

THE RIGHT OF POLITICAL OPPOSITION IN ISLAMIC HISTORY AND LEGAL THEORY: AN EXPLORATION OF AN AMBIVALENT HERITAGE

Ahmet Alibašić¹

Introduction

This essay explores the ambivalent Islamic heritage pertaining to the issue of political opposition, and ventures to find out how contemporary Islamists in the Arab world use it in defining their respective position *vis-à-vis* the validation of opposition.

The notion of political opposition is not completely strange to classical Islamic thought, but, construed as a formally protected legal opposition, it is. Islam as religion and civilization is not lacking tenets of pluralism.¹ There is abundant "conceptual and ideological resources available for programs of democratization in the Islamic tradition."² As Eickelman and Piscatori have observed, Islam knows of both protest and bargaining politics,³ and possesses potentiality both for liberalism and totalitarianism.⁴ Support for both quietism and activism can be found in the

¹ Robin Wright, "Islam and Liberal Democracy: Two Visions of Reformation," *Journal of Democracy* 7, no. 2 (April 1996). 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, henceforth cited as *Islam: Opposing Viewpoints*.

² John L. Esposito and John O. Voll, *Islam and Democracy* (New York: Oxford University Press, 1996), 7, 22, 51. See also *idem*, "Islam Has Strong Democratic Traditions," in *Islam: Opposing Viewpoints*, 111-19.

³ Dale F. Eickelman and James Piscatori, *Muslim Politics* (Princeton: Princeton University Press, 1996), 108-35.

⁴ 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*.

Qur'ān and the Sunnah, says Bernard Lewis.⁵ As in other 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.⁶ Thus, Islamic sources with regard to the issue under discussion are ambivalent, giving *mujtahids* much latitude in formulating their opinions. Given the multifaceted nature of the phenomenon of political opposition, this ambivalence seems only natural.

In the ongoing debate on the issue of opposition, a number of Shari'ah principles, institutions, and precedents from the early Islamic history have been invoked as evidence supporting one opinion or another. In order to facilitate the analysis of the arguments presented, as well as their comparison, a brief account of the major affirmative and negative evidence is necessary. Most of this evidence was known and expounded in classical 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 *talfiq*, in order to fit such evidence into their arguments.⁷ 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 not be a problem.⁸

⁵ Bernard Lewis, *Political Language of Islam* (Chicago: The University of Chicago Press, 1988), 91-92.

⁶ 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 Goldberg, Resat Kasaba and Joel S. Migdal (Seattle: University of Washington Press, 1993), 248; Esposito and Voll, *Islam and Democracy*, 22-23.

⁷ Muddathir 'Abd al-Rahīm, *The Development of Fiqh in the Modern Muslim World* (Kuala Lumpur: IKIM, 1996), 40-42, hereafter cited as *The Development of Fiqh*.

⁸ 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"; Hashim Kamali,