

# Islam's Attitude towards Democracy

## Comparative Study in International Human Rights Law

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### Abstract

Democracy was established in the Greek cities in the fifth century B.C. It is a liberal western system. In this regard, various Islamic countries applied democracy as a political and legal system where the people elect their representatives in the legislative authority in order to put the legal regulations that organize the human behavior.

The research included a brief idea about liberal democracy, its history and objectives, the political and legal system in the Islamic state, the dispute among Muslim scholars on the application of democracy in the Islamic states; some Muslim scholars refuse to apply democracy since the legal system in Islam relies on the Holy Qor'an and the Prophet's speeches, which are a binding regulation for Muslims, while other authors believe that Islam accepts democracy and others think that Islam should have its special democracy that differs from the liberal democracy. This paper discussed the political and legal systems that were applied the Islamic state during the history of Islam. Finally the paper presented the most conclusions and recommendations reached by the researcher.

**Keywords:** democracy, Islam, governor, state, Sharia rules, Qor'an, Imam

### 1. Introduction

Although democracy emerged in Greek cities more than eleven centuries before Islam, the Prophet Monammad used to visit Levant that was dominated by the Greeks in the Arab region, but for trading purposes, and he saw the Greek democratic system were applied in Levant, but the Prophet did not take democracy a basis for the political Islamic system, as with all other religions that preceded Islam, such as Jewish and Christianity. However, the regulations that organize human behavior have been issued and sent by God Al-Mighty, and man has to apply them as is (as issued and sent by God) to be applied it to Muslims.

Since the emergence of Islam in the 7<sup>th</sup> century A.B, the Islamic state was based on Khilafa. After the Khilafa, Muslims applied the inherited system to transfer the authority, while Islamic Shari'a was applied on Qor'an and the Sunna and the diligence in the matters that were not mentioned in the Qor'an and Sunna.

**Significance of the Research:** After the collapse of the communist Block in 1990, the expiration of the dictatorships, the emergence of new democracies in most of the world countries (including a number of Islamic countries), the Islamic peoples should know what is democracy so as to cope with the modernized world and to build a well- developed civilization, that gathers between Islam and democracy.

**Problem of the Research:** Islam is a heavenly religion as the legal regulations are sent by God, and Muslims have to obey and apply such regulations as issued by God, otherwise, they will be punished in life and the last day. This contradicts with the essence of democracy which stipulates that people shall choose their representatives in the parliament in order put the rules that organized the people's social behavior. Since obeying God's instructions is a must, and people have to obey the rules proposed by the legislative authority is a duty, then it is necessary to solve this problem and coordinate between these two contradictions and achieve cohesion between both of them.

**Methodology of the Research:** The researcher used theory and application of democracy, as well the rules of governance in Islam, the practical application of the political system in Islam during the last fourteen centuries

with the need to coordinate between those two different aspects.

**Plan of the Research:** The papers discussed the concept of democracy and the state in Islam, the variance and disagreement of the Muslim scholars in applying democracy, and the practical application of the ruling system in Islam. The paper was divided into five main topics.

## 2. Concept of Western Democracy and Islamic State

### 2.1 The Concept of Western Democracy

Democracy is a Greek term consisting of two words, namely: Demos (which means the ordinary people) and "Kratia" (which means rule – Democrazia) "peoples' rule", has emerged in the fifth century B.C in the Greek cities, especially Athens<sup>(1)</sup>. However, the ideal democracy is what is called the direct democracy, where some people say it was practiced in Athens<sup>(2)</sup>.

In this regard, Athens was the first democratic state during the fifth century B.C., and was called the direct, since the people (the nobles) used to meet forty times a year to discuss all important political issues in a direct discussion and to issue their decisions. The reason is that those who established the democratic system are few people who decide the ones to be included in the title of the governing people and those who should not. Accordingly, they excluded females, slaves and anyone who was not of Athens origin regardless of his or her period of stay in this city. As a result, those who have no right to participate in politics are very few people. It was enough to consider the meeting as convened to be attended by six thousand out of thirty six members. This means that the decisions taken in such meeting/s were the ones taken by all this group which had the right to rule and govern. The period of such meeting did not exceed ten hours. Consequently, all people were not able to participate in the discussion, but the one who speak are their leaders, while the others are followers<sup>(3)</sup>.

When democracy was revived once again in the 18<sup>th</sup> century in Europe, it was impossible to a democracy like Athens due to the rapid increase of the population and difficulty of gathering them<sup>4</sup>. However, instead of saying that democracy means (peoples' governance) is impossible now, it was proposed to say: the modern democracy, the indirect democracy, or a representative democracy, where people choose a limited number of people to represent them and to govern under their name on their behalf. Democracy takes various kinds, as most of the current application is the Liberal democracy<sup>(5)</sup>.

In many cases, a kind of confusion takes place between democracy and the common freedoms; democracy is one of the rights branching from the political rights which a person enjoys and it means people's governance<sup>(6)</sup>, and for this reasons, the International Declaration of Human Rights<sup>(7)</sup>, as well as the International Treaty for Civil and Political Rights were found<sup>(8)</sup>.

This means that everyone has the right to engage in the management of the public affairs of his country, whether directly <sup>(9)</sup>, or by representatives who are chosen freely from the persons nominated for this task. From a practical perspective, the political corruption and using the power for personal interests, as well as the social discrimination are still among the most significant problems that threaten the human society everywhere while there is a differentiation in applying the political systems in this field.<sup>(10)</sup>

On the other hand, democracy in essence relates with the culture of accepting the other and it is possible to say: no democracy without accepting the other. For this reason, the states that intend to apply democracy, establish a generation that accepts the other, through educational, cultural and media programs. Afterwards, democracy can be applied, otherwise, democracy will be a tragedy against the people and state.

In the west, democracy is strongly related with the community culture that differs mainly from the community

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<sup>(1)</sup> O'Donnell, G., In Diamond, L.; Morlino, L., *Assessing the Quality of Democracy*, JHU Press, 2005, p. 3.

<sup>(2)</sup> Raaflaub, Kurt A.; Ober, Josiah; Wallace, Robert W. (2007). *Origins of Democracy in Ancient Greece*. Berkeley: University of California Press.p.5.

<sup>(3)</sup> Robert A. Dahl, *Democracy and its Critics*, Yale University Press, 1989, p17.

<sup>4</sup> Farrar, C., *The Origins of Democratic Thinking: The Invention of Politics in Classical Athens*, CUP Archive, 25 Aug 1989, p.21.

<sup>(5)</sup> Jaafar Sheikh Idris(1414AH), democracy is name with out fact, the Journal of Albein, No. 196, December, p 1.

<sup>(6)</sup> Al-Fatlawi, Suhail Hussein (1987) *Democratic Republic*, Saad Press Baghdad, p. 3.

<sup>(7)</sup> The first paragraph of Article (21) of the Universal Declaration of Human Rights 1948.

<sup>(8)</sup> The first paragraph of Article 25 of the Universal Declaration of Human Rights in 1948.

<sup>(9)</sup> Alain- Gerard Slama (2002). *La regression democratique*, Perrin, Paris.p.199.

<sup>(10)</sup> Hafiz Muhammad Yaqub, *destruction and significance in the culture and democratic embolism, house home*, Palestinian Institute for the Study of Democracy, Ramallah, 1997, p. 157.

culture in the Arab and Islamic states. The western society does not accept the Muslim while performing his prayers in the mosque, or the Muslim woman who wears Islamic clothes (e.g. veil) as we saw in Fanch. The western people consider such things/acts as unaccepted and contradict with their values and habits. On the other hand, they consider prostitution houses as expressing the highest level of man's freedom and for this reason, we find the man who are nominated for the western parliaments visit such houses to make electoral campaigns and promise the women to provide better job opportunities.

Moreover, liberal democracy may take different legislative forms (e.g. : a constitutional republic like France, Germany, India, Ireland, Italy or USA, or may be in the form of a constitutional kingdom such as: Spain, Holland, Canada or UK. Another model might take a presidential system like Brazil, Mexico or USA, or semi-presidential system like France, or a parliament system like Australia, Canada, India, Italy, New Zealand, Poland, Holland and UK.

For this reason, democracy is not related with the shape of the existing political system but by choosing the legislative authority to put laws and establish the executive body. In this vein, many countries with different religions, ethnicity and political systems apply the term "democracy".

## 2.2 The Concept of State in Islam

It is impossible to apply democracy except within the context of a state, where people choose the authority that puts laws, where investigating the concept of the Islamic state is a complex issue. Muslims did not know the term state (الدولة)<sup>(11)</sup> but they knew the term of the Khilafa (Caliph), Kingdom, Sultanate, Imara and Tribe<sup>(12)</sup>. Some old scholars examined the features of the Islamic state<sup>(13)</sup>, while others<sup>(14)</sup> attempted to propose the implications of the Islamic state, such as the book titled "Khilafa (Caliph) and the nation's authority" during the Ottoman empire, which stated the following: in fact, Khilafa (Caliph) is a secular issue more than a religious one. As evidence for that, we do not find in the Holy Qor'an or Sunna, a clear text that indicate to one of its regulations, nor it a must or a need<sup>(15)</sup>. Authors disagree on the concept of the state in Islam; some of them call it as (the state), while others call it (the state of Muslims)<sup>(16)</sup>. Others disagree on the establishment of the Islamic state, since there are texts in the Holy Qor'an and Sunnah<sup>(17)</sup> which organize this term. By the term (the state of Muslims), it means the state of the Muslim people, but not the state of Islam, since Islam is not a state.

Other scholars differentiate between the concept of the political order and the concept of the Islamic state, whereas others think that the establishment of the Islamic state is required by mind, imposed by the status and the nature of incidents. In this regard, some scholars say: it should be known that being a ruler for the needs of people is more than the duties of religions, no, but religion can not be established without it; the interests of people can be achieved since they need each other, and their should be a ruler to organize and satisfy such needs.

In this regard, Prophet Mohammed (PBUH) said: if three went in a travel, they should nominate a leader from

<sup>(11)</sup>For details on the Legal Personality of the state in Islam, see: Fatlawi dr. Suhail Hussein (2014), The International Legal Personality in Islam, in a comparative study of Public International law, the International Encyclopedia of Islamic law, the House of Culture of Oman, p. 16 et seq.

<sup>(12)</sup>State (الدولة) language: the consequence in the property, or the war, and the sense of money: Allah says: "So as not to be a state between the rich of you." Al-Hashr verse 7.

State in the Arabic language to refer to prevail. Review:

Fahd bin Abdul Aziz bin Abdullah Snaidi(1429AH), the dialogue of civilizations (nodal study in the light of the Quran and Sunnah), Ph.D. thesis presented to the King Saud University, Department of Islamic Studies, Faculty of Education, p. 270

It was said that the Pakistani researcher (Kamaruddin Khan) used the term Islamic state 'Islamic State before the twentieth century. Review Khan, Qamaruddin (1982). Political Concepts in the Quran. Lahore: Islamic Book Foundation. p. 74.

The name of the Islamic State also reported by Abu Ali Mawdudi (1903-1979), a Pakistani Muslim cleric political foundations, the Islamic Group party. Review:

Nasr, S.V.R. (1996). Mawdudi and the Making of Islamic Revivalism, Ch. 4. New York: Oxford University Press, p.20.

<sup>(13)</sup>Decline in these books jurists: ornament layers Alosfia, Abu Naim Ahmed bin Abdullah al-Alasfahaani (Died 430AH) i: Press Alsada, Cairo 1394. , P. 4. Abscess - the judge Abu Yusuf Yaqub ibn Ibrahim (113-182 AH) Edition IV. The Alsalafia printing press and and library. Cairo 1392, p. 6.

<sup>(14)</sup>Modern scholars for example: Great Caliphate or Imamate, By Muhammad Rashid Rida. Al-Manar Press, Cairo( 1341 AH), p. 6 et seq., And and property, by Abu Alala Mawdudi . Arabization Ahmed Idris. First Edition. House science. Kuwait 1398, p. 5, et seq. And State in Islam, by Khalid Muhammad Khalid. : First edition, Dar Thabt, Cairo 1401. P. 11.

<sup>(15)</sup>A group of Turkish scholars, Caliphate authority and the nation, Arabization of Sunni Abdul Ghani, Press Alhlal, Cairo.1342 AH. Pp. 1-3.

<sup>(16)</sup>Alafandy Abdul Wahab(2001), Islam and modern state, the House of Alhkma, 1ed. London, p. 183.

<sup>(17)</sup>Chehabi, H. E. (1991). Religion and Politics In Iran: How Theocratic is the Islamic Republic?. Daedalus, Vol 120, No. 3, Summer 1991, pp. 69-91.

themselves<sup>(18)</sup>. Islam created a specific social order, which resulted in establishing the government<sup>(19)</sup>.

Other researchers consider that the Islamic state is the third way in world of countries; it differs from the capitalism system where the interests of the individual prevail on the interests of the group, as well as a difference from the communist system, where the interests of the individual prevail on the group<sup>20</sup>. In this context, the Islamic state respect the individual's right to live and prosper within the framework of the community's right to survive, not to forget the focus on protecting the poor<sup>(21)</sup>.

The Islamic state is defined as: every plot where the rules of Islam are clear<sup>(22)</sup>. This definition states that the religious system of the only aspect for the state, namely, Islam.

Other scholars believe that Islamic unit is not necessary for the unity of the state; the Islamic state might be divided into other states where everyone posses the requirements of the state to stay. This is a good wisdom since there is no clear text saying that an Islamic state is a one comprehensive unit. God Al-Mighty knows the conditions, nature of the social considerations and the possibility of the emergence of various Islamic states and governments.

### 2.3 Islamic Jurisprudence Differ on Democracy Application

Researchers' perspectives vary regarding Islam's view to democracy; some of them think that Islam a democratic religion, while others believe the opposite of such a perspective<sup>(23)</sup>. Many Muslim scholars reject the western democracy due to the ideological weakening and since Islam have a complete and comprehensive political, social and modern system that does not require to apply the western democracy that enable it to lead humanity to the safe land, without reliance of factors relating to dictatorship of liberalism, not to forget giving a value for the individual on the expense of the society, nor to apply Marxism that give priority to the society and cancel the individual.... But Islam makes progress according to its view to the universe and life with principles taken from the Holly Qor'an and Sunna<sup>(24)</sup>.

On the other hand, the western democracy is not consistent with the Islamic Shari'a in terms of the structure and foundations; the western democracy is a practical expression for the liberal system and took its roots and foundations from the perspective of the individual's originality<sup>(25)</sup>.

Still, others think that democracy contradicts Islam, where the power for legislation is given to the people or their representatives (parliament members). As a result, non- ruling by God, but to the people and their representatives, based on the majority as the agreement of the majority becomes laws binding to the nations, even if they contradict with the nature, religion and mind. In the case of such laws, abortion, marriage of the same gender, bank interests, the cancellation of the religious rules, allowing adultery and taking alcohol were allowed. This intends to fight Islam and Muslims<sup>(26)</sup>. The Holly Qor'an relied on God's saying: Judgment rests with Allah alone. He has commanded you to worship none except Him. That is the right religion, yet most people do not know<sup>(27)</sup>.

Others believe the opposite; they compared democracy with the principles of Justice and Shora (Consultation)

<sup>(18)</sup>Zoheily, Wahba Ben Mustapha (1428AH), Islamic Jurisprudence and their evidence (destruction of evidence legitimacy and doctrinal views. The most important jurisprudential theories and achieve hadith and externalized), Dar Al-Fikr, Damascus, Vol.8, p. 6146.

<sup>(19)</sup>Ahmed Mohammed Aziz (1373), The Concept of the State in Islam, Published in the Journal of (Muslims) Volume IV sixth edition, Scientific Council, Cairo, p. 59

<sup>20</sup> Dr. Khudair, Islam is a religion of moderation, d. Khudair Wednesday, December 10, 2014, the Global Forum for Moderation, <http://wasatyea.net/?q=content>

<sup>(21)</sup>Khair, B.M. "The Islamic Quest for Sociopolitical Justice." In Blackwell Companion to Political Theology, edited by W.T. Cavanaugh & Scott, P. 503-518.

<sup>(22)</sup>Abu Bakr bin Masood Al-Kasaani (1910), Adorable Trades in the order of Legislation, 3rd, House of scientific books Cairo, Vol.7, p. 130.

<sup>(23)</sup>Reviewing all of these views:

Khaled Abou El-Fadi, Islam and Challaeng of Democracy, A Boston Reviw, Princeton University Press, 2004, p8 ss.

Fatima Mermissi, Islam and Democracy, Basic Book, 2002, p. 7ss.

John L. Esposito, Islam and Democracy, Oxford university Press, 1996, p. 11, et seq.

See also: Abdul Razak Abdul Ieed, and Mohammed Abdul Jabbar, democracy between secular and Islam, Dar Al-Fikr, Beirut 1999, p. 10, et seq. And Thea Alchukrgi, triangle Islam, democracy and secularism, Knowledge Foundation publications, Beirut 2003, p. 13, et seq.

<sup>(24)</sup>International Conference of Islamic forms of democracy from the perspective of Islamic doctrines, Journal of Alresala, Qada and DHU\_AL\_HIJJA 1432, No. 88, p. 211

<sup>(25)</sup>Nabavi, Alsed Abbas, (1378), Democratic and Islamic governance, journalof Afaq Islamic civilization, - Number 5, pp. 183.

<sup>(26)</sup>Muhammad Salih Al-Munajjid, the concept of democracy in Islam. <http://islamqa.info/ar/98134>

<sup>(27)</sup>Qur'an Surah Yusuf, verse 40.

and created a term titled: "Democracy of Islam", while some of them claimed that Islam is a precedent in complying with the principles of democracy since it is a sole measure without looking to the cross points, as the Islamic title varies from the western one in terms of the principle" consultation and justice are the sole democracy, and they wrote books and articles recognizing democracy, its advantages and consistency with religion<sup>(28)</sup>.

The supporters of perspective rely on the fact to apply Shora (Consultation) as a philosophy for governance. However, we choose the mechanisms of democracy as tools, systems and organizations. In addition, democracy is the best sayings of the west in terms of the organizational perspective to community and in regards of managing and transferring the authority. This means that applying democracy based on the Shora principle can be achieved by using the mechanisms of democracy<sup>(29)</sup>.

Sheikh Qaradawi states: the essence of democracy- far away from definitins and academic terms- that people choose who rules them and views their matters, but not to impose a ruler or a system they hate, and they should have the right account their ruler if he makes a mistake, to dismiss him if he deviates off the road and to drive people to economic, social, cultural or politic attitudes about which they know nothing nor they accept. If some of them opposes the ruler then he will be severely punished, tortured and killed. This is the essence of real democracy for which the humanity created formulas and practical methods, such as election, poll, the majority on the expense of the minority, multi-parties, the right for the minority to oppose, freedom of media, independence of jurisdiction ... etc.

A person who reflects on the essence of democracy will find that it is an essence of Islam, which does not allow a person who is hated by the people to be their Imam for the prayer, nor they are satisfied about. In the speech of Prophet Mohammed (PBUH): three whose prayers rise above their head one span... first of them: a man who becomes an Imam while people hate him... (narrated by Ibn Maja (971).

Al-Busiri said: Muslims should be trusted and God's fearing. Ibn Hayyana said (377): this is regarding prayers, but how about the matters of life and politics?. In the Sahih speech: the best of your Imams – your rulers- those whom you love and love you- you pray and call for their interest- they pray and pray upon you. The worst of your rulers are those whom you hate and they hate you, you curse them and in return, they curse you (narrated by Muslim from Awf Bin Malik)<sup>(30)</sup>.

This attitude is supported by some Muslim scholars who see that democracy is consistent with religion but not in contradiction in the path or way with Islam. We never known a human alternative for democracy, which considers the interests of Muslim and make us understand Islam, especially if we were not reserved and extremists, live in our age, understand that ideology has been developed and transferred, and it is impossible to imprison the thoughts in an iron jail. For all of that, we will not find our way except through democracy<sup>(31)</sup>.

#### *2.4 Islamic legislation Within The Scope of Democracy*

Islam came in the Arab lands. Do the Arabs have the features of tolerance and accept democracy? If Islam does not apply democracy, then is the application of democracy in the Islamic state contradict with Shari'a, or not. If democracy is a western application, can the Arabs and Muslims wear the turban of democracy without covering their mistakes and negative characters?

It is clear that the essence of democracy is to enable a number of people access a legislative entity (called the parliament) "according to the title given by each country", which sometimes is called the legislative authority. Those members put the laws and choose the executive and jurisdiction authorities according to the constitution of each country. This requires us to review the sources of Islamic legislation (the evidence of rules) and pass them on the democratic method to know the extent of accepting democracy:

1- The texts sent by God: it is clear that the legislative rules sent by God Al-Mighty are those mentioned in the Holly Qor'an and Sunna, which are considered fixed and stable texts that are not subject to the procedures of democracy. It illogical that such rules will be exposed to the decision of the majority or minority; they can not be

<sup>(28)</sup>To review the details see the book: Al-Rifai, Hamid (2007) (Alabieoah and democracy) series versions, Ye number (26) - Publisher: World Muslim conference (WMC). P. 4, et seq.

<sup>(29)</sup> Shams al-Din, Muhammad Mahdi al (1994). In intellectual dialogue on the Secularism, democracy - civil society and Sharia, Beirut: Journal of the dialogue Manber, the ninth year, No. 34, Fall 1994, p. 18.

Also review: Raky Milad, edit the Alkalma journal (Saudi Arabia), Contemporary Islamic thought and the question of democracy, Al-Quds Center for Political Studies, 28/5/ 2014. <http://www1.alqudscenter.org/ar/activities/view/3253/>

<sup>(30)</sup>Yusuf al-Qaradawi, the official website, 12.16.2014. <http://qaradawi.net/new/>

<sup>(31)</sup>Mohammed, katm Mohammed (1998). Readings in religion, Islam, and the times, Beirut: new house,, p. 94103.

proposed for voting. Since these regulations are sent by God, then it is impossible to cancel or amend them by the majority; they should be applied.

Accordingly, there is no democracy in choosing or non-choosing the rules of Islamic Sharia, which are fixed and based on stable religious texts. Based on the rules of this Sharia, Muslims should comply and apply the clear religious rules, and there is not space for the opinion and the other, without putting laws that consider the texts mentioned in the Sharia as they are (as is).

2- The various Sharia rules in which interpretations and view of the scholars: here, there might be a space to apply and choose democracy and apply the good ones for the time and place, provided not to contradict a clear religious text. When view in Sharia vary, the majority may choose the suitable one/s, as long as this does not contradict with the opinions towards Sharia. In such case, the majority may choose the suitable aspects as long as that does not contradict with the rules of Qor'an and the Sunna.

3- The Sharia rules that are based on the traditions: traditions are a source for the Islamic regulations. Various Sharia rules were mentioned in this field, such as: the evidence of traditions was mentioned in the Qor'an in Al-Araf Sora, as God says: (Accept the easing, order with fine jurisprudence, and avoid the ignorant) <sup>(32)</sup>.

Scholars derived rules to recognize the traditions such as: habits and a judge, what is fixed in habits is fixed based on Sharia evidence, and the rules: the known as a traditions is similar to the conditioned", and the known in the traditions is similar to the issues fixed in texts. In addition, scholars said: "anything mentioned in Sharia is an absolute and has no controls nor a language, where traditions have the precedence. The accepted traditions are those which are agreed upon: it is the appropriate tradition that was noted since the companions of the Prophet and those who followed them as they did not violate a legal text nor a basic rule<sup>(33)</sup>. Due to the change of the traditions with the change of times, the rules built on traditions varied too. For this reason, the jurists said in terms of the conditions of diligence: it is necessary to know the peoples' habits; many rules vary with the variation of time and people, or due to a necessity, or as a result to the corruption of the people of that time. If rule stayed as is, then it will cause suffering and damage to the people and will violate the rules of Sharia that is based on facilitation and defending damage and corruption. This aims at keeping the world on its best picture and order<sup>(34)</sup>.

On the other hand, since traditions are based on the peoples' estimation, then no harm that traditions can be included in the field of democracy and to choose the rules and laws by the majority. Accordingly, we think that the field of democracy in choosing the rules and traditions is such a wide and large field.

### 3. Conditions Selecting the Governor and His Authorities

#### 3.1 The Conditions of Choosing the Governor

The scholars' opinions varies in terms of the conditions that should be possessed by the **Governor** (Imam) in his duties. They examined various perspectives, and we would mentioned some of them, but it is worth mentioning that most of them are not agreed upon between the Muslim Faqihs:

- 1- Diligence in the Sharia rules, to be independent in the Fatwa and prove the rules;
- 2- Knowledgeable in the matters of wars, armies and bridging the gaps.
- 3- Self- power and confidence that does not fear of establishing limits, hitting the nicks and provide justice to the oppressed from the oppressor.
- 4- Trustworthy and God's fearing, so as to trust what he says, and since he is more keen to keep the house of money and knows how, when, what and where to spend.
- 5- Adult and mindful.
- 6- Male
- 7- Free, not a slave for others, nor can he be contempt by people and can convince people to accept his opinion.
- 8- Wise, obeyed, can deal with those who disobey him,
- 9- From the tribe of Quraish.
- 10- To handle the allegiance (contract) and a decision maker. He should respond to the proposer that the contract

<sup>(32)</sup>Koran Sura norms, Verse 199.

<sup>(33)</sup>Zoheily Wehbe (1418AH), Enlightening Interpretation in Creed, Sharha and the curriculum, Dar Al-Fiker Almuaser, Damascus, p. 832.

<sup>(34)</sup>Ibid, p. 835.

/ agreement shall not be given for more than one party, based on God's book and the Sunna<sup>(35)</sup>. It was narrated by the Prophet (PBUH) saying: if you choose two Caliphs, kill the other of them<sup>(36)</sup>. The work (kill) here means not to obey him and thus he will become as if killed<sup>(37)</sup>.

Accordingly, the one who shows the conditions of Imama, strong and trustworthy, should be obeyed by all means, whether his Imama was concerned with the owners of solutions and contracts or by using an Imam who claims the right to be an Imam, with the need to use the sword if necessary<sup>(38)</sup>. Imama is not inherited, but it is based on agreement and support<sup>(39)</sup>. In this way, the meaning of agreement is close to democracy.

### 3.2 Choosing Religious Scholars and Governor

There is no class in Islam that can be called religious men, but there is a group of people who are called religious scholars and Imams. In most of the Islamic doctrines there is no one who represents the doctrine or expresses it, but each scholar or Governor (Imam) has followers. In addition, to the political authority, many of the Islamic states employ Mufti who provide answers in the religious issues. In addition, there are scholars who work in military sectors, who are mostly employees recruited and receive their salaries from the state. Those employees are assigned based on conditions decided by the state; they are not subject to the system of democracy in terms of their employment.

This is not the same in the Vatican; the Pope is elected by the Council of Cardinals for the whole life<sup>(40)</sup>.

As for the speaker of the mosques; some countries employ them as employees who report to the Ministry of Awqaf and Religious Affairs. Other countries a specific dignitary is imposed and handles the management of the mosque and speech. In addition, this person spends money from his expense to this mosque, or by the residents of the area where the mosque is located. Here, there is no space to apply democracy in choosing those people.

The choice of the Muslim Faqih or scholar, there is no way to apply democracy in choosing the best Faqih or scholar. Such a choice is subject to the evaluation of persons with a specific feature that is limited only in the Faqihs. They are the only ones who know the person that possesses the requirements of Faqih. As an example, such scientific matters are difficult for the public regardless of the degree of their awareness. In this case the opinion of the public is not considered; no way to apply democracy in choosing such people. Each of them has followers who take them as a model.

### 3.3 The Political Authorities of the Governor in Islam

It is clear that Islam gathers two authorities: the religious and the political on one authority. Prophet Mohammed represents the religious, political<sup>(41)</sup>, as well as the military<sup>(42)</sup>, economic and social leaderships in Madina<sup>(43)</sup>. This Islamic system ended at the end of the Righteous Califs<sup>(44)</sup>, as the religious leadership was separated from

<sup>(35)</sup>Abdullah bin Omar bin Sulaiman Aldmeji, *Imamate Great in the Sunnis and the Community 1407AH --1 987 m, i 1, C 1, p. 160*. Judge; Mohammed bin Abdullah Abu Bakr ibn al-Arabi Almaevri Alshbely Maliki (deceased: 543 e), *The Infallibility of Cutters in achieving Companions positions after the death of the Prophet investigator: Mohib Al-Din al-Khatib and Mahmoud Mehdi Alastnbula*, Dar Algel, Beirut (1407 AH) - 1987, Vol. 1, p 218. and Athad Aldin Abdul Rahman bin Ahmed Aegean, attitudes, Investigator ; Abedl Rahman Amira, Dar Algel, Beirut, 1997, Vol. 3, p. 585.

<sup>(36)</sup>Abu Hussein Muslim ibn al-Hajjaj ibn Muslim Qushayri Alnisabure, *The whole Right called Sahih Muslim*, Dar Algel, Beirut, Vol. 6, p. 23. and; Abu Bakr Ahmad ibn Amr ibn Abd al-Khaliq al-Bazzar, *Masnd Bazzar (Sea Alzachar)*, (deceased: 292AH), Investigator Rahman Zain Alha, library science and governance, Almedina, print (2009), Vol. 14, p. 240.

<sup>(37)</sup>Hamad bin Mohammed bin Ibrahim Al Ktabi Abu Suleiman, *Strange of Prophet Sayings*, Umm Al Qura University Mecca (1402AH), Vol. 2, p. 129. and; Ahmed bin Ali bin Hajar Abou El Fadl Asqalani Shafei Fath al-Bari, *House. explanation of Saheh Albogari*. Dar Almarfa - Beirut (1379AH), Vol. 12, p. 156.

<sup>(38)</sup>Yahya bin Abi Alkir Alumerany ( died in 558 AH), *The victory in the Reply Mu'tazila Alkadria Investigator: Saud bin Abdul Aziz, Alkalaf*, Dar Athoaa Alself, Riyadh 1999, Vol. 1, p 101. and Ali bin Ahmed bin Saeed Abu Mohammed, *Referee in boredom and passions and Alnhal*, Khanji library - Cairo, Vol. 4, p. 128.

<sup>(39)</sup>World Assembly of Muslim Youth, *encyclopedia soft in contemporary religions, sects and parties*. Investigator. Mani bin Hammad Juhani, *House International Symposium*, VOL. 3, p. 27.

<sup>(40)</sup>Pope is elected by the Council of Cardinals for life. This is done in Alsistinah church in the Vatican City. He have executive powers, and absolute legislative and judicial. He also appoints administrative staff to help him to carry out the management of the state every five years.

Gerhard Von Glahan, *Law Among Nation An Introduction to Public International Law*, Macmillan, London 1970. p. 74.

<sup>(41)</sup>Katani, Abdul Hai (2014), *The Method of Prophet's government named arrangement of administrative*, Dar revival of Arab heritage, Beirut, Vol. 1, p. 85. and also see; Amarah, Mohammed (1972), *Muhammad's first Constitution of the Islamic State*, the Journal of Mohammed is New modern glimpse, the Arab Foundation for Studies and Publishing, Beirut. 94 p.

<sup>(42)</sup>Mohammed Faraj(1975), *The Islamic Military Strategy. Theory and practice*. Modern Library publications, Sida, Beirut, p 125

<sup>(43)</sup>Darwaza, Mohammed Izzat (2008), *The biography of the Prophet is Quotation Image from the Koran*, Vol. 2, Alstkama Printing p. 4.

<sup>(44)</sup>Review all Mature Caliphate: Ghurery, Sabri Ahmed Lafi (1998), *Mature Caliphate, The Arab-Islamic history*, Art Accord company for

the military, economic and social leadership starting from Umayyad regime in Damascus<sup>(45)</sup> and Andalus<sup>(46)</sup>, then during the Abbasid regime<sup>(47)</sup>, ending with the Ottoman reign<sup>(48)</sup>.

As a result, the religious establishment was separated from the state, though it was- from a practical perspective collaborating with it. The men of the political, military, economic and social issues seek the help of the Muslim scholars, but it has been evident that the religious authority is separated from the state, and perhaps was subject to violation, marginalization and rejection by the other state authorities.

However, we are living with more weakness and isolation than in the Umayyad, Abbasid and Ottoman times; the democracy we practice nowadays, is whether imposed by force, (which is called the democracy of the fly, or imposed by political or economic pressures that made the world live what is called the age of democracies, and those who do not apply it are considered dictators, oppressors, terrorists or enemies for human rights. However, non-participation in such democracies, deprives the good powers from access to the authority, and it is dominated by those who do not apply justice and rely on the strangers and foreigners. Consequently, we think that it is necessary for the Muslims to engage in choosing their representatives in the authority, which is better than reluctance thereof. Since democracy is a means to access authority but not an objective that govern people and impose the regulations on them, we think that participation in choosing the best for politics, economy and social life does not contradict with the Islamic Sharia, but it is a very important matter.

#### 4. Some Features of Democracy in Islam

It is evident that Islam did not apply the democracies that is known in modern age, but it defined some aspects of democracies, including:

##### 4.1 Electing the Supreme Authorities in the Islamic State

###### 4.1.1 The Political and Religious Authorities

Although Prophet Mohammed unified the religious creed and politics in Islam, but he was keen not to deprive the entities that joined Islam from participation in politics, when the Prophet kept the Kings, Amirs and sheikhs of the tribes who joined Islam in their positions, and sent his companions to educate them the Islamic religions. As an example: the King of Oman, Jefer Al-Jandali; the Prophet Mohammed (PBUH) sent him messages informing that if he joined Islam, he will stay as a king.

In addition, the Prophet sent Amro Bin Al-Aas to teach them religion and so the case with Al-Munthis Bin Sawi, the King of Bahrain. The Prophet sent him a message stating that as long as you are good, we will not remove you from your position. The Prophet sent a message to Hotha Bin Ili, the King of Yamama, stating: get into Islam, you will be safe and you will stay the king of your kingdom<sup>(49)</sup>.

It is noted that Islam gave those states and tribes their political independence and kept their previous systems, while keeping their head and kings, relations, armies and financial applications, regardless whether their people (all of them) joined Islam or had various religions. Moreover, joining Islam by these states and tribes is a religious one. For this reason, most of them had to authorities: the religious (that reports to the center of the Islamic state), and secondly: the political authority which enjoys full independence from the Islamic state, while taking into account the application of Islamic Sharia and applying justice in the ruling. As a result, Islam did not interfere in the way of choosing the kings, Amir and Sheikhs, but left such matters to the people to decide according to the traditions they used to apply prior to joining Islam.

Furthermore, Prophet Mohammed sent various diplomatic memos to the Christian, Jewish and Maji Kings and

printing, Baghdad p. 82. also see; Al-Ali Saleh Ahmed (1988), *The Growth of Cities and distributed in Iraq in the depths of Islamic covenants, (the city and civic life)* the Dar Alhria for Printing, Vol.1, p. 38.

<sup>(45)</sup>Review for the Umayyad Caliphate: Chalabi(1973), Ahmed, *Encyclopedia of Islamic History and Islamic Civilization*, Vol. 2 Egyptian Renaissance Library, Cairo, p. 38. see also; Abdel Moneim Shaker Mahmoud (1998), *Umayyads, the Islamic Arab history*, Alwifag com for Technical Printing, Baghdad, p 107.

<sup>(46)</sup>Abu Omar Ahmed bin Abd Rabbo Andalusian, *Unique Contract*, Vol. 1 Press Committee authoring, Cairo 1948 p. 25. and Hassan, Ali Ibrahim (1963), *Islamic history, the Renaissance library* p. 267.

<sup>(47)</sup> Al-Yassin Mohammed Mofed (1961), *The Abbasids (132-656 AH)*, *The Arab-Islamic history*, Alwfaq com. for printing, Baghdad, p 132. And Carl Brockelmann (1961), *the Islamic Empire and dissolution*, Vol. 2, Beirut p. 7.

<sup>(48)</sup>Review for the Ottoman Empire: Haraz Alseed Recep(1980), *The Ottoman and the Arabian Peninsula State*, Arab Research and Studies Institute, Cairo, p 8. And Atlas Mohammed Asaad(1963), *The History of the Arab Nation Emission era*, Dar al-Andalus, Beirut, p. 28. Tohme Bassem Hattab(2001), *Trade and Diplomatic Relations English Ottoman 1558-1625 Analytical study*, *Etiquette Basra Journal*, No. 20 Year 2001 Basra University, 135 pp.

<sup>(49)</sup>Alkatab, Mahmoud Shit (1989). *Embassies of the Prophet*, Iraqi Academy of Sciences, Baghdad, p. 128.

Amirs inviting them to join Islam <sup>(50)</sup>. However, Mohammed did not begin spreading Islam whether in Mecca or Madina by using armed violence, but started with the diplomatic methods as they are the means that fit with the Islamic Sharia.

#### 4.1.2 Electing the Righteous Caliphs

It is clear that prophecy in all religions was chosen by God Al-Mighty, without interference from man. However, regarding the Caliph in Islam, it began with a recommendation by the Prophet to choose from specific group of individuals one person to handle their leadership. Each of them shall be qualified to be the first Caliph. This is really what had happened in the house Bani Sa'da, by choosing Abu Baker Al-Siddiq (My God be Satisfied with Him) <sup>(51)</sup>. Currently, this is called choosing the elite.

The practical value of this choice is that anyone nominated for this positions knows the other nominee and his ability to be a Caliph.

#### 4.1.3 Choosing the Umayyad, Abbasid and Ottoman Caliphs

After the end of the Righteous Caliphs, Islamic Caliph became by inheritance, whether a vertical that is transferred to the son and the grand son, or horizontal that is transferred to the eldest son then his brothers.

Great Muslim scholars stated that the authority in Islam is the one in which the people of decision and resolution handle and appoint Caliphs and Imams and they dismiss them if necessary. In defining Caliph, Imam Al-Razi said: it is a general presidency in religion and life as one person becomes a president for the nation, and shall be dismissed if he violated the Islamic rules. In addition, such person leads people against the enemies. The main rule for the Islamic state is the greatest political reform for all peoples, decided by the Holy Qur'an during a time when all nation were exhausted by dictator governments who slavered them in religion and life.

The first rescuer was Prophet Mohammed; he never taken a decision in politics or public affairs without consulting the people of opinion and mind, so as to be a model for those who come after him.

#### 4.2 Popular Islam

It is well-known that the western democracy is allocated for the wealthy class that govern and rule other classes of people. It is seldom to find that the poor class handle authority. This is the governed (subjected) class. However, Islam did not begin it call from the top, but from the base of the popular oppressed people. Islam began with the poor prior to the merchants, with the subjected prior to the ruler; with the oppressed before asking the oppressor to abandon being so. During the period where Prophet was in Mecca, Muslims did not use force against the enemies who showed weapons in the faces of Muslims. Islam is the only religion that was sent to the unbelievers. Judaism came to the Sons of Israel, who worshipped the religions of Ibrahim and Jacob, and it is specially sent to the Sons of Israel.

Christianity and Judaism came to save the people from the oppression and deviations of their leaders, while Islam came for the Polytheists, which means to all peoples but not for a specific group of people. This feature alone is a clear evidence for accepting the other; no marginalization, dismissal or extremity for one group without the other.

#### 4.3 Consultation in Islam

Among the aspects of accepting the opinion of other is consultation. God Al-Mighty says: "**Take counsel with them in the matter and when you are resolved, put your trust in Allah. Allah loves those who trust**" <sup>(52)</sup>. Therefore, you have to take their opinions and know what they have. For this reason, God ordered his Prophet to consult (despite his good mind and wisdom and strength of his opinion, Revelation, that his obedience is a must whether the people like it or not.

In this context, some scholars stated: it is specific in the meaning, which indicate: consult them about the issues you know nothing from God. Al-Kalbi said: make seminars with them regarding confronting the enemies and war trick during invasion.

<sup>(50)</sup>Review; diplomatic Prophet Muhammad: Fatlawi, Suhail Hussein (2014) Moral Values in the Diplomacy of the Prophet Muhammad, a Study of Public International Law, International Law and the Islamic Encyclopedia Volume 2, Dar of Culture of Omman, p 270 et seq.

<sup>(51)</sup>Review for the allegiance of Abu Bakr: Abu Alrabee, Suleiman ibn Musa Alklai Andalusian, Sufficiency Including Contents of Prophet invasion and the three Caliphs, Investigator; Mohamed Kamal al-Din Izz al-Din Ali, The world of books com., Beirut 1417, i 1, Vol. 2, p. 354 . see also; Abu Alfida Ismail bin Kther (701-747 AH), Biography of the Prophet, Investigator; Mustafa Abdel Wahed 1396 AH - 1971 Dar knowledge of the printing, publishing and distribution Beirut, Vol. 4, p. 492.

<sup>(52)</sup>Quran, Surah Al-Imran verse 159.

Muqatil and Qatada said: God Al-Mighty ordered to consult the people to purify their hearts; that is better and removes their grudges. If the masters of Arab did not consult the others, then things will become more difficult for them. Al-Hassan said: God knows that the Prophet does not need or have to consult with the people, but wanted this to be a traditions after Him. Aisha (God may be Satisfied with Her) said: I never seen a man more consulting for men than the Prophet of God. In this context<sup>(53)</sup>, consultation is more similar to the term democracy.

Furthermore, scholars said: who does not consult the people of science and religion, should be dismissed (there is no disagreement on that). Various speeches were mentioned about consultation. However, He used to consult the people in the matters of war, delegations, legal or illegal matters, or a limit. Those are laws of regulations. **"We have neglected nothing in the Book"**. In addition, Shora (consultation) is based on the variation of opinions, as the consulter thinks the opposite and chooses the best, so if God guides him for something, then he will decide to do and made him rely on God. In this verse, God ordered His Prophet. The feature of consultant (in the rules) is that he should be a knowledgeable and religious, which rarely can be found except with the mindful.

Al-Hassan Ibn Abi Al-Hassan said: the religions of an individual will complete the missing of his mind<sup>(54)</sup>. According to this opinion, consultation is the duty of the ruler.

It was proved that the Prophet, the senior leader in the state, used to consult Muslims in various matters. God Al-Mighty says: **"Believers, obey Allah and obey the Messenger and those in authority among you. Should you dispute about anything refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is better and the best interpretation"**<sup>(55)</sup>.

The order people are those who solve and give good opinion regarding the nation's interests, with whom the nation trusts and obey what they decide. Those order people who were with the Prophet, when the matters are referred to Him and them to decide security, fear and other issues, are those who were consulted in the accurate and confidential, important and secret matters.

The Prophet used to consult Muslims in the public matters and takes the opinion of the majority, such as consulting the Muslims in the invasion of Ohud in one of two matters: to siege the city, or to go out to meet the Polytheists there<sup>(56)</sup>.

His opinion and the opinion of the leaders of the nations were the first, while the opinion of the public was the second, so he considered the opinion of the majority, but He consulted about the issue of the prisoners of Badr invasion and considered the opinion of Abi Bakr.

This proves that the rules of Islamic rule are better than the parliamentary rule which is applied by the modern countries nowadays. Among the various evidences that the judicial and political legislation is the right of the nation to express the opinion of the group, where Qor'an addresses a group of believers in these two verses regarding the public governance and the state and all of the public rules, such as when God says: **"An acquittal from Allah and His Messenger to the idolaters with whom you have made agreements"**<sup>(57)</sup>, as well as the verses that follow regarding treaties, war and conciliation, not to forget their meaning in Al-Anfal, Baqar (Cow) and Aal- Imran Soras.

This applies on the Righteous Caliph. The first Caliph Abo Bakr Al-Siddiq said in his first speech from the Prophet's platform after the swear for allegiance to the Caliphate: thereafter, I was delegated to be your ruler while not the best among you; if I was straight, help me, and if I deviate straiten me.

The second Caliph Omar Bin Al-Kattab said: whoever sees distortion from me, shall straighten it. Then a Beduin man said: if we see deviation from you, we will straighten it with our swords. Then Omar said: thanks for God who provided a Muslim to straighten Omar with his sword.

Omar Bin Al-Khattab used to gather the people of science and opinion from the companions and consult them in

<sup>(53)</sup>Mohi Alsna, Abu Mohammed al-Hussein bin Masood Baghawi (deceased. 510 AH), the the Interpretation of the Koran, (Interpretation Baghawi), Investigators; Mohammed Abdullah Alnmer, Othman Juma, Solomon Muslim Harash, Dar Teba for Publication and Distribution Vol.2. printing 1997,p. 124.

<sup>(54)</sup>Abu Zaid Abdul Rahman bin Mohammed bin Makhloof Thaalbi (deceased: 875 e), the Interpretation of the Koran, Investigators: Moawad Ali and Sheikh Adil Ahmed Abdalmugod Dar revival of Arab heritage - Beirut (1418AH) Vol. 1, p. 261.

<sup>(55)</sup>Qur'an Surah 59 verse women.

<sup>(56)</sup> Muhammad Rashid Rida, op. Cit., C 4, p. 263.

<sup>(57)</sup> Quran Surah Repentance, verse 1.

every matter that has no text from God's book nor the Sunna.

Othman said: my own affairs relate to yours, and so the case was with Ali Bin Abi Talib.

In addition, Saladdin Al-Ayyobi (may God rest his soul in peace) said to one of his distinguished men, as he asked his help to deal with a man who cheated him: what can I do for you and for the Muslims? A judge rules among them, while the legal right is given to the elite and public and we obey its orders and negations. I am only a slave for religion and regulations, right whether judges for or against you<sup>(58)</sup>.

Ibn Khaldoun thinks that Cilapha after the four Caliphs was transferred into an inherited and to the ruling group<sup>(59)</sup>.

Others see that the current Islamic writing considered that the concept of Shora (consultation) comes on the top of the legislative concepts of the Islamic political system; the groups of religious scholars and the specialists in the constitutional law, put Shora (consultation) as an Islamic duty; it original legislative principle on the top of the public principles and fixed foundations, that have been decided in the Qor'an texts and the speeches of the Prophet.

However, scholars have agreed to put consultation on the top of the legislative principles on which the Islamic ruling system is based<sup>(60)</sup>.

The political dimensions of the term (consultation) has been decreased until completely absent. In the Sultanate of the Ottoman state, other features and qualifications for the Caliph and Sultan. The Sultan does not recognize that his authority is a consultation one<sup>(61)</sup>.

#### 4.4 Types of Democracy in Islam

1- Electing the sheikh of the tribe: after Hudaibia conciliation, Prophet Mohammed decided to send messengers to the kings, Amir and sheikhs of the tribes<sup>(62)</sup>, and to receive their delegations by the end of the sixth year for Hijra<sup>(63)</sup>. This aims at spreading Islam with peaceful means. He used to receive the delegations who join Islam and sends one of the companions to educate them about Islam. This means that the tribe is headed by the sheikh who handles the social, political and economic issues. Moreover, the Prophet send people to teach them the affairs of their religion and separation between the two powers means cooperation between them to apply the Islamic legislations and tribal traditions. Consequently, cooperation between the two authorities was the first initiative to accept the other from outside the tribe due to the religious relationship as well as the tribal one.

Still, the sheikhs of tribes in Yemen are from one tribe; heading a tribe in Yemen can not be through inheritance, but by electing on of the members of the tribe. In case of choosing two persons, the tribe will divide into two tribes<sup>(64)</sup>.

2- Permissible matters: Islam left a wide space of issues from which man can choose. This includes joining civil society organizations, charitable organizations, commercial and companies that require choosing the best leader. Such things are referred to the persons estimations that are permissible to man.

3- The scientific matters: such as choosing a president of a university of a scientific or medical organizations, stud and research centers, or electing a president of an educational or technical/ artistic institution. Such things require a scientific background, and therefore, it is admissible to included within the framework of democracy, and to choose the best (by majority).

### 5. Conclusion

The researcher concluded that democracy is a political system that is based on the people's choice for their representatives in the legislative authority that puts the laws to organizes the human behavior of the individuals

<sup>(58)</sup>Muhammad Rashid Rida, op. Cit., C 11, p. 220.

<sup>(59)</sup>Abdul Rahman Ibn Khaldun. The Introduction of Ibn Kholdoon, Investigator Mohammed Iskandarani Beirut: Dar Al Arab Book, ed. 1998, p. 201.

<sup>(60)</sup>Farid Abdul Khaliq, (1998). In Political Jurisprudence-Constitutional Principles, Dar Al Shorouk, Cairo p. 39.

The review: Milad Raky, editor of the Journal, the Kalma (Saudi Arabia), Contemporary Islamic thought and the question of democracy, the Alkds Center for Studies for Political Studies 28/5/2014; <http://www1.alqudscenter.org/ar/activities/view/3253/>

<sup>(61)</sup>Radwan, Aseed (1997). Politicians Contemporary Islam: Reviews and rebounds, Beirut: Dar Al Arab Book, p. 273.

<sup>(62)</sup>Reda Mohamed (1966), Muhammad is the Messenger of God, Dar revive books, Cairo, p. 277.

<sup>(63)</sup>Of these delegations: Delegation Abdul Qais, Bani Hanifa, Faraa Bin Mesk Moradi and Amro ibn Ykrb: review: Abdul Salam Haron, op. Cit., P. 120, et seq.

<sup>(64)</sup>Fatlawi, Suhail Hussain, (1995) the history of Yemen before the law of Islam, the Arab Alfiker House, Beirut, p. 40, et seq.

of the community. However, democracy was applied in the liberal countries. After the collapse of the communist block and the fall of the dictatorships in the world, democracy has been spread in many countries in the world, including the Islamic countries, which called (the emerging democracy). The peoples of those countries were able to choose the persons who represent them and express their freedoms clear and openly.

The Islamic states faced the issue of contradiction between applying the rules sent by God and those which are decided by the people's representatives, which made a contradiction between the Muslim scholars. In this essence, some of them rejected democracy, while others approved it and still others who tried to coordinate between democracy and the rules of Islam.

**The researcher recommends the following:**

- 1- The application of democracy is an issue relating to the freedoms of the people whose aspirations, ideas and freedom shall be respected through electing their ruler. Accordingly, democracy is one of man's rights.
- 2- Democracy is a legal and political system that require feeling responsibility and preserving the foundations of Islam, with the need to apply democracy in the fields that do not contradict with Islam; Islam stipulates that the ruler shall be elected by the people (through special and general swear), which is consistent with the foundations of democracy.
- 3- The need to create a democratic culture for all Muslims by media, colleges, schools and the educational centers, to inform the people that democracy has been found for the prosperity and development of man, but not contradicting with any ethical or religious rules, including the application of the human justice; religions seek to apply social justice and democracy intends to apply thereof.
- 4- The need to conduct dialogues between the extremist Muslims about accepting the other, tolerance and that spreading the culture of democracy seeks to achieve social and human unity. Everyone should work hard to reject intolerance and cancellation of the other.
- 5- The Islamic Sharia organized some of the legal rules, and left others for diligence in light of the Islamic system. In this regard, the legislative authority in the Islamic states (currently) can being to put which were not mentioned in the Qor'an or Sunna as well as the other resources of the Islamic regulations.

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