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**POLITICAL PLURALISM FROM
ISLAMIC PERSPECTIVE**

BY

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ABSTRACT

The problem of political pluralism in the Islamic legal system is a hotly debated topic and many criticisms have been labeled against Islamic law, alleging that it recognizes only theocracy and an authoritarian system. To date, no writing sufficiently proves whether political pluralism is acceptable under Islamic law or not.

This study answers the question by referring to the Islamic sources i.e. Qur'an, sunnah, *ijma'* and *ijtihad*. However, the problem that would be faced in this regard is that there is no specific Qur'anic text or tradition which clearly indicates the legitimacy of political pluralism in Islam. Therefore, to develop a convincing argument in supporting such an idea would definitely provoke criticism, especially from those who oppose any creativity and fresh thinking on critical matters of significance. To accomplish this challenging task this research presents different views with regard to political pluralism. It includes an in-depth analysis that refutes most of the criticism against political pluralism.

Additionally, the study highlights the Western concept of political pluralism and compares both the Islamic and Western concepts.

ملخص

تُعدُّ مشكلة التعددية السياسية من المواضيع التي كُثِرَ فيها الأخذُ والرّدّ بين علماء المسلمين ومفكريهم. وكثير من الانتقادات تزعم أن الإسلام لا يقرّ إلاً بالنظام الديكتاتوري. والباحث من خلال اطلاعه يرى أنه لا توجد دراسات كافية تردّ على هذا الزعم وتجب على السؤال الذي طالما شغل مفكري الأمة، وهو: هل النظام الإسلاميّ يعترف بمبدأ التعددية السياسية أم لا؟

وتمثّل هذه الدراسة محاولةً للجواب على هذا السؤال، وذلك من خلال الرجوع إلى المصادر الإسلامية: القرآن، والسنة، والإجماع، والاجتهاد.

والإشكال الذي واجهه الباحث في بحثه هذا، هو أنه لا توجد بين أيدينا نصوص متفقّة على كونها تنصّ صراحةً على مشروعية التعددية السياسية في الإسلام؛ ولذلك أعتقد أن محاولة إيجاد أدلّة مقنعة لإثبات مبدأ التعددية السياسية في الإسلام لا تسلم من رفض وانتقاد أولئك الذين يقتصرون على ظواهر النصوص ويرفضون التفكير الحر المبدع. والباحث من خلال عرضه وتحليله لآراء معارضي مبدأ التعددية السياسية في الإسلام ومؤيديه يحاول دحض وإبطال دعوى أولئك الذين يرفضون هذا المبدأ جملة وتفصيلاً.


كما تتعرض الدراسة أيضاً إلى مفهوم التعددية السياسية عند الغرب مع مقارنتها بالتعددية السياسية في الإسلام.

APPROVAL PAGE

I certify that I have supervised and read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the degree of Master of Comparative Laws.


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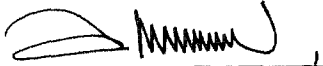
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This dissertation was submitted to the Kulliyah of Laws and is accepted as partial fulfillment of the requirements for the degree of Master of Comparative Laws.

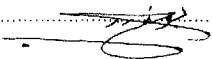


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DECLARATION

I hereby declare that this dissertation is the result of my own investigations, except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references and a bibliography is appended.

Name: Bouzerzour Zoubir

Signature  Date March 2000

To my beloved mother and father.

To all those who have made significant sacrifice
for freedom and justice on the earth.

ACKNOWLEDGEMENTS

All praise is due to Allāh. I take this opportunity to refer to the instruction of the Prophet (pbuh) that, “whoever does not thank people, does not thank Allāh”. And Allāh says in the Qur’ān: “Work ye sons of David with thanks, but few of my servants are grateful,” (Sūrah Saba’ 34: 13).

My profound gratitude is to my supervisor, Dr. Badrul Amin Bahron for his invaluable help, guidance and advice throughout the writing of this dissertation. I pray to Allāh to grant him great happiness in this life and in the hereafter.

Also, I would like to express my deep thanks to all lectures who taught me in the Master of Comparative Laws program (MCL) and helped me in developing my knowledge. To the authorities of the International Islamic University Malaysia (IIUM) I am very grateful, especially the Faculty of Laws for giving me the opportunity to study in this prestigious kulliyah.

Finally, I pray to Allāh the most Forgiving and most Merciful to blot out our sins, grant us forgiveness and have mercy upon us.

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TRANSLITERATION

The transliteration system used in this dissertation is that prepared by Admission and Records Division, International Islamic University Malaysia.

Note: Wherever there is the word Allāh connected to another name (muḍāf 'ilāih) it would be written as follows:

'Abdullāh

عبد الله

ا	omit
ب	b
ت	t
ث	th
ج	j
ح	ḥ
خ	kh
د	d
ذ	dh
ر	r
ز	z
س	s
ش	sh
ص	ṣ
ض	ḍ
ط	ṭ
ظ	ẓ
ع	('ayn)
غ	gh
ف	f
ق	q
ك	k
ل	l
م	m
ن	n
هـ، ة	h
و	w
ي	y
ā	ī
a	aw
ū	ay

INTRODUCTION

“Ye are the best of people, evolved for mankind; enjoying what is right, forbidding what is wrong, and believing in Allāh”.¹

The above Qur'anic verse shows the right picture of the Muslim society. Islam has produced a sound and well constructed state in the era of the Prophet and the righteous caliphs. Since that time, there have been immense changes in life: mental, economic, political, and social; there have even been material changes in the earth, and in its powers relative to man. It now remains for us to ask: “Is it possible today to renew something similar to that form of Islamic society for the present and for the future?” Thus, in our contemporary world, a chance has been given to us by the inception of the notion of political pluralism, which makes it easier for the *ummah* to choose the right way. The way governed by the spirit and law of Islam which alone can produce that form of Islam we need today. Therefore, the whole *ummah* should strive at all time and under the different circumstances to reach this goal.

On the other hand, pluralism is a healthy phenomenon which has been well established in the West. It is a useful means to resist despotism. Furthermore, it gives individuals the chance to play a significant role by influencing the government's determination in its social policy, through the formation of pressure groups and political parties.

¹ al-Qur'an, Sūrah Āli-'Imrān 3: 110.

Unfortunately, political pluralism did not receive much attention from Muslim thinkers, although it has deep roots in our history. Therefore, the study of this topic has a great importance not just to cover the lack of systematic academic work in the field of Islamic political science but also to contribute new ideas and to clarify some controversial issues. As a result, the concept of political pluralism will be based on solid and sound bases.

The Qur'an and sunnah did not define a specific system for governing. Moreover, there is no specific *Qur'anic āyah* or *ḥadīth*, which establishes clearly the legality of political pluralism. However, they have laid down fundamental principles, which constitute a solid foundation in the Islamic government system such as freedom of opinion, justice, equality and mutual consultation which together give a firm ground for an opposition to exist and to fulfill its functions. In addition, it may be added here that the concepts of *tajdīd* (renewal) and *iṣlāḥ* (reform) are fundamental components in our study.

Besides the injunctions from the Qur'an and sunnah regarding the concept of pluralism, this study discusses the importance *ijmā'* and *ijtihād* and their vital roles in developing new institutions and structures of government, showing the flexibility of the Islamic system and providing a convincing answer for every matter which could arise in the political field. It will show how the contemporary Muslim *ummah* has failed to institutionalize the processes of *ijtihād* in the political field in order to provide new ways of political thinking that could solve the problem of political pluralism, as well as other debated issues.

This study discusses the views of the scholars who oppose political pluralism and reject the party system altogether. Some of them have raised the slogan, “no place for democracy in Islam”. Thus, this study will contrast these views with the opinions of those who support the notion of political pluralism and maintain that Muslims should consider the principles of the Qur’an and sunnah which accommodate the notion of political pluralism. In addition, it will give a brief analysis of these two contradicting views, while attempting to refute the claims held by the opponents of political pluralism.

Besides the study of the concept of political pluralism in Islam, this study highlights the concept of political pluralism in the West, with a brief discussion on its historical development and the contribution of some great scholars who helped to develop the concept. On the other hand, since the concept of political pluralism is still a debated notion in the West, the study will present some criticism and arguments which have been given by its advocates and the answers provided by them.

Finally, as the Islamic concept of political pluralism has some points of similarity with Western political pluralism, it is necessary to make a brief comparison between the two systems, showing the flexibility and rationality of Islamic political pluralism and the main points of differences between both systems.

CHAPTER 1

POLITICAL PLURALISM

1.1 Definition

Although the notion of pluralism has a deep rote in the history, the term “pluralism” was created in legal studies and political sciences in the early twentieth century to designate theories that strongly emphasized the importance of human associations other than the state. The word simply means, as the Oxford English Dictionary defined it, “the character of being plural.” It had been used more specifically in England since the fourteenth century, to refer to the ecclesiastical practice according to which one person held more than one benefice at the same time. It had also been applied to philosophical theories that recognized more than one ultimate principle, as in morals or ethics, for example.²

In Political Science and Law, however, pluralism came to be attached to theoretical and empirical work that stressed the role played in political life by associations, organizations, and groups that were relatively independent of the state and one another.³

² Joel Krieger. (edit.), *The Oxford Companion to Politics of the World*, Oxford University Press, New York, 1993, pp. 704-705.

³ *Ibid.*, p.704.

Furthermore, Pluralism assumes that power resides with individuals who form themselves into pressure groups in order to assert their interest in any given issue. Government functions as a neutral adjudicator, balancing the claims and resolving problems by developing what it takes to be the most appropriate social policy. Pluralism is not seen as a form of self-government but as a political process in which individuals are able, if they so desire, to play a significant role in influencing the government's determination of social policy. Further, under pluralism individuals are able to participate more directly than the other models of democracy allow, for their participation goes beyond electoral politics or the politics of protest. In a pluralist system, "individuals organize themselves into groups to create policy by lobbying about anything they consider to be sufficiently important to them to justify them devoting their time and energy".⁴

In addition, Pluralism is variously defined as an ideal of the good life; as a characterization of politics in Western capitalist democracies; as a theory of ethics relevant to the politics of liberal societies; as a doctrine of cultural diversity that endorses neither a relativist, nor a monist assessment of alternative cultures. It is possible to endorse any one of these views without endorsing all the others, but most "pluralists" will endorse several of them. A pluralist society promotes a plurality of goods modestly, each being confined only by the degree necessary to make space for

⁴ Buth Gaze, *Law Liberty and Australian Democracy*, The Law Book Company Limited, Sydney, 1990, p. 21.

the others. Pluralist politics combines features from the individualism of John Locke,⁵ the participatory of John Dewey⁶ and the concern with the virtues of continuity and stability of Edmund Burke.⁷

Robert Dahl⁸ stated that, "The terms pluralism and pluralist refer to organizational pluralism, that is, to the existence of a plurality of relatively autonomous (independent) organizations (systems) within the domain of a state. A country is a pluralist democracy if (a) it is a democracy in the sense of polyarchy and (b) important organizations are relatively autonomous. Hence, all democratic countries are pluralist democracies".⁹

Regarding the definition of Islamic pluralism, it could be claimed that there is no

⁵ Locke, John (1632-1704), English empiricist and moral and political philosopher. Locke's two important works are: *Essay Concerning Human Understanding* (1689) and *Two Treatises of Government* (1690). See Paul Edwards, (edit.), *The Encyclopedia of Philosophy*, Macmillan Publishing Co., Inc. & The Free Press, New York, Collier Macmillan Publishers, London, vol. 3, pp. 487-488.

⁶ Dewey, John (1859-1952), American philosopher, educator, and social critic. He published several books on theoretical and applied psychology, including *Psychology* (New York, 1887; 3d rev. ed., 1891), *Applied Psychology* (Boston, 1889), and *The Psychology of Number and Its Applications to Methods of Teaching Arithmetic* (New York, 1895). See Paul Edwards, (edit.), *The Encyclopedia of Philosophy*, vol. 1, p. 380.

⁷ See David Miller, (edit.), *The Blackwell Encyclopedia of Political Thought*, Blackwell Reference, New York, 1987, p. 424.

Burke, Edmund (1729-1797), British statesman and political philosopher. His two most important books, which were published by Sodsley, are: *A Vindication of Natural Society* (1756) and *Philosophical Inquiry into the Origin of Our Ideas on the Sublime and the Beautiful* (1756). See Paul Edwards, (edit.), *The Encyclopedia of Philosophy*, vol. 1, p. 429.

⁸ Dahl, Robert Alan, PH. D. (1915-), American professor of political science. His most important publications are: *Modern Political Analysis* (1963), *Political Oppositions in Western Democracies* (1966), *Dilemmas of Pluralist Democracy* (1982), *Democracy and the critics* (1989). See *The International Who's Who 1996-1997*, 6th ed., Europa Publication Limited, p.359.

⁹ Robert Dahl, *Dilemmas of Pluralist Democracy*, Vail Ballon Press, USA, 1982, p. 5.

comprehensive definition, that gives a clear idea to the concept of political pluralism as it is understood by the West, or as it should be understood in our modern time. Some have attempted to define Islamic political pluralism. For instance, Abū Fāris has defined it as, “the establishment of political parties that aim to reach the power and to manage the people's matters and the state's affairs according to the ruling party's concept and belief. Any party which reaches power could rule the state's affairs and people's matters according to its program. Meanwhile, the other parties stay in opposition discussing the policy of the ruling party, controlling and impeaching it. Besides, they have to convince people of their suitable programs, their right policy and their eligibility for governing them”.¹⁰

From what have been mentioned above, it could be observed that the concept of political pluralism as defined by Abū Fāris is too narrow and it does not cover all the elements of pluralism, because he focuses only on the opposition of parties and neglects the wide concept of pluralism, which includes the role of other independent groups, associations and organizations, that together constitute the civil society and create a real opposition which asserts the interest of the people. However, parties in the pluralist system are part of the political body which constitute, with other groups and associations, a real pluralist society.

Therefore, it is very important to give a suitable definition which covers all the elements of Islamic political pluralism and makes it more comprehensive. Thus, Islamic

¹⁰ Muḥammad Abū Fāris, *al-Ta'addudīyyah al-Siyāsiyyah Fī Ḍill al-Dawlah al-Islāmiyyah*, Mu'assasat al-Rayān, Beirut, 1994, p. 6.

political pluralism can be defined as a theory where individuals are allowed to form themselves into political parties, associations and pressure groups. Their aim is to balance the claims, resolve problems and influence the government's determination of social policy, with the condition that they must observe the dictates of the *shari'ah* in all their activities.

1.2 Historical Background of Political Pluralism

Although the theoretical background of political pluralism has a long history, it began to be effective as a natural result of the increase in economic associations and organizations. Political pluralism, as a new structural factor in social life, began to be accepted as the central mechanism in favor of freedom against despotism or misuse of power. Political pluralism, in the sense of division of power, began to be accepted as the first condition of liberty. The institutional particularization within the state was theorized by Montesquieu¹¹ as an extension of the argument that the only safeguard against power is the rival power. Lord Acton¹² combined political pluralism with liberty saying: "liberty depends upon the division of power".¹³

¹¹ Montesquieu, Baron De (1689-1755), French philosopher and political theorist. His most important publication is *Les Lettres Persanes* (1721). See Paul Edwards, (edit.), *The Encyclopedia of Philosophy*, vol. 5, pp. 368-369.

¹² Acton (of Aldenham), John Emerich Edward Dalberg (1834-1902), English Liberal historian and moralist. Acton wrote comparatively little, his notable publications being a masterly essay in the *Quarterly Review* (January 1878), "Democracy in Europe"; two lectures delivered at Bridgnorth in 1877 on *The History of Freedom in Antiquity* and *The History of Freedom in Christianity* (both published in 1907). See Philip W. Goetz, (edit.), *The New Encyclopaedia Britannica*, 15th ed., Chicago, Auckland, Geneva, London, Madrid, Manila, Paris, Rome, Seoul, Sydney, Tokyo, Toronto, vol. 1, p. 73.

¹³ Ahmet Davutaglu, *Alternative Paradigms*, University Press of America, USA, 1994, p.143.

This associational and institutional particularization of the political system in Western societies was directly connected to the dispersion of the socio-economic power in the hands of some functional interest groups and classes after industrial societies, as compared to pre-industrial societies, led to a concept of pluralistic society made up of various institutionally isolated sectors, which emerged with the dispersion of socio-economic wealth as a realization of material power. The social roles and identities of individuals began to be defined by these functional groups and classes.¹⁴

Later, during the first two decades of the twentieth century, the term pluralism was used in opposition to widely prevalent doctrines about the exclusive sovereignty of the state. Among its best known advocates were Léon Duguit,¹⁵ whose principal works appeared in France between 1911 and 1913, and Harold Laski¹⁶ in England, who shortly thereafter not only translated Duguit, but also mounted his own attack on the idea of state sovereignty. Also, John Dewey and William James¹⁷ in the United States have supported the idea of pluralism.

¹⁴ Ibid., p. 144.

¹⁵ Duguit, Léon (1859-1928), French legal and political theorist who challenged the validity of analytical jurisprudence. The most complete exposition of his views is *Traité de droit constitutionnel* (3d ed., 3 vols., 1927-1930). See *The Encyclopedia Americana International Edition*, Grolier Incorporated, Sanbury, Connecticut, vol. 9, p.459.

¹⁶ Laski, Harold J. (1893-1950), British political scientist, author, and educator. Laski's numerous writings include *Authority in the Modern State* (1919); *Political Thought from Locke to Bentham* (1920); *Liberty in the Modern State* (1930); *The State in Theory and Practice* (1935). See *The Encyclopedia Americana International Edition*, Grolier Incorporated, Sanbury, Connecticut, vol. 16, p. 778.

¹⁷ James, William (1842-1910), American psychologist and philosopher. He was the first distinguished American psychologist and also won international fame with his philosophy of "pragmatism" and "pluralism". His most important publication is *The principles of Psychology* (1890). See *The Encyclopedia Americana International Edition*, Grolier Incorporated, Sanbury, Connecticut, vol. 15, p. 682.

These great scholars offer different ways in which various thinkers have explored the possibilities that political pluralism offers. They are not meant to represent an exhaustive survey of political pluralist thought. Rather, they have been chosen as vehicles by which to elucidate different ways in the relation between the two central themes of political pluralism: 1) the distribution of political power to vindicate interests; 2) the distribution of political power to facilitate individual development- has been conceptualized in political pluralism.¹⁸

In works such as Laski's, *Studies in the Problem of Sovereignty* (1917) and the *Foundations of Sovereignty* (1921), classical pluralists attacked the legal doctrine of the sovereign state, both on the grounds that it did not fit empiric reality and that as a normative goal it was undesirable.¹⁹ On the other hand, some legal pluralists, including Duguit, not only insisted on the rightful independence of associations other than the state, but went even further, contending that the state was simply one association among many, neither more important nor necessarily more powerful (in all circumstances) than others. In the 1920s, legal pluralism acquired a substantial body of intellectual supporters, including, in addition to Laski, Ernest Barker, J. N. Figgis, and G. D. H. Cole²⁰ in Britain. During the next decade, however, interest in legal pluralism

¹⁸ Joel Krieger (edit.), *The Oxford Companion to Politics of the World*, p. 705. Also see Avigail I. Eisenberg, *Reconstructing Political Pluralism*, State University of New York Press, USA, 1995, p. 6.

¹⁹ Vernon Bogdanor. (edit.), *The Blackwell Encyclopaedia of Political Institution*. p. 426.

²⁰ Cole, George Douglas Howard (1889-1959), British economist, who was a leading intellectual of the British Labour party. His voluminous publications, some written in collaboration with his wife, Margaret Isabel Postgate Cole, cover the following: historical studies of the working-class movement since the Industrial Revolution; the organization of the modern labor movements; and essays in social and political theory. See *The Encyclopedia Americana International Edition*, Grolier Incorporated, Sanbury, Connecticut, vol. 7, p. 224.

greatly declined, and thereafter it almost disappeared in Britain and the United States. Critics argued that the legal pluralists had overstated their case, misrepresenting the prevailing doctrines of sovereignty and exaggerating the relative strength and importance of associations in comparison with the state. Laski himself became a Marxist. The great depression of the 1930s and World War 2 lent greater credibility to the belief that strong central governments were necessary for general well being and even for the survival of democratic systems and national independence. However, the decisive blow to legal pluralism probably came from the rise of authoritarian to totalitarian ideas and systems in Italy, the Soviet Union, Germany, Austria and Spain. For these systems demonstrated beyond much doubt that a highly centralized authoritarian state could virtually eradicate autonomous associations and political life. Thus, while pluralism in associational life might be desirable and a basic characteristic of liberal and constitutional political systems, the authoritarian systems demonstrated that it was definitely not an inherent feature of all modern political systems.

From the mid-1950s to the mid-1960s, pluralism reappeared in the view that a fundamental constituent of modern democratic orders is the existence of associations that are relatively independent of one another and of the state. This perspective (which we might call democratic pluralism) explicitly countered the older monistic argument, strongly endorsed by Jean-Jacque Rousseau²¹ in *The Social Contract* (1762). The associations were undesirable because they expressed interests narrower than the

²¹ Rousseau, Jean Jacques (1712-1778), Swiss philosopher, the most influential of all 18th century writers in the French language. His most important publications are: *Discourse on the Origin of Inequality* (1753), *The social Contract* (1761) and *Emile* (1762). See *The Encyclopedia Americana International Edition*, Grolier Incorporated, Sanbury, Connecticut, vol.23, pp.811-813.

general good. Recent democratic pluralism had been foreshadowed by, among many others, Alexis de Tocqueville,²² who in his famous *Democracy in America* (1835-1842) implicitly rejected Rousseau in contending that a rich associational life was essential to “democracy.” With its federal system, separation of powers, relatively decentralized political parties, and multiplicity of groups and associations, the United States furnished a setting that was unusually supportive of pluralist interpretations.²³

The works of Robert Dahl and Lindblom’s *Politics, Economics, and Welfare* (1953) as well as Dahl’s *A Preface to Democratic Theory* (1956) and *Who Governs* (1961) shared with classical pluralism an empirical observational approach and a normative belief in limiting the power of the state. However, the new pluralism was developed not in contradistinction to the state sovereignty but to the theory of “elite”. The central assumptions were that there was widespread distribution of political resources, and that different interests prevailed in different political disputes and at different times.

Pluralism was also a reaction to classical democratic theory. It played down the importance of voting as a democratic check and provided an intellectual legitimization of pressure group activity - activity that once had a suspected place in democratic practice. The most famous statement of this version of pluralism is Dahl’s remark, “few groups in the United States who are determined to influence the government - certainly

²² Toqueville, Alexis de (1805-1859), French historian and political theorist. Toqueville’s great essay is *The old Regime and the Revolution* (1856). See *The Encyclopedia Americana International Edition*, Grolier Incorporated, Sanbury, Connecticut, vol. 26, p. 806.

²³ Joel Krieger (edit.), *The Oxford Companion to Political of the World*, p. 705, 706. Also see Ahmet Davutaglu, *Alternative Paradigms*, p. 144.

few who are organized, active and persistent - lack the capacity and opportunity to influence some officials somewhere in the political system in order to obtain at least some of their goals". Also noteworthy is Polsby's comment that there is an unspoken notion in pluralist research that at the bottom nobody dominates.²⁴

Pluralism exists in an ambiguous relationship with Dahl and Lindblom's term polyarchy. Reserving "democracy" as an ideal type, Dahl used the concept of polyarchy as a label for the Western political systems, which approximated to democracy. At some points, pluralism is only component dimension of polyarchy but in *Who Governs*, Dahl himself used pluralism as the natural contrast with oligarchy. Dahl's work does not, to any great extent, rest on the classical pluralists, but his intellectual roots go back to Madison and Tocqueville and their arguments that since a "general will" consensus is unattainable in complex modern states, then organizational pluralism is desirable.

Given that pluralism has been often presented as the ruling intellectual orthodoxy of political science, Dahl's own comments (1984) on the definitional vacuum are significant. About *Who Governs* he wrote "Pace some interpretations, the book was not written to advance a general "pluralist theory of politics", in fact "pluralism" and "pluralist democracy" are not included in the index. In hindsight, it might have been better to set out a more explicit theory, but perhaps not. "Pluralist theory" comes to designate a strange combination of ideas. In fact, a good deal of the "theory" consisted of interpretations by hostile critics. Frequently, the result was a "theory" that probably

²⁴ Vernon Bogdanor. (edit.), *The Blackwell Encyclopaedia of Political Institution*, p. 426.