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THE POLITICAL SYSTEMS OF THE ISLAMIC REPUBLIC OF PAKISTAN AND THE ISLAMIC REPUBLIC OF IRAN: A COMPARATIVE STUDY

BY

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ABSTRACT

Comparative research was conducted on two Islāmic republics – Pakistan and Iran – which represent models, albeit imperfect, closest to 'ideal' modern Islāmic political systems. Their constitutions, and political systems have been assessed to identify strengths, shortcomings and obstacles to becoming true Islāmic states. Both constitutions contain admirable Islāmic provisions but suffer abuse in implementation by elites - feudal landlords and the military in Pakistan, and the conservative *'Ulamā'* in Iran. To rectify this, Islāmic principles that emphasis social rights of the citizenry to basic housing, food, health, education and justice as well as freedom to "call for the good and forbid the bad" and participate in free elections, termed in the West 'democratic rights'. In uplifting the "oppressed", Iran has achieved greater success than in Pakistan although Iran is deficient in civic freedoms. Compared with Iran's popular revolutionary movement, Zia ul-Ḥaq's 1980s' Islāmisation program suffered from a 'top-down' approach without alleviating conditions of the oppressed peasants (*mustaḍ'afīn*). Urgent actions in Pakistan are land reforms and reforming corrupt courts and police in rural areas, ensuring allegiance of the military to civilian rule, and greater efforts on the part of *Ulamā'* in building Muslim unity, and enhancing *ijtihād* skills. The 1973 Pakistan Constitution is now improved through the *18th Amendment 2010* with a parliamentary-style system. With some changes it would represent a good template for many Muslim countries. One proposed amendment would facilitate help to parliamentarians by *fuqahā'* in drafting new laws. In Iran the *Wilayāt-i Faqīh* (Guardianship of the Jurist) system of Ayatullāh Khumaynī, with Supreme Leadership of the State (*Faqīh*) and its powerful Councils filled by *fuqahā'*, has considerable merit but transgresses Islāmic principles in the low level of consultation with parliamentary members, lack of accountability, non-acceptance of criticism, and unfair elections. Khumaynī's original designate to succeed him, Ayatullāh Montazerī, highlighted Khumaynī's errors, his absolutist view of the *Faqīh*'s role and the 1989 extra-judicial killings, while calling for constitutional reforms: reducing the *Faqīh*'s role, while *fuqahā'* leaders, he argued, should be publicly elected from candidates vetted by the *marāj'-i-taqlīd* scholars council.

ملخص البحث

أجريت هذه الدراسة المقارنة علي نظامين اسلاميين هما باكستان و إيران اللتان تمثلان نموذجاً – ولو ناقصاً- هو الأقرب حالياً للنظام السياسي الإسلامي. و لقد شملت الدراسة تقييماً لدستوري البلدين، و كذلك أنظمتهما السياسية وذلك لمعرفة أوجه القوة و القصور والتحديات التي تواجههما بحسبانهما دولتان إسلاميتان. يتضمن دستوراهما أحكاماً إسلامية رائعة لكن البلدين يعانيان من إختراقات لبعض حقوق الإنسان من قبل النخبة السياسية، و ملاك الأراضي و العسكر في باكستان، و من قبل العلماء المتشددين في إيران. و لتصحيح هذه الأوضاع يجب التركيز علي المبادئ و الحقوق الإسلامية الأساسية و هي حقوق المواطن من سكن، و غذاء، صحة، وتعليم، و عدالة، و حرية لممارسة "الأمر بالمعروف والنهي عن المنكر" و أن يختار من يمثله في إنتخابات حرة يسميها الغرب "الحقوق الديموقراطية". لقد تفوقت إيران و نجحت أكثر من باكستان في رفع المعاناة عن المستضعفين علي الرغم من أنّ رصيدها في صيانة الحريات المذكورة أعلاه كان ناقصاً. إذا أجرينا مقارنة بين ثورة إيران الشعبية و برنامج ضياء الحق الذي تمّ عام 1980 في باكستان ، نجد أنّ هذا البرنامج قد أجرى "من أعلى إلي أسفل" إلاّ أنه لم ينجح في رفع المعاناة عن كاهل الفلاحين. من الأمور العاجلة في باكستان اصلاح نظام الأراضي وكذلك إصلاح الفساد القضائي بين الشرطة في المناطق الريفية والتأكد من أنّ ولاء الجيش يكون أولاً وأخيراً للحكم المدني. أما جماعة العلماء المتحاربة فينبغي أن يبذل جهد لتوحيدهم و تطوير ملكاتهم الإجتهادية. إنّ الأسس القانونية لإصلاح الأراضي يجب أن تتضمن تقييماً للمصالح ألتي حصل عليها الإقطاعيون من الإستعمار الإنجليزي. هذا وقد تم تحسين دستور باكستان وذلك بموجب التعديل الثامن عشر الذى صار النظام به نظاماً برلمانياً وذلك في عام 1973. و مع تعديلات بسيطة يمكن لهذا الدستور أن يكون بمثابة نموذج دستوري لدول إسلامية كثيرة. و فى شأن هذه التعديلات يرى الباحث مساعدة الفقهاء للبرلمانيين بكتابة مسودة جديدة. أما في ايران فقد كان للنظام المسمّى "ولاية الفقيه" الذي إتخذه الإمام آية الله الخميني مزايا كثيرة حيث أن مجلسه الأعلى يستمد سلطته من الفقهاء أصحاب الفضل لكنه تعدى على المبادئ الإسلامية لما انطوى عليه من ضعف فى الشورى مع أعضاء البرلمان، و انعدام المحاسبة ، و عدم قبول أي ملاحظات نقدية و إجراء إنتخابات غير عادلة. لقد إختار الإمام الخميني في الأصل آية الله منتظري خلفا له، فكشف عن أخطاء الخميني في نظريته عن ولاية الفقيه و على إرتكاب القتل بدون محاكمة وذلك في عام 1989، وطالب باصلاحات دستورية تتضمن تقليل نفوذ الفقهاء، و ان يتولوا مهامهم نتيجة انتخابات عامة يشرف عليها مجلس مراجع التقليد.

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 Arts (Islamic and Other Civilizations).

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DECLARATION

I hereby declare that this thesis is the result of my own investigations, except where otherwise stated. I also declare that it has not been previously or concurrently submitted as a whole for any other degrees at IIUM or other institutions.

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LIST OF ABBREVIATIONS

Abbreviation	English	Persian/Urdu/Arabic
ANP	Awami National Party	
Art.	Constitutional article	
AS	On whom be peace	Allahi as-salām
ASJ		Ahl as-Sunnah wa'l Jamā'ah
BBC	British Broadcasting Corporation	
BC	Before the Birth of Christ	
CCI	Council of Common Interest	
CIA	Criminal Investigation Agency	
CII	Council of Islamic Ideology	
COAS	Chief of Army Staff	
CSIS	Center for Strategic and International Studies, Washington, D.C.	
CPI	Constitutionalist Party of Iran	
CPI	Corruption Perceptions Index (Transparency International)	
d.	died	
DCC	Defense Committee of the Cabinet	
DI	Democracy Index	
EIU	Economist Intelligence Unit	
ESCAP	United Nations Economic and Social Commission for Asia and the Pacific	
FATA	Federally Administered Tribal Areas	
FSC	Federal *Sharī'at* Court	
GDP	Gross Domestic Product	
GHQ	General Head Quarters	
GNP	Gross National Product	
H	Muslim *Hijri* Calendar	
HBFC	House Building Finance Corporation	
HDI	Human Development Index	
HPI	Human Poverty Index	
ICA	Islāmic Consultative Assembly	Majlis-e Shūrā Islām
ICP	Islāmic Coalition Party	Hezb-e motalefeh-ye eslami
ICP	Investment Corporation of Pakistan	
IDA	Islāmic Democratic Alliance	
IDEA	International Institute for Democracy and Electoral Assistance; Stockholm, Sweden	

IFM	Iranian Freedom Movement	
IIPF	Islāmic Iran Participation Front	Hezb-e mosharakat-e eslami
IJT	Islāmic Student Movement	Islāmī- Jamā'at-i-Tulābah
IMF	International Monetary Fund	
Ind.	Independent	
IPG	Independent Parliamentary Group	
IRGC	Islāmic Revolutionary Guards Corps	
IRIP	Islāmic Republic of Iran Broadcasting	
IRP	Islāmic Revolutionary Party	
IRP	Islāmic Republican Party	
ISI	Inter-Services Intelligence	
JI		Jamā'at-e- Islāmī
JRM	Militant Religious Scholars' Association	Jame'-e ruhaniyat mobarez
JUH		Jamī'at-ul 'Ulamā'-i Hind
JUI		Jamī'at-ul 'Ulamā'-i Islām
JUI-F		Jamī'at-ul 'Ulamā'-i Islām – Fazlur Rehmān
JUP		Jamī'at-ul 'Ulamā'-i Pakistan
LFO	*Legal Framework Order*	
MDG	Millenium Development Goals	
MEK		Mujahidin-e Khalq
MFLO	*Muslim Family Law Ordinance 1961*	
MIRO	Mujahedin of the Islāmic Revolution Organisation	
ML	Muslim League	
MLR	*Martial Law Regulation*	
MMA	United Action Alliance	Muttahīda Majlis-e-'Amāl
MQM	National Refugee Front	Muhājir Qaumi Mahaza
MQM		Muhājir Qaumi Movement
MRD	Movement for the Restoration of Democracy	
MRM	Combatant Religious Scholars' Party	Majma'-e ruhaniyun-e mobarez
N/A	Not Available	
NA	National Assembly	
NAB	National Accountability Bureau	
NATO	Northern Atlantic Treaty Organisation	
NCA	National Command Authority	
NFMI	National Freedom Movement of Iran	
NGO	Non-government organisation	
NRB	National Reconstruction Bureau	
NRO	National Reconciliation Ordinance	
NSC	National Security Council	

NWFP	North-West Frontier Province	Khyber-Pakhtoonkhwa
OECD	Organisation for Economic Co-operation and Development	
OIC	Organisation of the Islāmic Conference	
PBUH	Peace Be Upon Him	
PCO	*Provisional Constitutional Order 1981*	
PDA	Pakistan Democratic Alliance	
PII	Political Instability Index	
PIF	Pakistan Islāmic Front	
PLS	Profit and loss sharing	
PML	Pakistan Muslim League	
PML-N	Pakistan Muslim League-Nawaz Sharīf	
PML-Q	Pakistan Muslim League-Quaid	
PMOI	People's Mojahedin Organisation of Iran	
PPP	Pakistan People's Party	
PPP	Purchasing Power Parity	
PPPP	PPP Parliamentarians	
PRG	Provisional Revolutionary Government	
RA	On whom may Allāh be pleased	Radiallāhu anhu
RCO	*Revival of the Constitution of 1973 Order 1985*	
RGC	Revolutionary Guards Corps	
S	Peace (and Blessings of Allāh) Be Upon Him	Salallāhu alayhi wa-salām
S	Thesis section reference	
SAB	*Sharī'at* Appellate Bench	
SAVAK	Shāh of Iran's hated intelligence organisation	
SCC	Special Clerical Court	
SWT	Be Glorified and the Most High	Subhana wa Ta'āla
UNDP	United Nations Development Program	
US/USA	United States of America	

CHAPTER ONE

INTRODUCTION

> *Efforts towards developing political, constitutional, economic and educational concepts of Islam and their application in contemporary society are one of the fruits of the emergence of Pakistan as an Islamic state. A comparative study of the constitutions of Pakistan, Iran and Sudan* [signify] *efforts to translate Islamic ideals and values into contemporary constitutional and policy parameters*. Khurshid Aḥ mad.[1]

1.1 STATEMENT OF THE PROBLEM

The ineffectiveness of governments in many Middle Eastern Muslim countries to address the major issue of unrepresentative autocratic rule has strengthened the yearning of the *Ummah* for Islāmic political systems. A comparison then of the political systems of two leading Muslim countries that aspire to follow an Islāmic System of Government - Pakistan and Iran - will, it is believed, provide valuable insights. It should be kept in mind that these countries differ strongly in representing the main divide in the *Ummah* - the Sunnī and Shīʿa systems.

1.2 STATUS OF THE STUDY

The objectives of the Study are to investigate:

1) The foundations of the political systems in the two countries;

2) The structures and working of the systems in the two countries;

[1] Khurshid Aḥ mad, "Pakistan: Vision and Reality, Past and Future", *The Muslim World*, vol. 96, no. 2 (2006): 372.

3) The study would highlight some of the practical difficulties in applying theoretical concepts on polity to Muslim communities;

4) The study would look at how close each country's system approaches the Islāmic ideal, which will provide valuable pointers towards optimal operational Islāmic political systems.

1.3 LITERATURE REVIEW

There is a vast literature on the political systems of both Pakistan and Iran. A number of **comparative political studies** of Pakistan and Iran are available. Moḥammed Ayoob's (1979) "*Two Faces of Political Islam: Iran and Pakistan Compared*"[2] provided an early account of the experiences with Islāmic political systems of the two countries, albeit from a Shī'īte perspective. One of his statements to be reviewed is that military dictatorships in Pakistan, in particular that of Zia ul-Ḥaq, made use of Islāmisation slogans to "legitimize a patently unjust order and to bolster a regime demonstrably without a popular base." On the other hand, Khumaynī had stressed the need for social justice and radical change.

Another comparative view is that of Professor Abdul Rashīd Moten (1996)[3] who provided a succinct analysis why the Iranian experiment in Islāmic government was more successful than in Pakistan:

> Unlike Mawdudi, who had no tradition to build on, Khomeini inherited and made use of the reformers' ground breaking tools and ideas, which he supplemented with his own personality and knowledge. Furthermore, unlike Sunni Muslims, a strong revolutionary component has been inherent in the Shiite school of thought. They consider only the Imāms and those whom they appointed to be the legitimate holders of authority. All others are illegitimate, and therefore must be resisted.

[2] Moḥammed Ayoob, "Two Faces of Political Islam: Iran and Pakistan Compared", *Asian Survey*, vol. 19, no. 6 (1979): 535-545.

[3] Abdul Rashīd Moten, *Political Science: An Islamic Perspective*, (London: Macmillan Press Ltd, 1996).

> Finally, Mawdudi's efforts were consumed at winning the Western educated Muslims to the Islāmic fold, a task which Dr 'Alī Sharī'atī performed successfully for Iran. The masses, in the absence of any meaningful contribution by the 'Ulāmā' to the cause of the movement, remained relatively untouched and as such the Jamā'at could never win mass support in any election. In the case of Iran, the 'Ulāmā' played an important role in galvanising mass support for Imām Khumaynī who himself was an *'ālim* of the highest order.[4]

Constitutions of Pakistan and Iran were available at the following websites:

Pakistan - www.pakistani.org/pakistan/constitution/

Iran - www.iranchamber.com/government/laws/constitution.php

For the **Islāmic Republic of Pakistan**, a review will be made of the roles of the "Founding Fathers," Allama Iqbāl and Quaid-i-Zaman Jinnah. Anwar Ḥussain (1982) provided the following background about the two men who were instrumental in developing the concept of the Nation of Pakistan:

> Muhammad Iqbal (1877-1938), the poet-philosopher…began advocating the idea of Muslim nationhood in India soon after the beginning of the [1900s] and proposed a separate Muslim state in 1930. M.A. Jinnah (1876-1948), president of the Muslim League and the great leader of the Indian Muslims, later adopted Iqbal's exposition of Muslim nationalism and provided the negotiating skill, leadership, and mass mobilization that carried this nationalism to fulfillment.[5]

As the effort in Pakistan to develop an Islāmic State in modern times was relatively unique, it will be useful to examine some of the key blueprint documents. Maudūdī (1974) outlined the main characteristics of an Islāmic State:

1) God alone is the real sovereign; all others are merely his subjects.
2) God is the real law-giver and the authority of absolute legislation vests in Him.
3) An Islāmic state must in all respects, be founded upon the law laid down by God through His Prophet. The government which runs such a state will

[4] Moten, 138.
[5] Anwar Ḥussain Syed. *Pakistan. Islam, Politics, and National Solidarity*, (New York, N.Y.: Praeger Special Studies, 1982), 42.

be entitled to obedience in its capacity as a political agency set up to enforce the laws of God.[6]

The role of Islām in the development of the Political System of Pakistan is addressed by John Esposito[7], Tanzilur Raḥman[8,9] and Jeffrey Redding[10]. Pakistan has experienced numerous amendments of its Constitutions. Three constitutions have been promulgated since the formation of Pakistan in 1947: in 1956, 1962, and 1973. The history of their development and amendments is well-covered by Ḥamid Khan.[11]

Fazlur Raḥmān in his article, "*Islam and the New Constitution of Pakistan*", reviewed the development of the 1973 Constitution and highlighted that "this constitution is progressive in its social and economic parts" in providing considerable opportunity for reducing the entrenched power of rulers, landowners and wealthy capitalists.[12] Writer Ziaul Ḥaque (1985) wrote an extremely percipient paper outlining that the real aim of 'Islāmisation' has been to "justify the existing economic relationships and the status quo by obfuscating the immediate socio-economic problems of the masses" in favour of Pakistan's ruling elites.[13]

Redding (2004), focussed on how Pakistan's *Sharī'ah* judicial system that developed during Zia ul-Ḥaq's rule had constructed an "Islāmic" model of

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[6] Abu'l A'lā Mawdūdī, *Political Theory of Islam, 4th edn.,* edited and translated by Khurshid Aḥmad (Lahore: Islamic Publications Ltd., 1974), 19-20.

[7] John L. Esposito, "Islam: Ideology and Politics in Pakistan", in *The State, Religion, and Ethnic Politics: Afghanistan, Iran and Pakistan,* edited by 'Alī Banuazizi and Myron Weiner, (Syracuse, New York: Syracuse University Press, 1986), 333-370.

[8] Tanzilur Raḥman, "Historical Development of the Islamic Provisions in Pakistan's Constitution", *Hamdard Islamicus,* vol. 20, no. 4 (1997): 7-24.

[9] Tanzilur Raḥman, "Islamization of Laws", *Hamdard Islamicus,* vol. 24, no. 1 (2001): 94-95.

[10] Jeffrey A. Redding, "Constitutionalizing Islam: Theory and Pakistan", *Virginia Journal of International Law,* vol. 44, no. 3 (2003-2004): 759 - 827.

[11] Ḥamid Khan, *Constitutional and Political History of Pakistan,* (Karachi: Oxford University Press, 2001).

[12] Fazlur Raḥman, "Islam and the New Constitution of Pakistan", in *Contemporary Problems of Pakistan,* edited by J. Henry Korson, (Leiden: E.J. Brill, 1974), 44.

[13] Ziaul Ḥaque, "Chapter 5. Islamisation of Society in Pakistan", in *Islam, Politics and the State,* edited by Mohammad Asghar Khan, (London: Zed Books, 1985), 114, 121.

constitutional and legal governance.[14] He pointed out that although Articles 227-231 of the Constitution established a "Council of Islamic Ideology" whose general function is to see that "all existing laws shall be brought into conformity with the injunctions of Islām", its effect is severely limited by provisions of certain articles.

The role of nationalist sentiment in ensuring political stability is discussed by Anwar Ḥussein (1982) who made the point that "The promise of an Islamic state in Pakistan cannot be relied upon to build national solidarity … Pakistanis are more likely to unite behind a program that aims to establish democracy and freedom, expand intellectual inquiry and knowledge, eradicate hypocrisy and corruption, encourage creativity, increase production, and promote egalitarianism in the name of Islam."[15] He had argued against the ability of the Pakistani '*Ulamā'* to 'rule' if an Islāmic state is established since they are mostly (i) "considered incompetent to manage worldly affairs", and (ii) "few… are known for their scholarship in the world of Islam". It is significant that the outcome of the debate Zia ul-Ḥaq invited in 1980, was that Pakistani leaders including the political *Ulamā'*, were unanimous in their endorsement of parliamentary government as consistent with Islām

For the study of the background to the development of the **Islāmic Republic of Iran**, the lectures delivered by Ayatullāh Khumaynī, and collected under the title "*Islamic Government,*"[16] are essential reading. The lecture series was delivered at Najaf, Iraq in 1970 while Khumaynī was in exile. Three major points emerged from the lectures: (i) the necessity for establishing Islāmic political institutions (ii) the duty of the religious scholars (*fuqahā'*) to bring about an Islāmic state, and to assume

[14] Redding, 768.
[15] Anwar, 187-188.
[16] Ayatullāh Ruḥ ūllāh Khumaynī, *Islamic Government: Governance of the Jurist,* translated by Ḥamid Algar, www.al-islam.org/islamicgovernment (accessed 07/11/2010)

legislative, executive, and judicial positions (doctrine of "Guardianship of the *Faqīh*", *wilāyat-i-faqīh*), and (iii) a program of action for the establishment of an Islāmic state.

Professor Muddathir 'Abd al-Rahīm has provided a useful overview of the special conditions in Iran that paved the way for the Islāmic Revolution. He highlighted the role of Jalal Āl-e-Aḥmad and his seminal work, "Gharbzadegi" (translated as "Westoxication"), that "did undoubtedly succeed in shaping and laying some of the most important building blocks of a process that was continued after his death in 1969 by Ali Shariati (1933-1977), Morteza Motahhari (1920-1979), Sayyid Mahmud Taleqani (1910-1979), and Mahdi Bazargan (1907-1995)."[17] Āl-e Aḥmad maintained that the *'Ulamā'* held qualities that rendered them superior as leaders of socio-political reform: (i) they are men of learning, and (ii) they were mainly drawn from the lower classes so tended to speak the language of the masses, and were more readily trusted by the people.

Development of the Iranian Constitution and subsequent changes are discussed by Said Arjomand[18] and Asghar Schirazi[19]. There is a substantial literature on the issues of Iran's unique parliamentary political system, and the Reform Movement. Meḥdī Moslem's (2002) "*The State and Factional Politics in the Islamic Republic of Iran*" provides a clear picture of the main political factions in Iran, which – although supportive of Khumaynī, the revolution, and Islāmic Government – disagree on the precise nature of its political system.[20] By placing the word 'republic' next to the term 'Islāmic', as in Islāmic Republic, on the eve of the revolution, Khumaynī gave two

[17] Muddathir 'Abd al-Rahīm, *Human Rights and the World's Major Religions, Volume 3: The Islamic Tradition,* edited by William H. Brackney, (Westport, USA: Praeger Publishers, 2005), 120-121.
[18] Said Amir Arjomand, *Shi'ite Jurisprudence and Constitution-making in the Islamic Republic of Iran* (American Sociological Association Conference, 1990).
[19] Asghar Schirazi, *The Constitution of Iran: Politics and the State in the Islamic Republic,* translated by John O'Kane (London, New York: I.B. Taurus, 1998).
[20] Meḥdi Moslem, "The State and Factional Politics in the Islamic Republic of Iran" in *Twenty Years of Islamic Revolution: Political and Social transition in Iran since 1979*, edited by Eric Hoogland, (Syracuse, New York: Syracuse University Press, 2002), 19-35.