāl al-Dīn and Muhyi al-Dīn 'Atiyyah, Ahmad al-Tuwayjirī,[500] Abdelwahab El-Affendi,[501] and, since the fifties, 'Abbas Mahmūd al-'Aqqād[502] and as well as Lu'ayy Sāfī.[503] Of contemporary Islamic movements

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[498] Shaykh Nahnāh insists that "a one-party system with an Islamic party would be a dictatorship. The antidote to sclerosis of the mind is a multi-party system." Quoted in Daniel Brumberg, "Islamic Fundamentalism, Democracy, and the Gulf War," in *Islamic Fundamentalisms and the Gulf War*, ed. James Piscatori (Chicago: The American Academy of Arts and Sciences, 1991), 202.

[499] Hassān Hathūt, *Reading the Muslim Mind* (Plainfield, IN: American Trust Publications, 1995), 54-63.

[500] See his excellent article "Fiqh al-Ikhtilāf wa al- Mustaqbal al-Islāmī," *al-Muslim al-Mu'āsir* 15, no. 60 (May-July 1991), 7-21.

[501] See his fierce defense of freedom in the Arab world in "Eclipse of Reason: The Media in the Muslim World,"

[502] In his *al-Dīmuqrātiyyah fī al-Islām* al-'Aqqād wrote: " In all human history the notion of democracy was first developed by Islam." 'Abbās Mahmūd al-'Aqqād, *al-Majmū'ah al-Kāmilah li Mu'allafāt al-Ustādh al-'Aqqād*, 26 vols. (Beirut: Dār al-Kitāb al-Lubnānī, 1974), 5: 433. Similarly, Hāmid Sulaymān claims that "democracy is an Islamic invention." Sulaymān, *Alghām fī Tariq al-Sahwah al-Islā*miyya, 83. This is obviously not only exaggeration but also historically not true. Rashid Ridā was very much against such kind of thinking and advised the readers of *al-Manār* to avoid saying such things. Rashid Ridā, *Mukhtārāt Siyāsiyyah min Majallat al-Manār*, ed. Wajīh Kawtharānī (n. p.: Dār al-Talī'ah, n.d.), 23, quoted in Wajih Kawtharāni, al-Dīmuqrātiyyah wa Mas'alat al-Aqalliyyāt fī al-Fikrayn al-Qawmi wa al-Islāmi: Hiwār min ajl Nazrah Jadidah," *Minbar al-Hiwār* 9, no. 334 (Fall 1994), 54.

[503] Muhammad Shahrūr may be added. In brief, he is stating "the secular liberal case for Islam," and calls for pluralism in the Islamic state. Peter Clark, "The Shahrur Phenomenon: A Liberal Islamic Voice from Syria," *Islam and Christian-Muslim Relations* 7, no. 3 (1996), 337, 341; Muhammad Shahrūr, *Dirāsāt Islāmiyyah Mu'āsirah* (Damascus: al-Ahālī li al-Tibā'ah wa al-Nashr, 1994), especially chapter eight.
I am leaving out Mālik bin Nabī here because he wrote at times when Opposition was still not an issue in Islamic thought. However, he had a very favorable view of democracy and believed that "Islamic democracy is characterized essentially by the humans' immunization against antidemocratic attitudes . . . ." Islam nourishes 'democratic psychology' in its followers by advising them to emigrate rather than succumb to servitude and tyranny. Yahia H. Zoubir, "Democracy and Islam in Malek Bennabi's Thought," *The American Journal of Islamic Social Sciences* 15, no. 1, 110-11.

Tunisian *Nahḍah*,[504] the Algerian *Ḥamās* and lately the Iraqi Da'wah Party[505] are developing their discourse and practice along the same lines. A senior Da'wah Party activist recently said: "We shall accept everything that the public will accept. Even if they choose a perfectly non-Islamic regime. If they do not choose Islam, this means that they are not prepared for it."[506] There seems to be a lot of similarities between these Islamists and Christian Democrats. These similarities are getting identified by Islamists themselves and used in their arguments.[507] R. H. Dekmejian, however, claims that "[i]n their readiness to participate, the Islamist groups have resisted their own secularization along the model of the European "Christian Democratic" parties, while pushing for the full adoption of the *Sharī'ah* by national governments."[508]

What is the future of Islamic liberalism/pluralism? The answer to this question is largely outside the scope of this study, however, I would like to put forward one preliminary/provisional observation. Wilfred Cantwell Smith in his classic *Islam in Modern History*,[509] L. Binder in his celebrated *Islamic Liberalism* and many other Western and some Muslim writers have lamented the retreat of liberal thought in the Muslim world in the last three decades. While the retreat of liberalism is undeniable, the 1990s, according to my humble opinion, are witnessing a slow and cautious, but significant, come back of liberal tendencies among Muslims. Similarities and differences between the first wave of liberalism at the turn of the century and this new wave deserve special attention. It is too early for any substantial claims but when one compares the liberalism *a la* 'Alī 'Abd al-Rāziq and that of Fatḥī 'Uthmān it is easy to see how cautious, sensitive and deeply rooted in Islamic tradition the latter is. While the early liberalism (like that of Arkoun) flatly discarded significant parts of Islam, this outright rejection of Islamic institutions and principles is not visible in the kind of liberalism/pluralism we have examined here. Another feature of this Islamic liberalism's/pluralism's coming of age, in addition to its sensitivity, is the use of conventional/traditional tools/techniques/concepts of *uṣūl al-fiqh* and other Islamic disciplines in its discourse.

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[504] See among contemporary Islamic movements unprecedented self-assesment of this movement. Ḥarakat al-Nahḍah bi Tūnis, *Ḥarakat al-Nahḍah fī al-Dhikrā al-Khāmisah 'Asharah li Ta'sīsihā: Durūs al-Māḍī wa Ishkālāt al-Ḥāḍir wa taṭallu'āt al-Mustaqbal* (London: Ḥarakat al-Nahḍah bi Tūnis, 1996), passim, especially pp. 18, 38.

[505] Amatzia Baram, "Ḥizb al-Da'wah al-Islāmiyyah," in *The Oxford Encyclopedia of Modern Islamic World*, 2:122-23. Amatzia Baram is an expert on Iraqi opposition. See A. Baram, "The Radical Shi'ite Opposition Movements in Iraq," in *Religious Radicalism and Politics in the Middle East*, ed. Emmanuel Sivan and Menachem Friedman (Albany: State University of New York Prees, 1990), 95-125; Idem, "From Radicalism to Radical Pragmatism," in *Islamic Fundamentalisms and the Gulf Crisis*, 28-51.

[506] Amatzia Baram, "Two Roads to Revolutionary Shi'ite Fundamentalism in Iraq," in *Accounting for Fundamentalisms: The Dynamic Character of Movements*, ed. M. E. Marty and R. S. Appleby (Chicago: University of Chicago Press, 1994), 574.

[507] Tawfīq Ghānim, "'Almanat al-Aḥzāb al-Dīniyyah," *Qaḍāyā Duwaliyyah*, 13 June 1994, 3-5, 28; Muddathir 'Abd al-Raḥim, "The Roots of Revolution in the Qur'ān," 19. On the revival of religious politics in the Eastern Europe see Adrian Karatnycky, "Christian Democracy Resurgent," *Foreign Affairs* 77, no 1 (Jan.-Feb. 1998): 13-18.

[508] Dekmejian, *Islam in Revolution*, 215.

[509] Wilfred C. Smith, *Islam in Modern History* (Princeton, NJ: Princeton University Press, 1957), 72.

3. The Legitimacy of Opposition as a Principle

In this section we will have a closer look at the arguments regarding two specific issues: (1) loyal Islamic opposition in un-Islamic systems and (2) opposition in Islamic systems.

A. Loyal Islamic Opposition in un-Islamic Systems

It is difficult to find someone among contemporary Muslim thinkers who rejects the idea of structural Islamic opposition[510] in un-Islamic systems. However, there is a lot of disagreement about the establishment of political parties and participation in the parliamentary politics in such systems. A minority is against loyal opposition in any situation and they include militants *a la Jamā'at al-Muslimīn, al-Jihād* and *al-Jamā'ah al-Islamiyyah* from Egypt, and thinkers such as Muḥammad Quṭb, Ḥalīmah, and others. The majority, by contrast, looks positively at the establishment of Islamic parties and their participation in parliamentary politics or its equivalent if that serves the interest of Islam and Muslims. Here we find all major Islamic movements of today, and many of those who would prohibit multi-partism in the Islamic state. One of the earliest advocates of the establishment of such a party/opposition was Taqi al-Dīn al-Nabahānī. Abū Zahrah, 'Ali al-Khafīf, Ḥasan al-Bannā, [Muḥyi al-Dīn?] al-Khaṭib, and even shaykh Bin Bāz all agree that Muslims should participate in parliamentary politics of non-Islamic systems in order to ensure the interests of the Muslim community.[511] Others say that they should even serve as ministers in the established government if they can. The most authoritative writings on this matter are perhaps those of 'Umar Sulaymān al-Ashqar, al-Qaraḍāwī, and al-Ghannūshī all of whom approve participation in un-Islamic governments under certain conditions.[512]

Ḥalīmah says 'yes' to structural Islamic opposition with several conditions, including that it should be one and united; should not participate in the parliament, and should dissolve itself upon the creation of the State of Islam.[513] In justifying his objection to parliamentary politics he cites numerous arguments. These include the views that Islamist MPs would have to swear allegiance to positivist constitution, to recognize the legitimacy of party politics, pledge allegiance to unbelieving rulers, sit with those who may speak derogatorily of God, and subject everything to popular vote. They would also help to legitimize a *jahili* system and soften the barrier between believers and non-believers, and confuse ordinary Muslims' understandings of belief and disbelief.[514] Al-'Awaḍi on his part asks Islamic political parties in un-

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[510] al-'Awaḍi calls it *Mu'āraḍat Mabda' Islāmiyyah*. al-'Awaḍi, *Ḥukm al-Mu'āraḍah,* 24.

[511] "al-Ra'y fī Dukhūl al-Majālis," 42-43; al-Ḥassāwī, "al-Is'hamāt," 67.

[512] al-Qaraḍāwī, *Min Fiqh al-Dawlah*, 77-92; 'Umar Sulaymān al-Ashqar, *Ḥukm al-Mushārakah fī al-Wizārah wa al-Majālis al-Niyābiyyah* (Amman: Dār al-Nafā'is, 1992); Rashid Ghannouchi, "The Participation of Islamists in a None-Islamic Government," in *Power-Sharing Islam?*, ed. Azzam Tamimi (London: Liberty for Muslim World, 1993), 51-63.

[513] Ḥalīmah, *Ḥukm al-Islām*, 77-89.

[514] Ibid., 90-109. In his denounciation of parliamentary politics Ḥalīmah relies heavily on Muḥammad Quṭb, *Wāqi'unā al-Mu'āṣir*, 2d ed. (Jedda: Mu'assasat al-Madīnah li al-Ṣaḥāfah, 1989), 463-5, 508-9.

Islamic states to be radical (*al-Iṣlāḥ al-Taghyīri al-Inqilābī*).[515] The Pakistani scholar, Mumtaz Ahmad has several pertinent points to make here:

> The question whether political Islam can become a loyal opposition is not a theological question. It is a sociological question; It is a political question. The answer will not be guided by Islamic theological doctrines or other religious considerations. It will be determined by the political and social conditions that exist in Islamic societies. Contrary to popular perceptions in the West, Islamists . . . are not the *'ulamā'*, theological hair splitters and dialecticians. They are not jurists either. They are political animals *par excellence*.
>
> As for political Islam, we can make a distinction between two types of movements. One comprises the main stream, moderate Islamic movements. . . . . These are either operating, or are ready to operate if given an opportunity, in a peaceful, legal, constitutional and democratic manner and participate in the political process like any other political party in their societies. I have no doubt that they can become a loyal opposition. In fact, some of them - Refah in Turkey, Jamaat-i-Islami in Pakistan, PAS in Malaysia and the Muslim Brotherhood in Jordan - are already acting as the loyal opposition. Then we have the Islamic fringe, the radicals, the militants, the violent ones, the clandestine Islamic groups involved in domestic and international terrorism. . . . . It is obvious that we cannot expect them to become a loyal opposition, at least in the short run, or unless the political conditions in their respective societies change drastically. As for the moderate variants of political Islam, I don't see any risks involved in allowing them to compete freely in a democratic political arena. First, when the actual competition for the symbolic production of meaning takes place within the political arena, ideological positions often become diluted with compromises. Second, in democratic politics they will have to make alliances with other political groups and actors and forgo some of their pet ideas . . . .[516]

B. Opposition in Islamic Systems[517]

I. Structural Opposition

Muḥammad Abū Fāris argues that non-Islamic parties should not be allowed as Islam does not approve of political pluralism based on *'aqīdah kāfirah*, or *mushrikah* or *mulḥidah* or no religion at all. He advances the following arguments to substantiate his position.[518]

1. The function of parties is to try to win people to their political philosophies and programs which in the case of non-Islamic parties would lead to the establishment of disbelief and abolition of the *Sharī'ah*. This in itself contradicts the *reason d'etre* of the Islamic state, i.e., the protection of faith and the administration of the world according to it's principles.

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[515] See al-'Awaḍī, *Ḥukm al-Mu'āraḍah*, 50.

[516] Mumtaz Aḥmad and William Zartman, "Political Islam: Can It Become a Loyal Opposition?" [Symposium] *Middle East Policy* 5, no. 1 (1997), URL:http://msanews.mynet.net/ MSANEWS/199609/19960918_5.html, hereafter cited as "Political Islam."

[517] al-Damirdāsh al-'Iqālī, "Ishkāliyyat al-'Alāqah bayn al-Sulṭah wa al-Mu'āraḍah," interview by Rā'id 'Abd al-Raḥmān, *al-Tawḥid* 16, no. 94 (May 1998), 117, hereafter cited as "Ishkāliyyat al-'Alāqah."

[518] Abū Fāris, *al-Ta'addudiyyah*, 34-39.

2. The Islamically prescribed punishment for apostasy is death. Naturally an Islamic state would not allow parties to call people to something for which they will get killed. Furthermore, allowing parties to call people to disbelief would mean making lawful what God has prohibited.

3. Pluralism in any system must be based on the constitution of that given system. An Islamic state's constitution is drawn from the Qur'ān, the *Sunnah* and *Ijmā'*, all of which prohibit the establishment of non-Islamic parties.

4. Allowing non-Islamic parties would contradict the verse in *Sūrat al-Nisā'*, 4: 41, which reads: "How then if We brought from each people a witness and We brought thee as a witness against these people!"

5. According to the consensus of *'ulamā'*, apostasy of the ruler terminates his rule; his removal from office (*khal'*) and if necessary revolt against him is obligatory (*wājib*). In that case it is not permissible for Muslims to remain silent for even a moment. How can we then allow *kāfir* to work in order to rule according to *kufr*? He falls back on the claims of the consensus on this point made by al-Safaqsi,[519] al-Qāḍi 'Iyāḍ,[520] Ibn Hajar, and Muḥammad Rashīd Riḍā.[521]

6. The Qur'ānic verse "O ye who believe! Obey Allah and obey the Apostle and those charged with authority among you. If ye differ in anything among yourselves refer it to Allah and His Apostle if ye do believe in Allah and the Last Day: that is best and most suitable for final determination." (*Sūrat al-Nisā'*, 4:59) establishes that one of the conditions for *al-wilāyāt al-'āmmah* and *al-imāmah al-kubrā* is Islam. This is deduced from the words 'among you' (*minkum*), meaning a believer from among the community of believers. It is then not acceptable to allow *ḥizb kufrī* to work for coming to power.

Aḥmad al-'Awaḍi agrees saying that it is not permissible for Muslims to disagree about the prohibition of the establishment of non-Islamic political parties. It is not only unlawful to accept the philosophy of and enroll in the activities of such parties, it is also *kufr* which takes one out of the fold of Islam altogether.[522]

II. Non-structural Opposition

In a view fairly representative of mainstream contemporary Islamic thought, 'Abd al-Salām Yāsin calls democrats to sign a pact on the common ground, which is ". . . that we worship none but Allah; that we associate no partners with Him; . . . " (*Sūrat Āl 'Imrān* 3: 64) beyond which pluralism is welcome. What is more, he thinks that opposition and criticism, whose foundation is *al-amr bi al-ma'rūf*, are not only permitted but may actually be obligatory. An opponent who uncovers vices (*radhā'il*), though maybe an enemy, does a great service to the *Ummah*.[523]

Let us give here the reasons put forward by Muḥammad al-Shirāzi for having a multitude of Islamic parties. First, they facilitate the election of the most competent

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[519] al-Qasṭalānī, *Irshād al-Sāri* (Beirut: Dār Ṣādir, copy of Bulāq's 6th ed., 1304 A.H.), 10: 217, as in Abū Fāris, *al-Ta'addudiyyah*, 37-38.

[520] Muḥyi al-Din al-Nawawi, *Ṣaḥiḥ Muslim bi Sharh al-Nawawi* (Cairo: al-Maṭba'ah al-Miṣriyyah wa Maktabatuhā), 12: 229, as in Abū Fāris, *al-Ta'addudiyyah*, 38.

[521] Rashīd Riḍā, *Tafsīr al-Manār*, 6: 367.

[522] al-'Awaḍi, *Ḥukm al-Mu'āraḍah*, 7-8, 60.

[523] A. Yāsin, *Ḥiwār ma' al-Fuḍalā' al-Dimuqrāṭiyyin*, 88-90.

to menage the affairs of the *Ummah*. Second, they make the whole *Ummah* the referee in political matters; while without them only the strong would exercise power and influence the affairs of the *Ummah*. Third, they facilitate the political development of the *Ummah*. In fact, parties are practical political schools in which new generations are prepared for future political undertakings.[524] Four, Muslim society needs somebody to take charge of political responsibility; parties are best suited to do that. Five, the atmosphere of the free and creative competition characteristic of democratic societies will help the development of the *Ummah*. Finally, parties help with the institutionalization of the *Ummah*'s affairs which is in itself a praiseworthy exercise.[525]

Al-'Awaḍī writes that collective/organized (*jamā'iyyah*) opposition is obligatory only under two conditions: (1) when and where individual opposition proves to be futile and ineffective, and (2) where there is a possibility that voluntary *bay'ah* preceded by nomination and election as the way for choosing caliph will be replaced by some other institution. Otherwise, the formation of parties is only permissible (*mubāḥ*) or recommended (*mandūb*) and the caliph has the right to prohibit it. However, where one of the two conditions is present, the *Ummah* should disregard the opinion of the caliph as his permission is not required for the performance of that which is obligatory.[526] It is not clear who would be the final court of appeal in the case of disagreement between the caliph and the *Ummah* over the existence or otherwise of those conditions. It is also questionable whether at that stage it would in any case be too late for such a move.

Justifying his view of the permissibility of Islamic multi-partism he relies on the following Qur'ānic verses: ". . . Help ye one another in righteousness and piety but help ye not one another in sin and rancor . . . ." (*Sūrat al-Mā'idah*, 5: 2); "Allah doth command you to render back your trusts to those to whom they are due; . . . . " (*Sūrat al-Nisā'*, 4: 58); "Let there arise out of you a band of people inviting to all that is good enjoining what is right and forbidding what is wrong; . . . ." (*Sūrat Āl 'Imrān*, 3: 104). From the *Sunnah* he invokes all the evidence for *ḥisbah*.

At this juncture, I would like to draw attention to the fact that by non-structural opposition I do not mean only Islamic opposition, but also non-Islamic as long as it is not anti-Islamic. In line with this understanding, many Islamists whom we have put into the category of Shariatocrats argue that non-Muslims should be given the right to set up parties and to nominate candidates for the parliamentary elections. Al-'Awwā is of the same opinion although he adds that it would not be prudent for them to do so as they are a minority in all Muslim lands.[527]

There are still others who do not see any place for political parties in an Islamic state. The views of Ḥasan al-Bannā in this regard are too well-known to be expounded here. In brief, he regarded 'Egyptian parties the biggest sin of this country [i.e., Egypt],' and put the demand for the dissolution of parties at the top of his ten-item list of political reforms which he asked from king Fārūq to carry out, well ahead of demand for curbing corruption and other vices.[528] However, he was

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[524] Several Islamic thinkers point out this 'developmental' role of parties and opposition. See Osman, *The Muslim World*, 144.

[525] al-Mīlād, "al-Ta'addudiyyah," 42-43.

[526] al-'Awaḍī, *Ḥukm al-Mu'āraḍah*, 25, 48-49.

[527] al-Qaraḍāwi, *Min Fiqh al-Dawlah*, 193-198; al-'Awwā, *al-Ta'addudiyyah*, 34.

[528] al-Bannā, *Majmū'at Rasā'il*, 326, 290.

aware that the issue was a matter of *ijtihād* and thus wrote that "I have my personal opinions about parties (*ḥizbiyyah*) which I do not want to impose on others for neither I nor anybody else has that right."[529] His stand on and aversion to parties were very much shaped by the Egyptian experience of party politics in 1930s and 1940s. He conceded that "parties may be allowed somewhere, sometime, but not in Egypt, not now." He sincerely believed that parliamentarism and constitutionalism, which he considered to be the closest of all contemporary political systems to Islam, can operate without parties, or with one party.[530] He was not very much disturbed by pluralism of Islamic organizations, although he hoped in time they will unite. His basic reasons for advocating the abolition of parties were: (1) the absence of substantial differences between them, (2) that they pursued personal gains without offering programmatic solutions to existing problems, (3) they were used by foreign powers to infiltrate Egyptian political life, and (4) they spread enmity in society and had a negative impact on its unity.[531] Perhaps, Huwaydī's observation that the misuse of a right should not be encountered by its abolition but by measures which will prevent it in the future, is the best response to this kind of reasoning.

A *salafī* scholar from India, al-Mubārakfūrī, has written the most detailed, although simple, essay against multipartism in an Islamic state. As usual, he argued on the basis of the Qur'ān, the *Sunnah* and reason. In his *Rasa'il* he falls back on the verses urging Muslims about the dangers of disunity and urging them to stay united. From the *Sunnah* he supported his view by *aḥadīth* demanding obedience to the ruler, and others asking Muslims to hang together and avoid sectarianism.[532] After exhausting scriptural evidence he went on to enumerate a dozen rational reasons for not allowing parties. 1) The party system is a part of the secular, democratic systems and as such is unacceptable in Islam.[533] 2) Parties are based on difference. Since substantial differences are not allowed in Islam, and formal differences are insufficient reason, parties have no place in Islam. 3) Parties are means for reaching

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[529] al-Bannā, *Majmūʻat Rasā'il*, 166.

[530] Ibid., 138, 321-2. The quotation above occurs on page 166; Osman, *The Muslim World*, Chapter "Democracy in the Literature of Ḥasan al-Bannā," 298-310; Ishak Musa Husaini, *The Moslem Brethern: The Greatest of Modern Islamic Movements* (Beirut: Khayat's College Book Cooperative, 1956), 66-68, 96.

[531] al-Bannā, *Majmūʻat Rasā'il*, 20-21, 28, 158, 165-69, 214-15, 325-27, 332.

[532] See *aḥadīth* no. 2187 and 2188 in Zayn al-Dīn al-Zabidī, *Mukhtaṣar Ṣaḥīḥ al-Bukhārī*, ed. Ibrāhīm Barakah, 2d ed. (Beirut: Dār al-Nafā'is, 1992), 502. The question here is whether there is a place for Opposition somewhere between unconditional obediance and outright *khurūj*.

[533] Party politics are generally perceived as alien even by today's Islamists (Jean Leca, "Democratization in the Arab World: Uncertainty, Vulnerability and Legitimacy. A Tentative Conceptualizationand Some Hypothese," *Democracy without Democrats?: The Renewal of Politics in the Muslim World*, ed. Ghassan Salame (London: I. B. Tauris Publishers, 1994), 63). M. Quṭb perhaps expresses this feeling when he writes:

> Regarding the issue of establishment of parties and alternation of power, it is yet another form of the debasement of Islamic taste/sense (*al-ḥiss al-islāmī*) in our contemporary reality, and intrusion of cultural imperialism in our lives . . . . Indeed, the Islamic taste/sense prohibits "profesionalization" of support and "professionalization" of opposition, which are practiced by party democracy in its practical reality, irrespective of theoretical or ideological cover under which this practice is exercised . . . . Muslim should oppose or support the Muslim ruler according to his sincere convictions, not according to his party dictates . . . . But still, I do not want to issue a *fatwā* on the setting up of parties, ... That is for *fuqahā'* to decide" (M. Quṭb, *al-'Almāniyyūn*, 72-73).

power while in Islam power is not something to be sought for. 4) Parties put their interest before the interest of the *Ummah*. 5) *Shūrā* is obligatory, but parties know nothing of it except the rule of the majority. 6) A Muslim should give his loyalty to all Muslim brotherhood, not to party members. 7) Commanding good and forbidding evil is primarily the government's job. 8) The principle of *ḥisbah* should by no means be raised to the level of contesting for power (*munāzaʿah*). 9) Parties demand absolute obedience and support, which contradicts Islamic teachings. 10) Islamic parties have prompted many governments to send them to the gallows and prisons.[534]

Ḥalīmah also thinks that pluralism of even Islamic parties should not be allowed in the Islamic state because: (1) Islam is the religion of oneness in everything, (2) parties use unlawful means in their activities, (3) they would publicize and misuse the shortcomings of the *imām* and of other people, and (4) they will demand loyalty from their members while the loyalty of Muslims should be undivided and given to the *imām*.[535]

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[534] The detailed critique of his arguments can be found in al-ʿAwaḍī, *Ḥukm al-Muʿāraḍah*, 25-72.

[535] Ḥalīmah, *Ḥukm al-Islām*, 57-66. See also Kurdi, *The Islamic State*, 73.

CHAPTER III
REFLECTIONS ON ISLAMIC POLITICAL DISCOURSE ON OPPOSITION

> Those who fight us with the pen shall die by the sword.
>
> **Armed Islamic Group –GIA**
>
> Many devout Muslims have come to fear that the main threat in Iran to Islam as a faith is the experience of people under the Islamic Government.
>
> Ali Banuaziz
>
> I am inclined to value the argument of self-determination because I believe that most of the people would determine in our favour.
>
> Lord Curzon, *Foreign Secretary of Great Britain, 1918*

In the preceding chapter we surveyed the main currents in contemporary Islamic political thought regarding the issue of Opposition. What remains to be done in this chapter is to cast an analytical look at the development of this thought with regard to opposition, and to try to determine the causes behind such development. We will also try to make a few generalizations about the discourse itself. Finally, this essay would be incomplete without discussion of the very important question of the real motives and intentions of Islamic activists *as compared to those of their opponents* in the Arab world and the West.

1. On the Evolution of the Islamic Discourse on Opposition

An outspoken advocate of pluralism and democracy today, such as al-Qaraḍāwī is, once rejected liberal democracy as 'foreign,' 'an imported solution we do not need,' which failed utterly in all aspects, and insisted on 'the name of Islam' (*'unwān al-Islām*).[536] In his extremely popular *al-Ḥulūl al-Mustawradah* he wrote: "Our Muslim East needs no imported ideologies . . . for this Muslim East is not an 'empty dish' which accepts anything that is put into it. On the contrary, it is a full dish in which there is no place for anything new."[537] Today Shaykh al-Qaraḍāwī has softened his accent very much. "The essence of democracy is compatible with Islam," and "the essence of democracy is a core-value of Islam," says he.[538]

Together with many observers of Islamic movements and the Islamic political discourse in the Arab world during the last two decades or so, we have noticed

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[536]   Yūsuf al-Qaraḍāwī, *al-Ḥulūl al-Mustawradah wa Kayf Janat 'alā Ummatinā*, 11th ed. (Beirut: Mu'assasat al-Risālah, 1985), 49-140, hereafter cited as *al-Ḥulūl al-Mustawradah*; Idem, *al-Ḥall al-Islāmī*, 11, 115-18. According to the author (Ibid., 5), most of this book was written in mid-1960s.

[537]   al-Qaraḍāwī, *al-Ḥulūl al-Mustawradah*, 118.

[538]   al-Qaraḍāwī, *Min Fiqh al-Dawlah*, 132.

ideological transformations and tactical flexibility in Islamic movements.[539] Islamic thought has taken during this period a huge step from rigid positions of absolute contrast between pluralist-democratic system and Islamic one towards relative appreciation of the former; from calls to uncompromising and exclusive unity to acceptance of 'plurality within unity.'[540] Until the 1970s the dominant view on pluralism and party politics was that of Shahīd Ḥasan al-Bannā, the founder-leader of the *Ikhwān* who themselves have traveled all the distance from authoritarianism in the 1940s to advocacy of democracy, pluralism and peaceful change in the 1990s. Things started to change in 1970s, and at present it seems that this evolution is bound to end in *wasaṭiyyah*, of which al-Qaraḍāwi is one of the most outspoken proponents.[541] One is inclined to agree with Gudrun Kramer when he concludes that moderate, pragmatic Islamists, whom he considers to be today's mainstream, have come to accept pluralism within the framework of Islam, political participation, government accountability, rule of law, and protection of human rights, all of which guard Opposition. But, continues G. Kramer, "they have not adopted liberalism, if that includes religious indifference. Change is more noticeable in the domain of political organization than of social and religious values."[542]

Given the dynamic nature of Islamic thought, these developments are hardly surprising. A long time ago Muslim scholars justified and canonized the adoption of Persian and Byzantian imperial practices, which were definitely stranger to Islam than moderate liberal democracy is. The same is true of the monarchical system, which many Muslim scholars still justify.[543] Furthermore, it used to be argued that the religious nature of politics in Islam demands unity of Islamic states; this consensus is now – arguably - replaced with a new one on the legitimacy of the nation state.[544] Similarly until recently constitutionalism was unacceptable to many Islamists, and still is so to some of them, especially in the Gulf.[545] However most of them today do ask for written constitutions. In Kuwait, for instance, the *Ikhwān* contested the 1993 elections for the *Majlis al-Ummah* under the banner of 'the Constitutional Islamic Movement.' Huwaydi claims that "in the contemporary Arab world there already exists a 'semi-unanimity' (*shibh ijmāʿ*) on the acceptance of the idea of pluralism as embodied in political parties." He also claims that "there is no respectable jurist or thinker who opposes the notion or formula (*ṣīghah*) of the

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[539]   al-Mīlād, "al-Taʿaddudiyyah al-Ḥizbiyyah fī al-Fikr al-Islāmī," 40; James Piscatori, "Accounting for Islamic Fundamentalisms," in *Accounting for Fundamentalisms: The Dynamic Character of Movements*, ed. Martin E. Marty and R. Scott Appleby (Chicago: University of Chicago Press, 1994), 371.

[540]   al-Mīlād, "al-Taʿaddudiyyah," 19; ʿUthmān, *Fī al-Tajribah*, 145.

[541]   Dekmejian, *Islam in Revolution*, 211-13.

[542]   Gudrun Kramer, "Islamist Notions of Democracy," 80.

[543]   See for instance Muhammad Hamidullah in Hakim Mohammed Said, ed., *The Islamic Concept of State: Papers Presented at Symposium on the Teachings of the Holy Prophet 3rd Hamdard Seerat Conference 1404 H.* (Karachi: Hamdard Foundation Press, 1983), 23. The *Ikhwān* in Kuwait, Jordan and elsewhere until today do not take it as problematic or contradictory to Islamic conceptions of state. There are exceptions, of course, the most prominent being the late Iranian leader, and today in the *Sunni* Muslim world the Moroccan Islamist dissident ʿAbd al-Salām Yāsin.

[544]   J. Piscatori, *Islam in a World of Nation States*, 146, 150. See also al-Rifāʿi, ed., *Murājaʿāt*, 46.

[545] Huwaydi, *al-Islām wa al-Dīmuqrāṭiyyah*, 99-100.

political pluralism in the Islamic Society."[546] He may be overstating the situation somewhat, for Muḥammad Quṭb, for instance, is definitely a respectable scholar, but he is at least not sure about pluralism. The *shuyūkh* of Saudi Arabia and the Gulf in general, Shaykh al-Albānī, and many other scholars with a large following among the Muslim youth are explicitly against it. Be that as it may, one thing is self-evident; as in the past - given the general nature of the Qur'anic and *Sunnah* norms pertaining to the political system of Islam - the ideal contemporary Islamic polity and the place of opposition in it, will be what Muslims make of it.[547]

We have just drawn a parallel between classic Islamic political thought and the practice of borrowing from Persia and Byzantium with the on-going borrowing from the West. There are, of course, numerous differences, the most important, to my mind, being that today, unlike in the past, Muslims are under enormous pressure (from outside and inside) to adopt foreign institutions and experience while in the past they used to do it as they pleased or saw fit. It, then, comes as no surprise to see so many contradictions, inconsistencies and differences in the views of contemporary Islamic thinkers on the subject under investigation. Apparently one should be more patient with Islamic thinkers. After all it took Western thought much longer to 'canonize' Opposition. One should also not be in haste for conclusions. Ṭaḥḥān admits that many Islamic movements ('Imārah claims most of them) are still suspicious of, and uncomfortable with pluralism of the Muslim Brotherhood's March 1994 "Statement on Shūrā in Islam and the Multi-Paty System in an Islamic Society."[548] Al-Ghannūshī and Ḥathūt claim that Islamic movements' thought (*al-fikr al-ḥarakī*) still lacks *fiqh al-ikhtilāf* and *fiqh al-ḥurriyyah*.[549] We do not think that this is an exaggeration on their part. As we have seen in our survey there are still many Islamic thinkers and leaders who believe that since God is one, and the Leader should also be one. We can only hope, that given the right incentives

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[546] Ibid., 76, 82-3.

[547] Flores, "Secularism, Integralism, and Political Islam," 86.

[548] Jordanian "Muḥammad's Army" (*Jaysh Muḥammad*) under the leadership of Afghan war veteran, Abū Zaydān, for instance, refuses the Muslim Brotherhood's incremental change strategy and advocates, and pursues change through armed struggle. Maha Azzam, "Egypt: The Islamists and the State under Mubarak," in *Islamic Fundamentalism*, ed. Abdel Salam Sidahmed and Anoushirvan Ehteshami (Boulder, CO: Westview Press, 1996), 128, hereafter cited as "Egypt." Jāsim Muhalhil al-Yāsin, one of the leading Islamic voices in Kuwait, and the editorial of *al-Mujtama'* magazine criticized the new Sudanese Constitution for not stating explicitly that Islam is the religion of the state. Jāsim Muhalhil al-Yāsin, "al-Iḥā'āt al-Jaliyyah fī al-Ziyārah al-Sūdāniyyah," *al-Mujtama'*, 29. September 1998, 60; "Qādat al-Sūdān . . . wa al-Tanāzulāt al-Khaṭirah," *al-Mujtama'*, 2 June 1998, 9. Muḥammad Ḥasan Ṭanūn responded, "Kalimat 'Itāb wa Tawḍīḥ bi Sha'n 'al-Tanāzulāt al-Khaṭirah' fī al-Sūdān," *al-Mujtama'*, 30 June 1998, 43. 'Umar 'Abd al-Raḥmān criticized *Ikhwān* of Egypt because of their participation in the country's electoral party politics. Ibrahim Ibrahim, "al-Jama'at al-Islāmiyah," in *The Oxford Encyclopedia of Modern Islamic World*, ed. John L. Esposito (New York: Oxford University Press, 1995), 2: 355. 'Abd al-Mun'im Ḥalīmah (*Ḥukm al-Islām*, 52-53) makes fool of, and deplores the late *murshid* of the *Ikhwān* Muḥammad H. Abū al-Naṣr because of his commitment to "democracy with all its aspects and in its full and comprehensive meaning, party pluralism, and people's choice." It is interesting to note that in one of his books he advertised his new coming work with indicateive title *Du'ātun wa Quḍāt*! See also G. Kramer, "Cross-Links and Doubl Talk?" 49-50, especially note 51.

[549] Ṭaḥḥān, *Taḥaddiyāt*, 63; al-Mīlād, "al-Ta'addudiyyah," 19; al-Ghannūshī, "Durūs Min Tajribat al-Ḥarakah al-Islāmiyyah," *al-Insān* 2, no. 9 (December 1992), 9; Ḥassān Ḥathūt, "Fiqh al-Ḥurriyyah," *al-Muslim al-Mu'āṣir* 15, no. 59 (Feb.-Apr. 1991), 7-14.

mainstream Islamic political thought will further strengthen its moderate position on the issue of pluralism.

Regarding the factors behind the transformation that we are talking about several of them are suggested. The first notion that comes to one's mind is that the earlier emphasis on unity was understandable given the political map of the Muslim world in those days whereby most Muslim lands were colonized by powers utilizing the old formula of 'Divide and Rule.' Independence, and the unity necessary for achieving it, were the priority of the day.[550] Another factor was the relative success with which first the Nazis and then the Communists managed their countries without allowing multi-partism. This had attracted the attention of Ḥasan al-Bannā who makes several references in his *Rasā'il* to 'successful one-party parliamentary regimes.'[551] This supports Gudrun Kramer's conclusion that the Islamist discourse is not only political but "even activist, mobilizing thought, shaped and influenced by a political environment."[552] While all this may well be true, it seems that two main sets of factors that helped the main-current Islamic movement move away from radical ideas before and during the 1970s have been the 'push' factors from Islamic radicals and the 'pull' factors emanating from the political system.[553] Laura Guazzone with a lot of insight wrote that "the intensification of the state-Islamist conflict seems to correspond more to changes in government strategy with regard to liberalization process than to the evolution of the Islamist discourse on the legitimacy of political violence."[554] Mainstream Islamic thought, while strongly critical of the arbitrary use of force by the respective regimes, has tried hard to distance itself from the abhorrent and indiscriminate use of force by the Islamists especially in Egypt, and in doing so it ended up as a peaceful, reformist movement. At the same time, governments, hoping to isolate militants opened up some political space for moderates to express their views through regular political channels, which further pacified and 'domesticated' Islamists and helped accustom them to pluralism and its culture. However, where government is determined not to give any real influence to the Islamists, but only to use them in defeating militants, a kind of disillusionment with democracy and its practices may result which is an extremely dangerous situation, as we will indicated shortly. One cannot but conclude that Arab governments are on the move.

2. On the Nature of the Discourse

Our first observation is that none of the thinkers studied here shows the sophistication of, for example, Robert A. Dahl or Giovani Sartori among contemporary Western political thinkers. Islamic political theory has yet to wait for its Locke and J. S. Mill, as well as for its Dahl and Sartori. Why is the Islamic political discourse, in general, and the one on political rights of citizens and Opposition, in particular, still in its infancy at the end of the 20th century? Abdelwahab El-Affendi has, I think, rightly pointed out one of the causes when he

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[550] al-Mīlād, "al-Taʿaddudiyyah," 47; Choueiri, *Islamic Fundamentalism*, 59.

[551] See also Choueiri, *Islamic Fundamentalism*, 58-59; al-Turabi, "Fī al-Fiqh al-Siyāsī al-Islāmī," 78.

[552] G. Kramer, "Islamist Notions of Democracy," 80.

[553] Gehad Awda, "The "Normalization" of the Islamic Movement in Egypt from 1970s to the Early 1990s," in *Accounting for Fundamentalism: The Dynamic Character of Movements*, ed. Martin E. Marty and R. Scott Appleby (Chicago: University of Chicago Press, 1994), 374.

[554] Guazzone, "Islamism and Islamists," 27.

wrote that "[a] major flaw, . . . , in the traditional [and often contemporary] Muslim perception of the Righteous Caliphate was the erroneous belief that the rules of government must be designed to fit rulers who were almost saints – saints do not need the rules anyway. . . . The institutions of a Muslim polity, and the rules devised to govern it, should therefore be based on expecting the worst."[555] Indeed, a somewhat pessimistic view of human nature, and especially of rulers seems to be necessary for a civilization to produce an effective political system. One may add here that Muslim political thinkers have long enough trusted rulers without much reason. Is it not high time for us to consider at least a partial withdrawal of that trust from them and putting it into our people?

Secondly, it is no exaggeration to say that, most of the time we are witnessing the dialogue of the deaf in *Dār al-Islām*. Indeed, many Islamists approach the debate on the validation of Opposition with a spirit of *jihād*. It is only natural then that instead of dialogue and sober examination of evidence we get 'ideological wars' (*al-ḥurūb al-fikriyyah*) as Ṭāriq al-Bishrī calls them. Al-Bishrī points out some of the strategies employed in these wars. First comes personification (*tashkhīṣ*), or transformation of an abstract idea into a personified idea connected to a certain personality, institution, historical or political event. Once this is done the idea is attacked on the weak points of its personification. The second strategy involves the modification of the opponent's idea or opinion in such a way as to facilitate its more effective critique. Finally, dissection/decomposition/scattering of the idea (*tashattut*) is undertaken. Once dissected the elements of the idea are juxtaposed and contradictions identified. The emphasis on the particular and changeable, together with the suppression and neglect of the permanent and universal is crucial to the whole exercise.[556]

It is particularly difficult to put the arguments of the three groups identified in the second chapter face to face as they invariably use their evidence selectively, and often avoid answering the arguments and questions put forward by others. Liberals/Pluralists fall back mostly on the Qur'ān and the maxims of Islamic law (*qawā'id fiqhiyyah*) and the principle of *maṣlaḥah*. Authoritarians rely primarily on the *Sunnah* and *sīrah*; interpret the Qur'ān literally, and most importantly, never bother to speak about the alternatives to the rejected pluralism and parties. Al-Qaraḍāwī and al-Būṭī, on their part, warn against the use of the *sīrah* as a source of evidence in the ongoing debate. Al-Qaraḍāwī argues that *sīrah*, unlike the *Sunnah*, is not a source of the *Sharī'ah* and hence we are not obliged to emulate it in details.[557] His criticism is, most probably, addressed to the *Ḥizb al-Taḥrīr al-Islāmī* whose founder and ideologue, Taqī al-Dīn al-Nabahānī, relied excessively on the *sīrah* in his writings.[558] The three groups seem to agree only on the selective use of scriptural evidence.

In an insightful, though biased article on contemporary Islamic literature Bassam Tibi claims that Islamic discourse suffers from circular argumentation and

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[555] El-Affandi, *Who Needs an Islamic State?*, 82, 93.

[556] al-Bishrī, *al-Ḥiwār*, 47-51. He made these observations about Islamist-secularist dialogue but they also apply to the intra-Islamist dialogue or debate as some of the Islamists we have considered think of pluralists as secularists, and thus apostates.

[557] al-Qaraḍāwī, *Min Fiqh al-Dawlah*, 85-87.

[558] Taji-Farouki, "Islamic Discourse," 379-92.

tautology.[559] This observation is, perhaps, not far from the truth. For example, when asked about human rights and freedoms in the *Shari'ah* or Islam, most Islamists respond that all of these are guaranteed - subject to the *Shari'ah*! This, more or less meaningless phrase 'freedom as defined by the *Shari'ah*,' has found its place in the constitution of the Islamic Republic of Iran (Articles 24, 175) and in different drafts of the proposed Islamic constitution and Charters of human rights in Islam.[560] We believe it is meaningless because, as we all know, the *Shari'ah* does not have a definite stand on such modern concepts as political, economic and other freedoms. In fact, this obscurity (*ghumūḍ*) in contemporary Islamic discourse often seems to be intentional, as it is not always easy for Islamists, because of their political engagement, to say what they really think about freedoms and rights.

Tibi also claims that reliance on scriptural evidence and moralizing predominate over historical and political argumentation, and prevent Islamic revivalists from going beyond normative proclamations. Furthermore, he claims that there is nothing new in the literature written after the seventies, and that the notion of plurality in humanity is missing. Finally, he argues that political Islam claims absoluteness, which stands in the way of introducing democracy and pluralism.[561] While his first observation may be substantiated in the writings of the revivalists, the rest of his contentions, I think, do not stand at all. Only somebody prejudiced like Tibi would fail to appreciate the huge step that revivalists have taken in the 1980s and 1990s toward the validation of pluralism and Opposition.

Another characteristic of contemporary Islamic political discourse is that it does not pose the 'ultimate questions.' One goes through hundreds of pages of general talk about trivial issues without encountering a substantial question, let alone an answer. It is hard to find any hints about how would the Islamists who are against Opposition manage 'Islamically' the transition of power when the ruler transgresses his authorities, or what would they do 'Islamically' when voted out of office, if not relinquish power.

The change/shift of priorities is also evident. Classic Islamic political thought and Muslim states were preoccupied, if not obsessed, with the preservation of order, stability and unity in the face of anarchy and external threats so much so that it precluded possibilities of pluralism.[562] Today however it is neither anarchy nor external threat that most Islamists see as their primary challenge; that place is reserved for dictatorship, absolutism and tyranny.[563] M. H. al-Ḥāmidī for example thinks that: "The greatest challenge facing Islam in the future is to rescue the Arabs, and Muslims in general, from the swamp of dictatorship, to eliminate its preconditions, and to close all the means, doors and windows leading to it."[564] He also believes that dictatorship is at the root of the underdevelopment and the bad situation maintaining in much of the Muslim world. If the Islamists take power

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[559] Tibi, "Major Themes," 88.

[560] The Organization of Islamic Conference (OIC), *Wathīqat Ḥuqūq al-Insān fī al-Islām*, Art. 22.

[561] Tibi, "Major Themes," 194, 94-95, 196, 184-205. See also G. Kramer, "Islamist Notions of Democracy," 78.

[562] Amr, G. E. Sabet, review of *Freedom, Modernity and Islam*, in *The American Journal of Islamic Social Sciences* 15, no. 3, p. 145; El-Affandi, *Who Needs an Islamic State?*, 86.

[563] G. Kramer, "Islamist Notions of Democracy," 76. A. El-affandi, however, claims that "Conspicuously absent are those who reject and condemn all despotism on principle." El-Affandi, *Who Needs an Islamic State?*, 86.

[564] al-Ḥāmidī, "Awlawiyyāt," 239.

without preparing thorough solutions for the many of various problems facing the Muslim world today it they will not be able to reform the Arab personality, nor will they enable the Islamic civilization to resume contributing to the humanity again.[565] Yūsuf al-Qaraḍāwi and Muddathir ʿAbd al-Raḥīm write that political freedom is the first thing we need today, with al-Qaraḍāwi adding that "the obligation of the Islamic movement in the coming phase is to always oppose dictatorship, autocratic rule, political despotism, and usurpation of the rights of the peoples. It should always defend political freedom embodied in true – not false – democracy . . . ."[566] Together with al-Ṭayyib Zayn al-ʿĀbidin, al-Qaraḍāwi asserts that Islam flourishes in freedom and democracy, and that Islamic movements should stand firmly in defending pluralism and democracy.[567] Al-Ghannūshī wants freedom before Islam,[568] and al-ʿAwwā argues that pluralism is 'the issue of issues' for the Islamists to ponder upon. He, however, opines that its understanding is impaired by three factors: (1) tyranny (batsh) in Islamic thought always looks into the works of bygones to justify itself, (2) research in the field of Islamic systems and Islamic thought mostly still revolves in the orbit of the past (falak al-tārikh), and (3) Islamic revivalist discourse is still too general and to abstract to pass the test of practical application.[569] Perhaps, the most ardent advocate of this shift in priorities is Abdelwahab El-Affandi who wrote

> The search for an Islamic state must start with the search for freedom for Muslims. Freedom to think, to act, to sin, to repent, and finally to find one's fulfillment in obeying God. Only then can the righteous Muslim community and its product, the virtuous Islamic state, emerge. For the present, then, the true Muslim's fight should be for one thing: democracy, the right of every individual not to be coerced into doing anything. . . . To sum up, the central value governing the Islamic polity and giving it meaning is freedom.[570]

Finally, it seems that many Islamists suffer from the syndrome of the lost sense of history and reality. Instead of reading the political history of the *Ummah* they imagine it and then read it backward into history. Claims such as that of Muḥammad Quṭb that Muslims had never lived under infidel rulers until the last century are easily overturned by numerous instances of Muslims living under infidels since the downfall of Baghdad, Sicily, and Andalusia to Hungary, the Balkans and Central Asia.[571] Al-Kaylānī still talks of different *dawāwin* as means of checking the power

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[565] Ibid., 238.

[566] al-Qaraḍāwi, *Min Fiqh al-Dawlah*, 144; ʿAbd al-Raḥīm, "al-Daʿwah," 11. Quotation is from al-Qaraḍāwi, *Awlawiyyāt*,153. See also ʿAbd al-Majid Najjār, *Dawr Ḥurriyyat al-Raʾy fi al-Waḥdah al-Fikriyyah bayn al-Muslimīn* (Herndon, VA: The International Institute of Islamic Thought, 1992).

[567] T. Zayn al-ʿĀbidīn, "Naḥw Shūrā Fāʿilah," 230-32, 236-37; al-Qaraḍāwi, *Awlawiyyāt*, 154.

[568] Wright, "Islam and Liberal Democracy."

[569] al-ʿAwwā, *al-Taʿaddudiyyah*, 3-4; al-Turābi, "Fi al-Fiqh al-Siyāsi al-Islami," 78, 82.

[570] El-Affandi, *Who Needs an Islamic State?*, 88, 99.

[571] For debate on *hijrah* from *Dār al-ḥarb* see Bernard Lewis, *Political Language of Islam*, 104-8; Abū'l-ʿAbbās Aḥmad ibn Yaḥyā al-Wansharisi, "Asnā al-Matajir fi Bayān Aḥkām man Ghalab ʿalā Waṭanih al-Naṣāra wa lam Yuhājir," ed. Ḥusayn Muʾnis, *Revista del Instituto Egipcio de Estudios Islamicos en Madrid* 5 (1957), 129-91, as in Lewis, *Political Language of Islam*, 156; Muddathir ʿAbd al-Raḥīm, "al-Islām wa Qaḍāyā al-Lujū wa al-Lājiʾin," in *al-Islām wa Qaḍāyā al-ʿAṣr al-Ijtimāʿiyyah* [Papers presented at 11th conference of the Royal Academy for Studies in Islamic Civilization – Muʾassasat Āl al-Bayt, Amman, July 22-25, 1997] (Amman: al-Majmaʿ al-Malaki li Buḥūth al-Ḥaḍārah al-Islāmiyyah (Muʾassasat Āl al-Bayt), 1999), 298-301.

of the executive, and has nothing to say about parties.[572] One wonders if this kind of thinking can lead us anywhere, let alone to a better future. Irrespective of his questionable objectivity in general, the following conclusion of Youssef Choueiri's conclusion seems very acceptable to me:

> By considering socio-economic and political affairs as mere administrative technicalities, both *Sunnī* and *Shīʿī* radicalism divest society of its human agencies. Moreover, its moral categories, pronounced to be immutable, reduce complex structures to a set of ordinances that create modern illusions of divine grandeur. Only those with a sense of history suffer the consequences: the ordinary Muslims.[573]

In the preceding pages we have studied and tried to analyze the words of contemporary Islamists hoping to get some insight into the possible directions of political development in case they come to power. But what if the Islamists suffer from a 'double-talk syndrome' and a 'credibility gap'? What if their commitment to pluralism and the right of Opposition is qualified and interest-driven? What if they also, like the existing regimes in the Arab world, believe only in 'risk-free democracy'? What is the connection between this and the West's hypocrisy and double standards in advocating the democratization of the Arab world? Does the West, together with existing political regimes in the Arab world, have a right to demand from the Islamists more than it is itself ready to give? In the next two sections we will try to gain some insight into these important issues.

3. On the Real Motives of the Islamists

It is undeniably true that much of the contemporary Islamic discourse is highly politicized, and understandably so. The closer a thinker to Islamic movements is, the more politicized his discourse. The supreme guide of the Muslim Brotherhood, Muṣṭafā Mashhūr, talks about 'stages' with regard to the acceptance of opposition of communists, secularists and all those who contradict Islam, implying that they should not be allowed to function in the Islamic state.[574] Similarly, Muḥammad

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[572] al-Kaylānī, *al-Quyūd*, 196-205.

[573] Choueiri, *Islamic Fundamentalism*, 160. Asʿad AbuKhalil notes that the suppression of unpleasant facts about caliphs is one of the characteristics of 'Islamic fundamentalistic thought.' Asʿad AbuKhalil, "The Incoherence of Islamic Fundamentalism: Arab Islamic Thought at the End of the 20th Century," *Middle East Journal* 48, no. 4 (Autumn 1994): 681-82. What I have said here about Muslim thought and its lack of historic sense should by no means be interpreted as to support the claim that "the shariʿa was never implemented as an integral system, and [that] the bulk of its provisions remained as legal fiction," as late Hamid Enayat claimed together with Daniel Pipes, Bassam Tibi and many others. Tibi, *The Fundamentalist Challenge*, 213; Daniel Pipes, *In the Path fo God: Islam and the Political Power* (New York: Basic Books Publishers, 1983), 48-69. I find this contention unwarranted when stated in absolute terms and especially so when it comes to certain periods of Islamic history to which Islamists refer as model periods, e.g., the period of the Rightly Guided Caliphs. However, since this hypothesis has been often repeated it would, perhaps, be an appropriate topic worthy of a dissertation or a series of serious studies. It is unfortunate in this sense that we have very few court records and other relevant material evidence prior to the Osmanli state. The Muslim Brothers argue that "Islamic *Shariʿa* was never abandoned." "The Muslim Brotherhood's Statement," 101-2.

[574] Terms like 'stage,' 'reality,' and 'status quo' are also part of H. al-Turābī's vocabulary (H. I. Ali, "Islamism in Practice: The Case of Sudan," 194) However, Jordanian Muslim Brothers recently

Ḥusayn Faḍl Allāh would not allow them except in case of political necessity.[575] Tawfīq al-Shāwī contradicts himself saying on one occasion that secularists cannot be allowed to operate legally, but reassuring them about all their rights on another.[576] Former *Ikhwānī* parliamentarian, 'Iṣām al-'Aryān, writes that the only solution to the current Egyptian crisis is 'true and real democracy' while promising to the electorate 'an Islamic form of democracy.'[577] However, this hints at the existence among some Islamists of 'stages' in the discourse on Opposition which faces open criticism from others. Yūsuf al-Qaraḍāwī responded immediately when Mashhūr mentioned 'stages' strongly denouncing such talk, saying that he abhors those who want democracy only while they are in opposition.[578] But what he said was, actually, not much different: "What I understand," says he, "is that as long as all are committed to the definitives of the *Sharī'ah* (*qaṭ'iyyāt al-sharī'ah al-islāmiyyah*), let alone the creed (*'aqīdah*), . . . let many parties exist, and let them disagree, be they secular or national-Marxist."[579] I wonder if there are secularists and Marxists who do not dispute 'what is known to be of the religion by necessity.' Shaykh al-Ghannūshī recognizes those Islamists who would like freedom only for themselves in the Qur'anic verses: "Woe to those that deal in fraud. Those who when they have to receive by measure from men exact full measure. But when they have to give by measure or weight to men give less than due." (*Sūrat al-Muṭaffifīn*, 83: 1-3) They are *muṭaffifūn*, he says.[580] Al-Ḥāmidī and Ḥathūt[581] demand clarity from their fellow the Islamists regarding freedoms, freedom of assembly and opposition included, as well as assurance that the existing military authoritarianism and monarchical absolutism would not be replaced by 'Islamic totalitarianism/authoritarianism.' Their message is: if that is the case we do not want you; we do not want royal authoritarianism replaced by Islamic totalitarianism. Al-Ḥāmidī also warns that if the Islamists do that they should know and prepare themselves to live under even worse tyranny because it will be carried out by the victims of their oppression conducted in the

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favored the Communist and Ba'thist parties' request to function legally. Iyad Barghouti, "The Islamists in Jordan and the Palestinian Occupied Territories," in *The Islamist Dilemma: The Political Role of Islamist Movements in the Arab Contemporary World*, ed. Laura Guazzone (Reading: Ithaca Press, 1995), 144.

[575] al-Milād, "al-Ta'addudiyyah," 44-45.

[576] Huwaydī, *al-Islām wa al-Dīmuqrāṭiyyah*, 85; Jihād al-Kurdī, "Thalāthat Mufakkirīn Yu'riḍūn Mawqif al-Tayyār al-Islāmī min al-Dīmuqrāṭiyyah wa al-Ta'addudiyyah," *al-Da'wah*, November 1994, 36.

[577] Essam el-Erian, "The Future of Power-Sharing in Egypt," in *Power-Sharing Islam?*, ed. Azzam Tamimi (London: Liberty for Muslim World, 1993), 164, 168.

[578] Huwaydī, *al-Islām wa al-Dīmuqrāṭiyyah*, 81-82.

[579] Ibid., 84.

[580] Theoretically the *Shī'ah* have more problems than the *Sunnīs* in justifying opposition since the *imām* is said to be infallible (*ma'ṣūm*). From this it is usually concluded that contestation of power in Sunnism is of a political nature, while in Shi'ism it is of a religious nature. However in the absence of the *imām* many *Shī'ah* scholars, especially those who refuse the notion of *wilāyat al-faqīh*, find no problem in justifying opposition in the Islamic state. We have referred to a number of them from Lebanon, Iraq and Saudi Arabia in this essay. See Mehdi Mozaffari, "Islamism in Algeria and Iran," 236; Nevin Muṣṭafā, *al-Mu'āraḍah*, 412.

[581] Ḥassān Ḥathūt, "Fiqh al-Ḥurriyyah," 12.

name of God, the Just one.'[582] Given the bad track record of the Iranian and Sudanese 'Islamic' regimes on human rights these worries are not baseless.[583]

Sometimes it seems that the Islamists are not aware of the implications of what they say. A few lines above we witnessed such an example in Dr. al-Qaraḍāwi. Similarly, Shaykh al-Ghazāli, who in his 1993 testimony justified the assassination of the secular writer Faraj Fūdah, once said: I believe in freedom. I want it for myself and my opponent equally."[584] Al-Ghannūshi back in 1981 cried: "Freedom for all. Always!"[585] but went on record saying that the notions of democracy and of human rights are 'a malign ideology,' 'a new secular religion,' 'myths and nonsense destined to put us to sleep' propagated by contemporary colonialism,[586] embraced Ṣaddām Ḥusayn in 1990[587] and today, together with Munir Shafiq, excuses/justifies suppression of political freedoms in the Sudan of the N. I. F.[588] Al-Ḥamidi advocates the freedom of setting up parties without exception, and wants Communists and secularists to enjoy that right, but then goes on to say that "political authority/sovereignty (*al-sulṭah al-siyāsiyyah*) belongs to the people which exercise it under the highest authority (*al-marji'iyyah al-'ulyā*) of Islam as creed (*'aqidah*) and law (*Shari'ah*) since Islam is the religion of the overwhelming majority of the Arab *Ummah*."[589] This wavering between liberalism and shariatocracy seems to be a dominant feature of the thinking of many Islamists, and in a way, it reflects the ambivalence/uncertainty/indecisiveness of contemporary Islamic thought with regard to the issue of freedoms in general and Opposition in particular.

In view of this wavering, it is interesting to note here that Nevin Muṣṭafā, on the basis of her study of some 250 years of early Islamic history, concluded that that period knew of only authoritarian opposition, meaning that all opposition movements while falling back upon the *Shari'ah* for the justification of their

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[582] al-Ḥamidi, "Awlawiyyāt," 238. Al-'Awwā voices similar concerns. See his *al-Ta'addudiyyah*, 5. See also Miller, *God Has Ninety-Nine Names*, 126.

[583] For an alarming and saddening story of the dead-born *Sudanese Charter on Human Rights* see Muddathir 'Abd al-Raḥim, *The Development of Fiqh*, 58-62. Pay special attention to the barrage of the questions which unmistakably reflect the substantiated/justified suspicions - if not disillusionment - of the author with regard to the Islamic nature of the present Sudanese regime and its readiness to protect Islamically guaranteed rights of its citizens (pp. 61-62). There is, however, some hope that the newly passed Law of *Tawāli* which became effective 1 January 1999 will bring some positive change in this regard. I have been unable to read the law, but according to secondary sources the Sudanese opposition is cautious in accepting what seems to be a relatively acceptable law. Ahmad Sharif, "Promise of a New Pluralism: Parties May Register from January," *Impact International*, November 1998, 23.

[584] Ismā'il Ṣabri 'Abd Allāh et al., *al-Ḥarakat al-Islāmiyyah al-Mu'āṣirah fi al-Waṭan al-'Arabi*, 2d ed. (Beirut: Markaz Dirāsāt al-Waḥdah al-'Arabiyyah, 1989), 100, hereafter cited as *al-Ḥarakat al-Islāmiyyah*.

[585] Ismā'il Ṣabri 'Abd Allāh et al., *al-Ḥarakat al-Islāmiyyah al-Mu'āṣirah*, 283, 285.

[586] al-Ghannūshi, "al-Ḥarakah al-Islāmiyyah wa al-Niẓām al-Dawli," *al-Ghadir* (1991): 14, 15, 16, quoted in Aziz al-Azmeh, "Populism Contra Democracy," 126; Michael Collins Dunn, "Revivalist Islam and Democracy: Thinking About the Algerian Quandary," *Middle East Policy* 1, no. 2 (1992), quoted in Paul A. Winters, ed., *Islam: Opposing Viewpoints*, Opposing Viewpoints Series, ed. David Bender and Bruno Leone (San Diego: Greenhaven Press, 1995), 131.

[587] According to some reports al-Ghannūshi claimed that it was Ṣaddām Ḥusayn who came forward and embraced him, not the other way around.

[588] Munir Shafiq, "Ḥawl al-Tajribah al-Islāmiyyah fi al-Sūdān," *al-Insān* 2, no. 9 (December 1992): 36, 37.

[589] al-Ḥamidi, "Awlawiyyāt," 243-4, 238.

opposition to the government of the day denied outright the same right to its potential opponents. Thus the idea of the alternation of power and opposition as a 'role' in the political process does not arise at all. Nevīn Muṣṭafā explains this by reference to the religious nature of politics in Muslim history. Opposition movements believed that there could be only one correct view with regard to the ideal polity. They naturally claimed to represent that ideal (i.e., claimed to be *Ḥizb Allāh*). Faithful to this false dichotomy, they accused others of being *Ḥizb al-Shayṭān*.[590] We have already pointed out in the first chapter our disagreement with the claims of impossibility of legal Opposition and civic politics in non-secular political systems. Moderation and relativism of political truth that are necessary for the conduct of such a politics may be strange to Muslims, but not to Islam.

The opinions of observers of the Islamists differ considerably on their sincerity in advocating democracy. Glenn Robinson thinks that the Jordanian *Ikhwān* are democrats by conviction. His argument is based on the fact that they continue to participate in the political process despite the repetitive defeats they suffered in elections and in Parliament.[591] Francois Burgat believes that the same is true of al-Ghannūshī and his *Nahḍah*.[592] John Entelis believes that had the FIS been given an opportunity to govern it would have kept its promise to abide by the rules of the democratic game.[593] On the other hand, says Mumtaz Ahmad, it is often pointed out that the Islamists' commitment to democracy is not genuine. Islamists profess acceptance of democracy either to gain acceptance and legitimacy in the international arena or to gain some tactical benefits in domestic politics. However, even such half-hearted commitment may end up in genuine commitment. Mumtaz Ahmad, again, argues that:

> First, as Rustow has stated, "A distasteful decision once made is likely to seem more palatable as one is forced to live with it." He gives two examples to illustrate this process, what he calls the "habituation"[594] process of democracy. The first example he gives is from the Swedish Conservative party, which transformed itself from an antidemocratic movement in 1918 to a full blown democratic movement in 1936. After two decades, those leaders who had grudgingly accepted democracy in the formative phase either retired or died and were replaced by a young generation of leaders of the Conservative party, who had a genuine commitment to democracy. Similarly, in Turkey, ... So it appears that the very process of democracy institutes a process of Darwinian selectivity. And this selectivity is always in favor of convinced democrats. Even if we consider the profession of democracy by the present leadership of Islamicists as tactical or opportunistic, there is reason to believe that the very process of working within a democratic

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[590] Nevīn Muṣṭafā, "Muqaddimah," 20-23.

[591] Glenn Robinson, "Can Islamists be Democrats? The Case of Jordan," *Middle East Journal* 51, no. 3 (Summer 1997): 377-79. Jordanian *Ikhwān* are apparently going through a process of democratization. Discussions on the appropriate course of action are nothing strange to the Jordanian *Ikhwān*. In 1995 local elections they 'agreed' on five different approaches to elections, depending on the decision of the local branch. Ibrāhīm Gharāyibah, "al-Urdun: Ḥaqāʾiq al-Intikhābāt al-Baladiyyah," *Qaḍāyā Duwaliyyah*, 24 July 1995, 14-15. In 1996 they disagreed on power-sharing (once more after 1991). Ibrāhīm Gharāyibah, 'Khilāfāt Ikhwān al-Urdun Ḥawl al-Mushārakah fī al-Ḥukūmah," *Qaḍāyā* Duwaliyyah, 4 March 1996, 14-15.

[592] John Waterbury, "Democracy without Democrats?," 34.

[593] Ibid., 34.

[594] On disciplining Islamic opposition through participation see Tessler and Grobschmidt, "Democracy in the Arab World," 163.

framework will transform this opportunistic commitment to a more substantive and effective commitment among the next generation of their leaders and supporters. I must also add here that even this habituation process cannot ensure an effective commitment to democracy on the part of Islamicists unless they see democracy as supporting their needs and offering them incentives and opportunities for political empowerment.[595]

Ghassan Salame and others have named this kind of democracy 'democracy without democrats' which basically refers to the cases where there is no attachment to the principles of democracy as such but it is still pursued as the best means of avoiding civil war and anarchy, and for solving intractable conflicts of interests.[596] Thus, if day-to-day politics sometimes produce/induce half-hearted, tactical commitment to freedoms and legal Opposition it may also have more enduring, positive effects on Islamic political thinking.

It is by now proven beyond doubt that the Islamists go democratic with all sincerity in two situations: (1) where they are given enough political space to act relatively unfettered (witness the Syrian *Ikhwān* before the *Ba'thist* coup, the Yemenese *Jam'iyyat al-Iṣlāḥ*, the Jordanian *Ikhwān*, etc.)[597] and (2) where repression on behalf of the regime is so extreme that they realize the importance of freedoms (e.g., the Egyptian *Ikhwān* in 1960s and '70s, the Tunisian *Nahḍah*, the Syrian *Ikhwān* after the Hamah massacre,[598] and the Iraqi *Ḥizb al-Da'wah* in 1980s and '90s).[599] In other words, it is very likely that some Islamists were taught the value of freedom by dictators.[600] Oppressors like 'Abd al-Nāṣir, Ḥafiẓ al-Asad and Ṣaddām Ḥusayn taught them the meaning of freedom.[601] Somebody has put forward an interesting hypothesis on this theme claiming that there is a strong positive correlation between the number of the years an Islamist spent in prison and his stand on democracy.[602] It also seems that the Islamists' behavior conforms with Rustow's model of transition to democracy according to which

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[595] Mumtaz Aḥmad and William Zartman, "Political Islam."

[596] Ghassan Salame, "Introduction," in *Democracy without Democrats*, 3; J. Waterbury, "Democracy without Democrats?," 34. It may be still too early to claim that Opposition can achieve this, but if further empirical research proves this then all the arguments put forward by conservative/authoritarian Islamists against opposition which end up saying that it encourages civil disturbance and threatens order would collapse. In that case, and in the absence of a better solution, Opposition would be acceptable even as a second best solution, which would be nothing strange for Islamic political thought to do. As is well known classical Islamic scholars approved dictatorship in the name of preserving order and stability, not because they believed in its merits.

[597] Sa'd al-Dīn Ibrāhīm, ed. *al-Mujtama' al-Madanī wa al-Taḥawwul al-Dīmuqrāṭī fī al-Waṭan al-'Arabī: al-Taqrīr al-Sanawī 1995* (Cairo: Markaz Ibn Khaldūn li al-Dirāsāt al-Inmā'iyyah, 1995), 187; Raymond A. Hinnebusch, "State and Islamism in Syria," in *Islamic Fundamentalism*, 210.

[598] S. Ḥawwā in his memoirs admits that "Hama taught us to cooperate with others." *Hādhihī Tajribatī*, 140. Today many Islamists of all orientations argue for cooperation with non-Islamic organizations and governments wherever possible (Yāsin Muhalhil, "Naḥw Fikr Ḥarakī Mutajaddid," in *al-Fikr al-Ḥarakī al-Islāmī*, 231, 233). For the statistics on Hama massacre see J. Miller, *God Has Ninety-Nine Names*, 295-6.

[599] A. Baram, "From Radicalism to Radical Pragmatism," 43, 48.

[600] Jamāl al-Dīn 'Aṭiyyah, "Waqfah ma' al-Fikr al-Ḥarakī al-Islāmī," *al-Muslim al-Mu'āṣir*, no. 18 (Apr.-June 1979), 7; F. 'Uthmān, *Fī al-Tajribah*, 145; *Waqfah ma' al-Fikr al-Ḥarakī al-Islāmī*, 7.

[601] Ṭaḥḥān, *Taḥaddiyāt*, 66.

[602] El-Solh, "Islamist Attitudes Towards Democracy," 63.

> the building of democracy is carried out by non-democrats who had hoped to win everything, but learned through painful experience and stalemate that the *possibility* of winning something was better than the possibility of winning nothing at all or, indeed, losing everything, including one's life. . . . . One need not be a democrat, but one must be rational.[603]

The conclusion is inevitable: "Where Islamists are accepted as part of the system and are allowed to compete for representation . . . they tend to recognize pluralism and to credibly participate in the political process."[604] On the other hand, where democratization is used by a regime only to prolong its life and where it is combined with all kinds of oppressive measures a kind of disillusionment with democracy may well result. In other words, the aversion towards democracy and pluralism may be empirically, not ideologically, motivated.[605] Slow democratization and 'half-democratization' fortifies the Islamists' tendency to believe in the futility of democracy.[606] Ḥalīmah advises his fellow Muslims not to deceive themselves; infidels will never allow them to come to power through elections. Elections are a futile exercise.[607] In the words of al-Bishrī, extremism is a result of "the sense of fear and lack of social security."[608] The use of force, then, seems a natural choice for some Islamists (e.g., *al-Jamā'ah al-Islāmiyyah* in Egypt). Playing democracy is a very dangerous game. Pre-emptive or, so-called, defensive democratization may eventually delegitimize democracy and the democratic world even in the eyes of well-meaning Islamists.[609] Opposition is what government makes of it. Khurshid Ahmad of the Pakistani *Jama'at-i Islami* notes that Islamic movements opted for democracy wherever given the opportunity; they went violent where they were forced to.[610] Disloyal, radical-militant opposition is created by governmental

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[603] J. Waterbury, "Democracy without Democrats?," 35. Jean Leca projects much more pessimistic prospect for the Arab world in terms of democratization. According to Leca the Arab world is hopeless for democracy needs democrats. J. Leca, "Democratization in the Arab World," 59, 61, 77.

[604] Jreisat, *Politics without Process*, 166.

[605] Osman, *The Muslim World*, 266; F. 'Uthmān, *Fī al-Tajribah*, 43. One should add that democracy has been associated in most of the Arab countries with economic crisis and abysmal military performance. See Y. M. Choueiri, *Islamic Fundamentalism*, 57. Of course, to blame democracy for the former is misunderstanding. See Schmitter and Karl, "What Democracy is … and Is Not," 74-88.

[606] Ann M. Lesch, "Domestic Politics and Foreign Policy in Egypt," in *Democracy, War and Peace in the Middle East*, 224, 231-32.

[607] Ḥalīmah, *Ḥukm al-Islām*, 114-15.

[608] al-Bishrī, *al-Ḥiwār*, 57. According to the annual report on the Arab World compiled by Ibn Khaldūn Center in 1994 there was hardly a day without clashes between security forces and Islamists in Egypt. S. Ibrāhīm, *al-Mujtama' al-Madanī*, 27-46.

[609] Glenn E. Robinson has produced a very balanced article on this theme. G. E. Robinson, "Defensive Democratization in Jordan," *International Journal of Middle East Studies* 30 (1998): 387-410. See also Raad Alkadiri, "Jordan's Fading Democratic Façade," *Mediterranean Politics* 3, no. 1 (Summer 1998): 170-75.

[610] Suha Taji-farouki, review of *Islamic Resurgence: Challenges, Directions, and Future Perspectives*, by Ibrāhīm M. Abu-Rabi', ed., in *The American Journal of Islamic Social Sciences* 12, no. 3 (1995): 429. The Syrian Islamic Front (mainly *Ikhwān*) in their (revolutionary) proclamation of 1980 cited, *inter alia*, abolishment of parties and lack of freedom as the reasons for their Islamic revolution. In the same document they promised to close down political prisons and rejected one-party shows. Michael C. Hudson, "The Islamic Factor in Syrian and Iraqi Politics," in *Islam in the Political Process*, ed. James Piscatori, (Cambridge: Cambridge University Press, 1983), 84; I. S.

intolerance and repression by the state.[611] A leader of *al-Jamā‘ah al-Islāmiyyah* who disappeared in Croatia in 1995, Ṭal‘at Fu’ād Qāsim, asserts that the violence of the *Jamā‘ah* was a reaction.[612] It is hard not to believe him. After all, one has to remember and remind others constantly: In the beginning were (‘Abd al-Nāṣir’s) camps![613] Al-‘Iqālī says that "the one who opposes terrorism is a (freedom) fighter" (*muwājih al-irhāb munāḍil*).[614] Al-Ghannūshī also stresses that one cannot equate the violence of the victim with that of the aggressor.[615] It is no surprise then to see even moderate Fatḥi ‘Uthmān, for instance, charging the West and the Arab governments with preventing democratization of the Muslim Brotherhood.[616] Indeed, it is no exaggeration to claim that the commitment of most Islamists to democratization is greater than that of the governments supported by the United States. While the Tunisian regime avoided even mentioning the possibility of alternation in power in the National Pact of November 7, 1988, the Muslim Brothers explicitly stated that: "We, the Muslim Brotherhood, believe that the acceptance of the plurality of parties in the Muslim society in the manner we have outlined implies acceptance of the rotation of power among the political parties and groups through periodic elections."[617] The Moroccan king Ḥasan II in a September 1992 interview

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‘Abd Allāh, *al-Ḥarakāt al-Islāmiyyah al-Mu‘āṣirah fī al-Waṭan al-‘Arabī*, 146-47; R. H. Dekmejian, *Islam in Revolution*, 110-11. Their leader, S. Ḥawwā in his memoirs reiterates that *Ikhwān*'s violence was response to that of the Syrian Government (*Hadhihī Tajribatī*, 128, 136). For the detailed account of 'domestication' of Pakistani Islamists see Seyyed Vali Reza Naṣr, *The Vanguard of the Islamic Revolution The Jama'at-i Islami of Pakistan* (London: I. B. Tauris Publishers, 1994), 220. As a strong believer in domesticating and taming power of democracy S. V. R. Nasr puts conventional Western wisdom upside down by arguing that "The oft-asked question: "What is the danger of revivalism to democracy?" should be turned on its head; we should ask, "What is the danger of democracy to revivalism?" Seyyed Vali Reza Nasr, "Democracy and Islamic revivalism," *Political Science Quarterly* 110, no. 2 (1995): 263. See also R. Scott Appleby, "Democratization in the Middle East Does Not Threaten the West," in *Islam: Opposing Viewpoints*, ed. Paul A. Winters, Opposing Viewpoints Series, ed. David Bender and Bruno Leone (San Diego: Greenhaven Press, 1995), 222-29. For the opposite view see Jonathan S. Paris, "Rapid Democratization in the Middle east Could Threaten the West," in *Islam: Opposing Viewpoints*, ed. Paul A. Winters, Opposing Viewpoints Series, ed. David Bender and Bruno Leone (San Diego: Greenhaven Press, 1995), 230-37, and Peter W. Rodman, "Islam and Democracy," *National Review*, May 11, 1992.

[611] al-Nafīsī, "al-Mūjaz," 162; Lisa Anderson, "Fulfilling Prophecies: State Policy and Islamist Radicalism," in *Political Islam: Revolution, Radicalism, or Reform?*, ed. John L. Esposito (Boulder: Lynne Rienner Publishers, 1997), 23, 17, 19.

[612] Beinin, *Political Islam*, 315. See also Shaḥātah Ṣiyām, *al-‘Unf wa al-Khiṭāb al-Dīnī fī Miṣr*, 9.

[613] Gilles Kepel, *Muslim Extremism in Egypt: The Prophet and the Pharaoh*, trans. Jon Rothschild (Berkeley: University of California Press, 1993), 27-31. al-Qaraḍāwī's *al-Ṣahwah al-Islāmiyyah bayn al-Juḥūd wa al-Taṭarruf* is one of the most balanced studies on the manifestations and causes of, and remedies for Islamic extremism. Governmental oppression and terror is listed as one of its prominent causes. See Ibid., 11-27. In his thick volume on extremism in the Muslim world al-Luwayḥiq contends that one of the coses of extremism is the existing bad situation to which extremism is a response. ‘Abd al-Raḥmān ibn Mu‘allā al-Luwayḥiq, *al-Ghuluww fī al-Dīn fī Ḥayāt al-Muslimīn al-Mu‘āṣirah: Dirāsah ‘Ilmiyyah Ḥawl Maẓāhir al-Ghuluww wa Mafāhīm al-Taṭarruf wa al-Uṣūliyyah*, 2d ed. (Beirut: Mu’assasat al-Risālah, 1992), 125.

[614] al-‘Iqālī, "Ishkāliyyat al-‘Alāqah," 121.

[615] Rāshid al-Ghannūshī, "On Ḥiwār, Realism, Zionism, etc.," interview by *MSANEWS*, URL:http://msanews.mynet.net/Scholars/Ghannousi/hiwar.html, under the subtitle 'Abhorring violence, with dialogue.'

[616] Osman, *The Muslim World*, 332-33, 350-59.

[617] "The Muslim Brotherhood's Statement," 103.

shamelessly said, "I will accept the constitution because I am its author and editor."[618]

Lisa Anderson rightly talks of the self-fulfilling prophecy of hegemonic regimes and their dangerous opposition.[619] However, in spite of this well proven fact of bilateral radicalization initiated by governments, as Muḥammad al-Ghazālī once angrily pointed out, there are few influential voices in the West condemning repressive measures employed by the existing regimes in the Arab world. Here and there one may hear of governmental radicalism being responsible for radicalism of Islamic opposition,[620] but these voices apparently do not reach the ears of policy-makers in the West who continue to preach democracy to Islamists while supporting 'friendly tyrants.' Are not the dogmatically secular generals of Algeria and Turkey fundamentalists, militants, exclusionists? Which 'Islamic fundamentalist' would dare say "[Islam] is my reserved domain, fortunately for Morocco, Africa, and the world . . . ," as the Moroccan king did?[621] These and similar experiences with 'democratic' regimes in the Arab world prompted Nabīl Shabīb to assert that it is secularists, not Islamists, who believe in safe democracy.[622] The silenced Moroccan dissident, ʻAbd al-Salām Yāsin also accuses secularists and 'democrats' of hypocrisy (in Algeria) and of dictatorship elsewhere.[623] Muḥammad Quṭb asserts that democrats are hypocrites who hate Islam more than they like democracy. Algeria, Palestine and Bosnia are the most recent proofs.[624] Huwaydī, on his part, asserts that 'democracy with exceptions,' advertised by some Arab regimes and supported by the West, is a step backward by all criteria. "Democracy," he says, "is like pregnancy; it is either true or false. As there cannot be a quarter or half pregnancy, so there is no place for half or three forths democracy."[625]

A Pakistani political scientist, Mumtaz Ahmad, also believes that Islamists can be trusted in their advocacy of pluralism, and should be given a chance:

During the 1980s, when the Islamic Tendency movement in Tunisia joined the main trade-union party, UGTT, the Human-Rights League, the Socialist Democratic party, and even formed an alliance with the Popular Unity party and the communists, it had to forgo several of its Islamic demands. In Egypt, the Muslim Brotherhood joined in the 1980s with the Wafd Party, which is basically a secular liberal party . . . . [After listing the compromises that Islamists were ready to make in Pakistan, Bangladesh, Indonesia, and Turkey, he concluded:] These examples clearly demonstrate that, once the Islamic groups are allowed to operate in a free, democratic process, they are willing to compromise. They are even willing to forgo some of their fundamental ideological requirements.[626]

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[618] Dale F. Eickelman, "Re-Imagining Religion and Politics," 255. On Egypt see: Maha Azzam, "Egypt," 112.

[619] Anderson, "Fulfilling Prophecies," 29.

[620] Piscatori, *Islam in a World of Nation States*, 33.

[621] Dale F. Eickelman, "Re-Imagining Religion and Politics," 264. In the neighboring Tunisia one of the main arguments against legalization of Islamic parties is that Islam is a common good and cannot be patronized by any one exclusively.

[622] Nabīl Shabīb, "al-Islāmiyyūn wa 'Sullam al-Dimuqrāṭiyyah'," 4.

[623] ʻAbd al-Salām Yāsin, *Ḥiwār maʻ al-Fuḍalā' al-Dimuqrāṭiyyin*, 7, 15, 76.

[624] Muḥammad Quṭb, *al-ʻAlmāniyyūn wa al-Islām*, 91.

[625] Huwaydī, *al-Islām wa al-Dīmuqrāṭiyyah*, 264-65.

[626] Mumtaz Ahmad and William Zartman, "Political Islam."

However, this is not enough for the existing regimes or militant Westerners *a la* Judith Miller, Daniel Pipes or Bernard Lewis. Mumtaz Ahmad laments this unenviable position in an excellent passage which I am quoting in full:

> Unfortunately, however, the Islamicists are in a Catch-22 position. If they reject democratic methods and adopt revolutionary paths for capturing power, as in Iran, they are immediately and naturally called rebels, and the entire coercive apparatus of the state is unleashed to suppress them. If, on the other hand, they accept and adopt the democratic process, participate in elections, and in some rare cases (Algeria 1992) win the elections, then they are accused of "hijacking" democracy. Following the dictum of "nip the evil in the bud," they are suppressed all the same. There is an interesting essay by Goldsmith, "Fear of Mad Dogs," in which he mentions an ancient Egyptian method of making a distinction between magicians who derive their power from evil spirits and those who derive from benevolent ones. Anyone who was accused of having drawn his or her power from evil spirits would be tied up and thrown into the Nile. If that person drowned, people would say he was a noble spirit. Then they would pick him up and bury him with all the honor due a dead saint. If, through some miracle, that person continued to float and didn't drown, he would be picked up and killed, since this was enough proof that he was possessed by an evil spirit. This is the kind of situation the Islamicists are facing today. There is another Catch-22 for Islamicists: If they form tactical alliances with other political groups - as all politicians do, as they did in Tunisia, Pakistan, Bangladesh - then they are called opportunist, power-hungry turncoats.[627] If they do not do so and remain aloof from the rest of the political groups, then they are ideologically rigid, stubborn, unyielding and exclusionary. Yet another Catch-22 for the Islamicists is that if they offer a comprehensive program for Islamic change, they are immediately dubbed as totalitarian, in that they want to control all aspects of social, economic and political life. On the other hand, I very well remember that immediately after the FIS was suppressed by the military crackdown in 1992 in Algeria, there were several commentators on American television who claimed that the FIS had no program. Their political program was very vague, very general, superficial. They had just a brief outline of what they are going to do in Algeria, which means that these parties are ill-equipped to deal with the problems of their societies.[628]

However, the important issue here is whether this gap between rhetoric and action is characteristic of the Islamists only, or is it present on an even bigger scale among those who criticize them? It would be unfair to measure only the Islamists' words and actions against the highest moral criteria, while neglecting the realities of the environment in which they act. Their behavior may be regrettable, but that of others may be even more so.

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[627] This is what Egyptian president, Hosni Mubarak claims. See J. Miller, *God Has Ninety-Nine Names*, 64, 126. It was also a recurring theme in the writings of Faraj Fūdah. See his booklet *al-Mal'ūb* (Cairo, 1988), quoted in Flores, "Secularism, Integralism, and Political Islam," 93-94.

[628] Mumtaz Ahmad and William Zartman, "Political Islam."

4. 'Our Bastards'/'Friendly Tyrants' Syndrome: On the Lack of Western Commitment
to the Proliferation of Democracy

That the West utilizes double-standards in its dealings with the rest is so obvious but so often forgotten. Long before Salman Rushdie was issued a death edict by Ayatollah Khomeini for writing a book, Sayid Quṭb was hanged for writing a book. He was not accused of being involved in any violent activity himself. He was in jail when he wrote the book. He was charged with inciting to ideas that are subversive to the Egyptian political system. Unfortunately, at that time, nobody championed his cause.[629]

According to AbdelHamid Brahimi (Algeria's Prime Minister 1984-88) on the eve of the 1992 coup in a telephonic conversation President Mitterand told hard-line general Khaled Nezzar: "We will give you help, you can go ahead . . . ."[630] Similar support came from the European parliament.[631] France backs yet another repressive regime, that in Tunisia.[632] This coordinating role of France in crushing Islamic resurgence in North Africa is a natural outcome of her view that all Islamists are terrorists.[633] Though American foreign policy in the Middle East is allegedly directed by instrumentalism, at least outside the Gulf and Palestine, it still regularly sides with friendly authoritarian regimes rather than popularly elected Islamists. Former Secretary of State James Baker acknowledged: "When I was at the State Department, we pursued a policy of excluding the radical fundamentalists in Algeria, even though we recognized that this was somewhat at odds with our support of democracy."[634] Thus, much of the Western powers' policies seem to be in line with the old British dictum "Democracy at home, Imperialism abroad."[635]

It should then be clear that the Islamists may be a part of the crisis of democracy in the Arab world, but they are by no means its inventors, nor are they its only example. Neither the governments nor the Islamists of the Arab world, let alone the West, are dying for democracy. What is more, not even the general populace cares much about it.[636] As Aziz al-Azmeh observed, instrumentalism is a primary feature

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[629] Ibid.

[630] Abdelhamid Brahimi, "From Coup to Coup," *Impact International*, November 1998, 26.

[631] Huwaydī, *al-Islām wa al-Dīmuqrāṭiyyah*, 263, 265-6.

[632] "France Backs Ben Ali's 'anti-islamism': With Force, May Be, But He Is a Friend," *Impact International*, Novembar 1997, 21-22.

[633] Mustapha Harrachi, "The 33-year War of Independence: Paris Continues to Direct the Military Junta," *Impact International*, January 1995, 7-8; Oliver Roy, *The Failure of Political Islam* (Cambridge: Harvard University Press, 1994), 130.

[634] James Baker, interview in *Middle East Quarterly*, cited in J. Beinin and J. Stork, "On the Modernity, Historical Specificity, and International Context of Political Islam," in *Political Islam*, ed. Beinin and Stork, 16. For a brief account of inconsistent American policy in the Middle East see also William B. Quandt, "American Policy toward Democratic Political Movements in the Middle East," in *Rule and Rights in the Middle East*, 164-73.

[635] Brahimi, "From Coup to Coup," 26.

[636] J. Beinin, *Political Islam*, 21-22; According to a study back in 1980 only 5.4% of the respondents mentioned democracy as one of their major preoccupations. This percentage rose to 11% in 1990, however, this time 75% of the respondents were Ph.D. holders! See Huwaydī, *al-Islām wa al-Dīmuqrāṭiyyah*, 255-7, 264. It then comes as no surprise to see Larry Diamond, Juan Linz, and S. M. Lipset editing a four-volume work on democratization in the developing countries and excluding the Middle East and Islamic countries because "they generally lack much previous democratic experience, and most appear to have little prospect of a transition even to semi-democracy." L. Diamond et al., *Democracy in Developing Countries: Asia* (London: Adamantino

of their democratic advocacy.[637] Theirs are short-term arguments with immediate political grounds and purposes. They are "uninterested in the historical and politico-theoretical conditions of the democratic discourse in any way but the most cursory of senses." The advocacy of democracy is, thus, mainly a fact of politics, and not a contribution toward the ultimate solution to social and political problems.[638] Instrumentalism is a defining feature of American policy in the Arab world as well.[639] It, then, comes as no surprise that when king Fahd discards democracy as alien and unsuitable nobody in the White House or Pentagon thinks of withdrawing troops from the Desert Kingdom, let alone imposing sanctions.[640] President Reggan was, reportedly, asked about his administration's support for the former Sudanese president Nimeiri, and responded, perhaps more honestly than most other Western politicians, "Yes, I know. He is a bastard, but he is our bastard." Not only are western governments hypocritical, but also so called 'academicians.' For instance, Roger Owen calls for patience in Egypt with the forty-five years old regime, but hardly so with the less than the twenty year old Islamic Republic of Iran.[641] Indeed, very few of those academics are frank enough to admit, as Judith Miller does, that they are also 'unapologetically militant.'[642] Summarizing this point of view S. V. R. Nasr wrote: "Succinctly put, given dangers inherent in democratization, Muslims are better off under secular dictators."[643] It is then not strange to see Ṭaḥḥān, ʿAbd al-Salam Yāsīn, Muḥammad Quṭb and others to be bitterly critical of the hypocritical behavior of the West.[644] Fortunately there are voices of reason among Western academicians. Many of them have charged the Algerian army and 'democrats' with

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Press , 1989), xx. This is debatable, but we can leave it there. However, the so called 'essentialist view,' developed by Orientalists, which holds that "cultural impediments to pluralist politics, peaceful expression of dissent, and the rights of citizens are greater in the Islamic world than almost anywhere else," is ahistorical culturalism of Western secular, and other, fundamentalists. See Sheila Carapico, introduction to Part One in *Political Islam*, ed. Joel Beinin and Joe Stork, 30. Elie Kedourie's *Democracy and Arab Political Culture* (Washington, D.C.: Washington Institute for Near East Policy, 1992), and Faksh's *The Future of Islam* (especially p. 115) are good examples of 'essentialist literature.' Keddourie claims that democracy "is alien to the mind-set of Islam" (Ibid., 2). It should also be pointed out that according to a recent research 86.4% of Egyptians 'agree' with political pluralism, while only 6.8% refuse such pluralism. ʿAbd al-Ghaffār Rashād Muḥammad, "al-Thaqāfah al-Siyāsiyyah al-ʿArabiyyah: Dirāsah fī al-Taḥawwul al-Dīmuqrāṭī," *Minbar al-Ḥiwār* 9, no. 35 (Fall 1994), 82.

[637] That is why al-Azmeh in his article talks rather about democratist than democratic discourse in the Arab world.

[638] Aziz al-Azmeh, "Populism Contra Democracy," 113-15.

[639] J. Beinin and J. Stork, "On Modernity, Historical Specificity, and International Context of Political Islam," 10-17; Shireen T. Hunter, "The Rise of Islamist Movements and the Western Response: Clash of Civilizations or Clash of Interests?," in *The Islamist Dilemma*, 335.

[640] For King Fahd's views on democracy see Yahya Sadowski, "The New Orientalism and the Democratic Debate," in *Political Islam*, ed. Beinin and Stork, 33. See also J. Miller, *God Has Ninety-Nine Names*, 124.

[641] Roger Owen, "The Practice of Electoral Democracy in the Arab East and North Africa: Some Lessons from Nearly a Century's Experience," in *Rules and Rights in the Middle East: Democracy, Law and Society*, ed. Ellis Goldberg, Resat Kasaba and Joel S. Migdal (Seattle: University of Washington Press, 1993), 40, hereafter cited as "The Practice of Electoral Democracy."

[642] J. Miller, *God Has Ninety-Nine Names*, 18.

[643] S. V. R. Nasr, "Democracy and Islamic revivalism," 263.

[644] Ṭaḥḥān, *Taḥaddiyāt*, 34-43; A. Yāsīn, *Ḥiwār maʿ al-Fuḍalāʾ al-Dīmuqrāṭiyyīn*, 5, 15, 76.

hypocrisy and held them responsible for the agony of their country.[645] Esposito and Voll observed that while some of the acts and words of al-Ghannūshī, for instance, may evoke suspicions about his sincerity in democratic advocacy, "few note that President Ben Ali's track record is well documented."[646] One can add here Burgat, and several others. But the voices of Miller, Pipes, Lewis, and similar anti-Islamist militants still seem to find more audience among Western decision-makers and population.

Earlier on we stated that Western liberals demand from the Islamists than they themselves are ready to give. The Islamists are so often blamed for their reluctance to allow un-Islamic parties to come to power through regular elections. But when asked whether they would allow non-democrats (in the liberal sense) to come to power through elections their answer is not much different. For instance, an outspoken critic of the Islamists, I. William Zartman, does not seem to be much different from those he criticizes when it comes to 'suicide elections.' He says:

> That was a debate that went on for a long time. As long as communist parties in Italy after the great divide of '48 were able to rule a couple of cities but not pose more of a problem, that was fine. But if they threw a larger challenge to the political system - in which they might be elected by democratic means and then cancel democratic means of election thereafter - that raised legitimate problems to which there is no clear answer for democrats. Does a democracy allow hold of suicide elections, elections in which the victor has declared beforehand that he will end democratic practice? I'm afraid that we have gotten off of that question - except for the '48 election in Italy - by not being challenged by the crucial event.[647]

In fact, it seems that liberal democrats - and for that matter all constitutionalists - are in the same dilemma with Islamists: None of them would always allow people to choose whom they please. Fareed Zakariyya's "The Rise of Illiberal Democracy" epitomizes the rise of the liberal authoritarianism.[648] It seems to me that only populist democrats have a moral right to preach to the Islamists about democracy because all other models of democracy at one point or another neglect the popular

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[645] See, for example, Milton Viorst, "Algeria's Long Night," *Foreign Affairs* 76, no. 6 (November/December 1997): 86-99; Lahouari Addi, "Algeria's Army, Algeria's Agony," *Foreign Affairs* 77, no. 4 (July-August 1998), 44-53.

[646] Esposito and Voll, *Islam and Democracy*, 198. For their critique of the West's 'double standard' policies in the Muslim world see pages 197-202.

[647] M. Ahmad and W. Zartman, "Political Islam."; Osman, *The Muslim World*, 139. See also: Owen, "The Practice of Electoral Democracy," 37, 39. As a matter of fact many liberals think along the same lines. See, for example, J. Waterbury "*Democracy without Democrats?*," 45; Mark Tessler and David Garnham, introduction to *Democracy, War and Peace in the Middle East*, ed. David Garnham and Mark Tessler (Bloomington and Indianapolis: Indiana University Press, 1995), xiii; M. Mozaffari, "Islamism in Algeria and Iran," 243-46.

[648] See Fareed Zakariyya, "The Rise of Illiberal Democrcay," *Foreign Affairs* 76, no. 6 (November-December 1997): 22-43, and the discussion that ensued subsequently: John Shattuck and J. Brian Atwood, Defending Democracy: Why Democrtas Trump Autocrats," *Foreign Affairs* 77, no. 2 (March-April 1998): 167-70; Marc F. Plattner, "Liberalism and Democracy: Can't Have One Without the Other," *Foreign Affairs* 77, no. 2 (March-April 1998): 171-80; Charles A. Kupchan, "Democracy First," *Foreign Affairs* 77, no. 3 (May-June 1998), 122-125; Juliana Gearn Pilon, "Election Realities," *Foreign Affairs* 77, no. 3 (May-June 1998): 125-26; Nigel Gould-Davies, "Pacific Democracy," *Foreign Affairs* 77, no. 3 (May-June 1998): 126-27; Kenneth Cain, "Where is the Cure?" *Foreign Affairs* 77, no. 3 (May-June 1998): 127-28. Also J. Waterbury, "Democracy Without Democrats?," 34, 45.

choice.[649] Needless to say that none of today's democracies is populist. All of them are constitutional, one way or the other. But, it is exactly here that the problems emerges. For, as Richard Bellamy and Dario Castiglione point in an excellent article of theirs, "[t]he term 'constitutional democracy' can be interpreted as either an oxymoron [i.e., contradiction] or a tautology."[650] In almost all known cases it turns out to be an oxymoron, its most celebrated version being liberalism and liberal democracy. John Rawls, the most respected contemporary liberal thinker insists that the 'basic liberties,' which on his view underpin democracy and provide the language of political argument, must themselves be "no longer regarded as appropriate subjects for political decision by majority or other plurality voting . . . ."[651]

Another liberal celebrity of our age, Friedrich August von Hayek, whose political and economic philosophy Margaret Thatcher so enthusiastically endorsed, died ambivalent about democracy. For him "Democracy . . . is not an ultimate or absolute value and must be judged by what it will achieve. It is probably the best method for achieving certain ends, but not an end in itself."[652] In another volume he put it bluntly: "*If* democracy is taken to mean government by the unrestricted will of the majority, I am not a democrat, and even regard such government as pernicious and in the long run unworkable."[653] On the basis of these and similar statements Andrew Gamble concluded that "Democracy is acceptable to Hayek only if it produces liberal decisions. If it fails to produce liberal decisions, it endangers the market order, and makes an authoritarian regime the lesser evil. . . . The apartheid regime in South Africa in the 1950s and 1960s could have been defended on Hayekian principles . . . ."[654]

One cannot fail to recognize the similarity between the positions of Western liberals and shariatocrats as all of them imply that ordinary citizens are not fully worth of freedom. It is beyond our intention to prove that this is right or wrong. However, we can comfortably conclude that most Islamists have no more problems with democracy than do most Western liberals. Constitutional democrats, liberal ones included, argue that "no true democrat could consistently allow a democracy to abolish itself." Most Islamists argue that no true Muslim could consistently allow an Islamic political system to abolish itself. Indeed, it is liberalism that the West wants shariatocrats and Islamic authoritarians to accept, not democracy as such.

In sum, we can say that though contemporary Islamic political thought - and practice – in the Arab world are considerably lagging behind those of the West in the validation of Opposition, they have been evolving rapidly in that direction during the

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[649] Leca, "Democratization in the Arab World," 55-59.

[650] Richard Bellamy and Dario Castiglione, "Review Article: Constitutionalism and Democracy – Political Theory and the American Constitution," *British Journal of Political Science* 27, part 2 (Oct. 1997), 595, hereafter cited as "Constitutionalism and Democracy."

[651] Bellamy and Castiglione, "Constitutionalism and Democracy," 606. See also Richard Bellamy, "Pluralism, Liberal Constitutionalism and Democracy: A Critique of John Rawls's (Meta) Political Liberalism," in *The Liberal Political Tradition: Contemporary Reappraisals*, ed. James Meadowcroft (Cheltenham, UK: Edward Elgar, 1996), 77-100.

[652] Friedrich A. von Hayek, *The Constitution of Liberty* (London: Routledge, 1960), 106.

[653] Idem, *Law, Legislation, and Liberty*, 3 vols. (London: Routledge, 1982), 3: 39.

[654] Andrew Gamble, *Hayek: The Iron Cage of Liberty* (Cambridge, UK: Polity Press, 1996), 92, 94.

last two decades.[655] As we have seen in the first chapter, it took the West around a century to fully accept Opposition and we should keep this in mind when discussing the evolution of contemporary Islamic thought. It also turned out under closer examination that the difference between most Western democrats and mainstream Islamic thinkers is not as big as is usually thought. While the borders of acceptability differ significantly, their scopes are almost equally exclusive of political forces holding or representing different views. Finally, while it is true that the Islamist discourse may suffer from 'credibility gap,' one has to remember that it is not only Islamists who suffer from this malaise, as both (non-Islamic) Arab and Western governments suffer, even more acutely from the same. The question, whether the commitment of contemporary Arab Islamists to democracy is opportunistic or not is of limited significance as long as they are given the opportunity to 'get used to' it, or stay committed to it long enough to get accustomed to it.

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[655] For the opposite view see Martin Kramer, "Islam Is Not Evolving Toward Democracy," in *Islam: Opposing Viewpoints*, ed. Paul A. Winters, Opposing Viewpoints Series, ed. David Bender and Bruno Leone (San Diego: Greenhaven Press, 1995), 129-38.

CONCLUSION

> We are currently living through one of the greatest periods of intellectual and religious creativity in Islamic - and human - history. But the final shape of "modern" Islam is still too distant to discern.
>
> Richard W. Bulliet, *Islam: The View from the Edge*

The preceding chapters constitute a comparative essay on the under-studied and under-theorized topic of opposition in contemporary Islamic political thought. An attempt has been made therein to identify positions, major arguments, and trends in it regarding the issue of opposition. In the first chapter we found that today in the West the term 'opposition' is mostly unemotional; but it was not always so. It took the English-speaking world several centuries, and the rest of the West even longer, to dissociate opposition from hostility, immorality, disloyalty, treason and other pejorative connotations. As a concept, opposition is 'inflated,' used with reference to disagreement on a wide spectrum of issues from bread politics to the gravest of constitutional matters. In order to encompass all of the acts usually designated as 'opposition' I deliberately opted for a broad and vague definition. The term opposition has thus been used to refer to (the role of) all those organized and unorganized, legal and illegal forces in a polity that during some time or other, for one reason or another, actively or passively oppose policies, or personnel of its government, or even its socioeconomic structure, regime and boundaries, inside and outside the parliament, irrespective of whether or not they intend to take over the reins of power or not. Consequently, I have constantly tried to qualify the term opposition because only in such a way does the discourse on opposition gain a clear meaning in any given context.

The equivalent of 'opposition' in modern Arabic is '*muʿāraḍah*,' which is an original Arabic word that can be traced back to the Arabic literature of pre-Islamic times. In modern times it acquired new meanings: primarily those of the English term 'opposition' but is today often used to refer to all or some of the above indicated meanings of 'opposition.'

Western thinkers have classified opposition according to many criteria such as the goals, strategies, and the site of operation. The most important distinction as far as our research is concerned is the one between structural and nonstructural opposition. Nonstructural opposition is defined as opposition whose goal is to change or prevent change in personnel of the government or specific policy while being in general agreement with the government over the political system or regime and socioeconomic structure of the state. Nonstructural opposition can be office-seeking or only policy concerned, and is largely valueless as a force for fundamental change. On the other hand, structural opposition aims at change or prevention of change in each of the four mentioned areas. It can further be sub-divided into violent

(radical, revolutionary) and reform-minded opposition. It need not necessarily be illegal, un-constitutional or extra-parliamentary, although it often is.

The deciding factor of an opposition's legality are not the goals it advocates or strategies it adopts, but the degree of disagreement and dissent that a given system permits/tolerates. To say that opposition in a certain political system is illegal says more about that system than about opposition itself.

One of the main features of functional opposition is responsibility. Empirical data show that permanent opposition tends to be irresponsible as well as radical. This is apparently one of the reasons of irresponsibility and radical nature of many opposition parties (including Islamic ones) in the Muslim world today.

In order to allow opposition to exist and act legally most states demand loyalty. The crucial question is: loyalty to what? Ideally – from the viewpoint of the nation-state - it should be to the state, as opposed to the government, party or even regime. Only those political systems in which these levels of authority are distinguished from each other can tolerate and regard as loyal office-seeking and even structural opposition poised to alter its socioeconomic and political structure. While the Islamic principle of God's sovereignty provides positive ground for developing such a distinction in Islamic political theory contemporary Muslim thinkers have not spelled it out yet.

The crux of the whole matter of opposition and the ultimate issue which every political system has to face at one point or another is the destiny/position of the opposition that intends to ultimately destroy that system, at the level of regime or even the state. The problem tends to be especially acute where the system is weak and opposition relatively strong with a good chance of succeeding in its plans to destroy the system. My brief comparative reading of Western and Islamic literature on the issue has led me to conclude that the difference between most Western liberal democrats and mainstream Islamic thinkers is not as big as is usually thought to be. While the borders of acceptability differ significantly, their scopes are almost equally exclusive of political forces holding or representing different views.

Today in advanced political systems opposition performs constructive roles in facilitating representation, organization of political conflict and advancement of the case of democracy in general. Opposition is seen as constructive and functional. It represents interests (but not necessarily values) overlooked by government, provides otherwise unavailable information to both government and the public and in such a way as to prevent political ignorance on the part of government, and political cynicism on the part of people, the worst forms of political corruption. It also serves as critic of government and provider of alternatives, helps protect individual citizens and uphold the laws. Besides, it serves as a release and outlet for the public's frustrations and helps discipline conflict of interests and its containment within the bounds of public order. This informative-evaluative-corrective function of opposition is easily convertible into arguments and justification for having one. Contemporary Arab-Muslim thinkers while, usually, not providing definitions, consider and strongly emphasize two functions of opposition: that of critique of or check on government, and that of provider of alternative policies (but not personnel). There is a sort of obsession with checking capricious use of power. Most of them neglect other functions such as interest representation and that of providing alternative government. However, some of these thinkers while still putting prime emphasis on

the 'evaluative-corrective' function of opposition, have very clearly understood and endorsed other functions of modern political parties.

The notions of opposition as a 'role' in the political process and the alternation in power were apparently alien to the early Islamic history, but so they were to all pre-modern political thinking and practice in general. Both government and opposition in Islamic history represented themselves in the religious garb. The institution of opposition, whether in Islamic history or theory, as all other political institutions, has been overshadowed by religious politics. Throughout history it has been conceptualized, expressed and suppressed in religious terms and on religious grounds. Historically opposition was justified on the basis of *shūrā* and *ḥisbah*. The real or perceived deviation from agreed upon Islamic political ideal was the reason to engage in (non-structural) opposition, or *ijtihād* (structural, office-seeking). The opposition that Islamic history knows of is sometimes labeled authoritarian. With regard to the governmental response to the opposition N. Muṣṭafā opines that the type of leadership/government was more important for the nature of the response than the type of the opposition itself.

However, even in the West organized political opposition, which is viewed as a normal and beneficial component of a polity is considered recent 'unplanned invention' and one "of the three great milestones in the development of democratic institutions." One of the main reasons for the late institutionalization of legal opposition is that it smacks of relativism in political values while it was the traditionally held view that political life is about the common good which was supposed to exist objectively and could, as such, be known by all. Dissent was therefore wrong and immoral. However unanimous decision-making went eventually into disrepute due to the extreme difficulty of attaining it in heterogeneous polities. Significant changes that occurred in the manner in which decisions were made by shifting to majority decision making, with the preservation of the rights of minorities, constituted a big step toward the validation of legally protected opposition. A change in the attitudes that decisions reached by majority were not necessarily right but only enforceable made this transformation possible. Thus it was possible to dissociate dissent from wickedness, treason, disobedience and immorality. In such a way pluralism crept into the political arena and the multiplicity of ideas naturally led to the recognition of the right to dissent and its institutionalization. The Islamists still appear to be suspicious about majority decision-making. This is a fertile ground for another research.

Concurrent consolidation of another three elements of a constitutional pluralist state further helped the validation of legal opposition. Those were: public opinion, theory of representation (and non-divine sovereignty), and parliament. However, the popular sovereignty is neither necessary nor sufficient condition for Opposition to exist, so long as absolutism persists. Any kind of absolutism – monarchical or popular – inhibits opposition. In theory and practice, monistic / totalitarian democracy has proven itself to be at least as hostile to organized opposition as monarchical absolutism and theocracy have been. It is only certain types of democracy that allow for the organized opposition, precisely those democracies which guaranty the right of expression, alternative information, assembly, vote and right to be elected.

Although the close relationship between opposition and parties is easily identifiable it should be stressed again that the means of opposition are the

infrastructure of a system of political liberty; the party of opposition is simply an element of superstructure. In the West, where modern political parties were first developed, initially there was a lot of suspicion about, and even hostility toward parties (or factions). They were seen as selfish, obstructive, and divisive. Gradually, however, prejudices against parties evaporated. It was, for example, soon realized that government itself was a party and if it was to be held in check effectively opposition should also be allowed to organize. As one author puts it, the cohesiveness of opposition was largely a product of the cohesiveness of government itself. Industrialization, urbanization and universal suffrage prepared the stage for the emergence of popular mass political parties.

Having said all that we also noted that opposition had to wait for another 150 years for its 'academic canonization.' While it is true that political opposition has been under-theorized in the 18th and 19th centuries, other aspects of political thinking necessary for the development of legal opposition such as theories of rights, liberty, representation, and parliamentarism were fairly well advanced. A high level of consensus on the nature of ideal polity was also achieved. The tragedy of the Muslim world in general, and the Middle East in particular is that all this has to be done simultaneously. Currently the Muslim world is under pressure to democratize in both aspects simultaneously (contestation and participation), which may prove to be too heavy a load for the region's relatively authoritarian political culture; a formidable and daunting task indeed. Gabriel Almond once pitifully and with a lot of resignation wrote that: "History seems to have given the leaders of these nations challenges beyond human proportion."[656] This is the bad news for the Islamists. The good news is that secularism is not a necessary condition for the development of legally protected opposition. What seems necessary is moderation; and moderation can be achieved in religious politics. In fact, intolerance, authoritarianism, tyranny, bigotry, exclusivism and extremism are by no means a monopoly of religious people and religious states as the recent onslaught of secular fundamentalism (in, for example, Turkey) and ethnic nationalism has clearly demonstrated. Moderation and relativism of the political truth that are necessary for the conduct of such a politics may be strange to Muslims, but not to Islam.

Today liberal democrats consider the absence of an Opposition as evidence, and even conclusive proof, for the absence of democracy. Yet, the presence of legally protected opposition is not proof of democratic nature of the given system as some undemocratic systems (e.g., oligarchies) may allow contestation inside very narrow sections of the population.

The pervasive weakness of civil societies in the Muslim world may be more readily explained as a reflection of twentieth century patterns of authoritarianism than culturalist arguments. Medieval Muslim society was remarkably mobile and autonomous with a ready option of 'exit.' That option is however no more there. As A. El-Affendi rightly pointed out, Islamists accepted the modern state as a controlling institution without adopting democratic / constitutional restrictions on it. Of the traditional institutions of social, economic and confessional nature which are said to be efficient in checking central power more than the 'imported ones' because of their rootedness in local values were we have mentioned the extended

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[656] Almond, *Comparative Politics*, 215. Leaving aside his atheism, one can hardly refuse to agree with him.

family, villages, city quarters, syndicates, guilds, mosques, and *ṣūfī ṭarīqah*s. *Futuwwah*, *'ulamā'*, *qabīlah* are three other traditional institutions which were completely or partially destroyed together with traditional society in the process of modernization in the 19th and 20th centuries while new, modern institutions of civil society were not allowed to grow. In such a situation I believe that we should not hesitate to develop or borrow other institutions instead. Cultural purity is a myth and we should act accordingly. Of course, we should be careful: Islamic identity must not be sacrificed on any altar let alone the altar of modernization cum westernization. We find the culturalist argument to be a disastrous line of defense given the Islamic claim to universality and the partial concession/surrender to the opponent implicit in the culturalist argument.

Although the concept of opposition is not completely strange to classic Islamic thought, in the sense of formally protected legal opposition it is. Yet, as religion and civilization Islam is not lacking tenets of pluralism. Ambivalence is the main characteristic of Islamic theory and practice when it comes to the validation of opposition. Consequently there is the need to reconceptualize some of the well-established Islamic principles and institutions.

Affirmative evidence includes *ḥisbah*, *shūrā*, *ḥakimiyyat Allāh*, *ijtihād*, *ikhtilāf*, and the maxims of Islamic law. *Ḥisbah*, that ethical core of governmental power, and sustainer of the culture of opposition in Islam, is itself ambivalent evidence and works in two directions. Its additional defect is that it bestows the right of speech without protection. The crucial question which has never been satisfactorily resolved is: How should *ḥisbah* be operationalized? Three approaches developed: (1) patience approach, (2) revolutionary approach, and (3) ability approach. Combined with maxims of the Islamic law *ḥisbah* has consistently been invoked as evidence for the freedom of assembly, association, setting of political parties. The futility of individual acts of *ḥisbah*, which often equals powerless moralizing, is empirically established; individuals are too weak to perform effectively the duty of *ḥisbah* with regard to governments, argue the Islamists of today, hence parties should be allowed to perform that duty.

Earlier on it was ascertained that for the legal opposition to exist without stigma of treason the distinction between seat of sovereignty and executive power must be clearly made. The principle of sovereignty of Allāh is considered to facilitate just that. The believer's ultimate loyalty belongs to God and wherever the governments (or any one else's) actions contradict His will the believer is not only entitled but actually obliged to oppose them. The concept of *ḥakimiyyah* has a decisive role in allowing certain types of opposition to exist, and prohibiting others. It is invaluable in legitimization of non-structural opposition, although it does seem to prevent the existence of legal structural opposition.

The philosophy of *ijtihād* or independent reasoning in its entirety is another source of 'Islam's liberal ethos' and as such is often called upon as evidence for the admissibility of plurality of views even when we know for certain that all of them are not true. Historically, false opinions were allowed in order to facilitate arrival at correct ones. It was mainly due to the *ḥadīth* promising reward even for mistaken *ijtihād* that the idea of relativity of legal and political truth developed inside religious circles. This is, I believe, the boldest refutation of the claim that in Islam theological absolutism parallels political absolutism. Ironically, this mistaken position is equally advocated by anti-Islamists and Islamic authoritarians.

The principle of *ikhtilāf* is – in a way - an offshoot of the institution of *ijtihād* and represents relatively obscure technical term in Islamic jurisprudence on the basis of which differences among Muslims in the interpretation of Islamic sources were legitimized. *Madhāhib* and the institution of *ahl al-dhimmah* are actualizations of the principle of *ikhtilāf* in practice. It is important to note that *ikhtilāf* suspends *ḥisbah*. The best positive example of *ikhtilaf* in Islamic history is 'Alī's treatment of *khawārij*, which is a mine of lessons and principles regarding the limits of Opposition in the Islamic state. In short, according to it only armed/violent opposition would not be allowed to exist. 'Ali himself is in a way the founder of opposition in Islam.

The implications of the principle of *lā ikrāh fī al-dīn*, especially when generalized and unrestricted, are of immense importance for the validation of even structural opposition. More and more Muslim thinkers think that it should be allowed to work in two directions. If God has decreed that there shall be no compulsion in religion, by way of priority, then, there should be no compulsion in the administration of this world.

An institution related to freedom of religion and *ikhtilāf* is the institution of *ahl al-dhimmah*. Even in its classical formulation this institution provides strong affirmative evidence for the pluralism and political rights of many non-Muslims in the Islamic state, the right to set up parties included. When the institution is broadened to include non-Muslims other than *ahl al-kitāb*, including atheists by analogy, as is often the case in moderate contemporary literature, it proves to be a useful foundation/argument for allowing non-Islamic, structural opposition.

The concept of *maṣlaḥah* is also often used in the on-going debate. Advocates of validation of opposition contend that since all rules of the *Sharī'ah* are formulated to serve realization of the general benefit of human society, and since opposition brings more benefit than harm, it should be allowed.

Negative evidence in addition to moral restraints include norms on apostasy, blasphemy, *fitnah*, *baghy*, *bay'ah*, *naṣīḥah*, and the imperative of unity. Moral restraints are often cited because of the presumed tendency of opposition towards immorality. Many thinkers, however, contend that it is dictatorship that kills morality. The principles of the sovereignty of God and the *ḥisbah* may also serve as restraints. It was noted as well that the suppression of evil runs the danger of turning into witch hunting.

The issue of apostasy is the crux of the whole issue of the right to oppose without too many restrictions. Today we are witnesses of attempts at reinterpretation of the concept of apostasy. However, to most contemporary Muslim scholars there is nothing which can justify blasphemy. Reasoned critique of Islamic tenets may be allowed but blasphemy has no place in the Islamic state.

Fitnah is a complex concept that can be used both to limit opposition and to oppose rulers. On the one hand, *fitnah* is defined as seditious speech and acts which attacks the legitimacy of a lawful government so as to endanger normal order in society, while on the other hand the Qur'ān uses it typically for denying the faithful the right/freedom to practice their faith. According to the former meaning opposition constitutes *fitnah* and hence should be suppressed, while according to the latter opposition is justified as a form of *jihād* against *fitnah* by oppressors.

The confidential nature of advice-giving is another piece of counter evidence whereby public criticism is seen to amount to *khurūj*. Amazingly enough we have come across some who claim that the right to know is un-Islamic. Other counter

evidence includes the norms on *baghy*, the requirements of the pledge of allegiance, ban on campaigning and self-promotion, and the negation of equal treatment of believers and unbelievers.

Invoking the imperative of the unity of the *Ummah* as an argument against parties is a gross misunderstanding of the Qur'anic call for unity which has nothing to do with one-party systems. It is rightly argued that one way to schism is too much emphasis on unity. The imperative of unity should be considered in conjunction with the principles of *ijtihād* and *ikhtilāf*. What we get from such an exercise is unity in diversity. We have also come across instances where political absolutism is thought to parallel theological absolutism. On the other hand, oneness is seen as a distinguishing attribute of God. Restriction of the other view under the pretext of prevention of division is a call for dissipation of a certain good in fear of possible evil, an exercise which neither reason nor religious authority support.

Currently the Islamic spectrum of opinions on opposition is characterized by diversity if not contradiction. After excluding those thinkers and movements with overt secular orientation we identified three groups: (1) shariatocrats, (2) Islamic authoritarians, and (3) Islamic pluralists. Heterogeneity and the non-monolithic nature of these groups cannot be possibly over-emphasized. Shariatocrats are in majority at the moment and they make a strong call for the supremacy of the *Sharī'ah* over all politics and over popular vote. They conceive of opposition and parties inside the *nizām 'āmm* only, and accept voting on *ijtihādī* matters alone.

Towards the right side of our continuum is a group of individuals and movements, which we designated as Islamic authoritarians. They advocate unity 'in everything,' respect for, and submission to the (legitimate) leadership. While some of them are characterized by strong adherence to the concepts of the classical Islamic thought, others have been influenced more by modern authoritarian European thought and practice, the terrible record of multi-partism in the Arab world, or simply believe that *jihād*, not democratic practices, is the Islamic way. Thus we have two sub-groups; one that is more traditionally authoritarian, and the other that is more rightly called modern autocrats. The former group advocates authoritarianism out of conservatism, while the latter advocates it out of its belief that sovereignty of God is absolute, and that consensus and unity are religious demand and practical necessity. Both groups are usually very negative in their approach to democracy in general and institutionalized opposition in particular, looking for flaws in the Western experience instead of evaluating it against available alternatives. It is needless to say that such an approaches cannot possibly be objective or fruitful.

By Islamic pluralists/liberals we mean Islamists (not secularists) who believe that the *Sharī'ah* should be the law of the land, but generally insist that it should not be forced on the population initially nor sustained in power by force. They often push the argument of *lā ikrāh fī al-dīn* to its logical conclusion, which is the right to apostasy. This brand of Islamic pluralism (sometimes called scriptural liberalism) has to be distinguished from Muslim liberalism cum secularism. The 1990s, according to my humble opinion, are witnessing a slow and cautious, but significant, come-back of liberal inclinations of this kind among Muslims. It is easy to see how cautious, sensitive and deeply rooted in Islamic tradition this brand of Islamic pluralism is. While the Muslim liberalism of 'Alī 'Abd al-Rāziq, Muhammad Arkoun, Bassam Tibi and others flatly discards whole parts of Islam, this outright rejection of Islamic institutions and principles is not visible in the kind of pluralism we examined here.

Another feature of this Islamic pluralism's coming of age, in addition to its sensitivity, is the use of conventional/traditional tools of *uṣūl al-fiqh* and other Islamic disciplines in its discourse.

The wavering between liberalism and shariatocracy seems to be a dominant feature of thinking of many Islamists, and in a way, it reflects ambivalence/uncertainty/indecisiveness of contemporary Islamic thought with regard to the issue of freedoms in general, and Opposition in particular.

The majority looks positively at the establishment of Islamic parties and their participation in parliamentary politics of un-Islamic systems or their equivalent if that serves the interest of Islam and Muslims. However, only pluralists would allow structural opposition in an Islamic system. Arguments put forward by shariatocrats, pluralists and exclusivists have been examined.

After surveying the main currents in contemporary Islamic political thought regarding opposition we analytically looked at the development of this thought and its causes in the last chapter and consequently made a few generalizations. We also discussed the motives and intentions of Islamic activists as compared to those of their opponents. We have noticed ideological transformation and tactical flexibility in contemporary Islamic discourse on opposition. Fundamental reinterpretation of historical Islamic concepts as well as the appropriation of European intellectual categories, which started more than a century ago, is under way on a big scale.[657] During the last two decades Islamic thought has taken huge steps from absolute contrast between pluralist-democratic systems and the Islamic one towards relative appreciation; from calls to uncompromising unity to acceptance of 'plurality within unity.' At present it seems that this evolution is bound to end in *wasaṭiyyah*, of which al-Qaraḍāwi is one of the most outspoken proponents. Today's mainstream has come to accept pluralism within the framework of Islam, political participation, government accountability, rule of law, and protection of human rights, all of which guard legal opposition. However, to the dismay of secular fundamentalists, Islamists have not adopted liberalism, if that means agnosticism, ethical relativism, and indifference – or hostility – to religion. As has already been observed, the change is more noticeable in the domain of political organization than of social and religious values.

Given the general nature of the Qur'anic and *Sunnah* norms pertaining to the political system of Islam the ideal contemporary Islamic polity and the place of opposition in it, will be what Muslims make of it. Muslims are under enormous pressure (from outside and inside) to adopt foreign institutions and experience while in the past they used to do so as they pleased. It, then, comes as no surprise to see so many contradictions, inconsistencies and differences in the views of contemporary Islamic thinkers on the subject under investigation. Apparently one should be more patient with Islamic thinkers. After all it took Western thought much longer to 'canonize' legal opposition. Be that as it may, there are still many Islamic thinkers and leaders who believe that God is one, and that the Leader should be one. We can only hope that, given the right incentives mainstream Islamic political thought will further fortify its moderate position on the issue of pluralism.

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[657] Choueiri, *Islamic Fundamentalism*, 33-34; Albert Hourani, *Arabic Thought in the Liberal Age 1798-1939* (Cambridge: Cambridge University Press, 1988, reprint of 1983 ed.), 352.

With regard to the factors behind this transformation we find that the early stress on unity was understandable given the political map of the colonized Muslim world. Also understandable was the prevalent belief that one-party politics was possible - a belief which was fuelled by the success of the Nazis in the 1930s and early 1940s and the Communists during the same period and later. The basic factors behind the afore-mentioned transformation seem to be the pressure from Islamic radicals and the (hesitant) opening of some political systems in the region.

Having said all this we have to register that, regrettably, the Islamic discourse in the contemporary Arab world mostly lacks sophistication, and resembles the dialogue of the deaf. At times one witnesses ideological war that is raging in the Islamic literature. Selective use of evidence, avoidance of arguments and questions put forward by others, silence on alternatives, circular/tautological argumentation, obscurity, and politicization appear to be the dominant features of this discourse. Excessive use of scriptural evidence and moralizing predominate over historical and political argumentation is also evident. In addition to rarely addressing the ultimate questions, it continues to be too general and too abstract to pass the test of practical application. Lost sense of history and reality from which it suffers may delay any significant change for a long time. Perhaps the most significant defect in contemporary political Islamic discourse in the Arab world is the lack of agreement on values, which the Islamic political system is supposed to advance.

The shift of priorities is clearly visible; dictatorship, absolutism and tyranny are prime concerns of today's Arab Islamists instead of unity and national liberation. Pluralism is the issue of issues for many of them.

The 'democracy without democrats' hypothesis sounds more plausible than the one that considers prior democratic experience as a necessary condition for the development of democratic institutions including legally protected opposition. 'Democracy without democrats' basically refers to cases where there is no attachment to the principles of democracy as such but it is still pursued as the best means of avoiding civil war and anarchy and solving intractable conflicts of interests. One need not be a democrat, but one must be rational. Thus, if day-to-day politics sometimes produce/induce half-hearted, tactical commitment to freedoms and legal Opposition it may also have more enduring, positive effects on Islamic political thinking. Where democratization is used by a regime only to prolong its life and where it is combined with all kinds of oppressive measures a kind of disillusionment with democracy may well result. In other words, the aversion towards democracy and pluralism may be empirically, not ideologically, motivated. Slow democratization and 'half-democratization' fortifies Islamists' belief in the futility of democracy. Playing democracy is a very dangerous game. Pre-emptive, or so-called defensive democratization may eventually delegitimize democracy and the democratic world even in the eyes of favorably inclined Islamists. The claims of hegemonic governments that Islamists are dangerous radicals and their accordingly framed policies are self-fulfilling prophecies.

It appears very likely that some Islamists were taught the value of freedom by dictators. Somebody has even put forward an interesting hypothesis on this theme claiming that there is a strong positive correlation between the number of the years an Islamist spent in prison and his stand on democracy.

It is no exaggeration to claim that the commitment of most Islamists to democratization is greater than that of the friendly tyrants of the West in the region.

Islamists are in fact convincingly challenging Middle Eastern 'democrats' on their own territory. In some cases they are even leading the process of democratization; they are its champions. The question is: Are secularists - and secular regimes especially - ready? It would be unfair to measure only Islamists' words and actions against the highest moral criteria, while neglecting the realities of the environment in which they act. Instrumentalism is a primary feature of the democratic advocacy in the Middle East, and of big powers' support for democratization. The West's position on the issue at hand is best summarized in the infamous parole: democracy at home, imperialism abroad.[658] Even worse, not only most Western governments but many academicians there are equally hypocritical. Many Western liberals demand from Islamists more than they themselves are ready to give. Liberal democrats – and for that matter all constitutionalists – are in the same dilemma with Islamists: none of them would allow people to choose whom/what they please. Islamists have no more problems with democracy than Western liberals. Constitutional democrats, liberal ones included, argue that: "no true democrat could consistently allow a democracy to abolish itself." Most Islamists argue that no true Muslim could consistently allow an Islamic political system to abolish itself. It should then be clear that Islamists may be a part of the crisis of democracy in the Arab world, but they are by no means its inventors.

To sum up: In this study we departed from the conviction that many Muslims and more so Islamic activists, who are often victims of political oppression exercised by authoritarian regimes, hold suicidal attitudes towards democratic institutions in general and legally protected opposition in particular. Perhaps the first is a misunderstanding of the nature, merits, advantages (and disadvantages) of the institution of political opposition and its place in Islamic political system. The other possible reason is what one contemporary Muslim scholar calls '*mu'tazila* disease': Muslim intellectuals unable to make their point to the Muslim community ally themselves with dictators or, when in power, opt for force and suppression of alternative political platforms and programs. The third reason might be that these Islamic activists partake in the political culture shaped by political and educational institutions of existing regimes

We also ascertain that though Islamic political thought (and practice) are considerably lagging behind those of the West in the validation of legally protected opposition, they have been evolving rapidly in that direction during last two decades. As we have seen in the first chapter, it took the West around a century to fully accept Opposition and we should keep this in mind when discussing the evolution of Islamic thought in the contemporary Arab world. It also turned out under closer examination that the difference between most Western democrats and mainstream Islamic thinkers is not as big as is usually thought. While the borders of acceptability differ significantly, their scopes are almost equally exclusive of political forces holding or representing different views. Finally, while contemporary Islamist discourse in the Arab world may suffer from a certain 'credibility gap,' one has to remember that it is not only Islamists who suffer from this malaise, as both Arab and

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[658] For instrumentalism (read, alternatively, as hypocrisy and double-standards) in the foreign policy of the United States see a well documented Daniel Pipes and Adam Garfinkle, *Friendly Tyrants: An American Dilemma* (New York: St. Martin's Press, 1991). See also: Michael C. Hudson, "After the Gulf War: Prospects for the Democratization in the Arab World," *Middle East Journal* 45, no. 3 (Summer 1991): 408.

Western governments suffer, even more acutely from the same. The question, whether the commitment of Islamists to democracy is opportunistic or not is of limited significance as long as they are given the opportunity to 'get used to' it, or stay committed to it long enough to get accustomed to it.

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