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POLITICAL OPPOSITION IN THE ISLAMIC POLITICAL THOUGHT CONCEPTUAL APPROACH

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ملخص

تعاملت هذه الدراسة مع مسألة المعارضة السياسية في الفكر السياسي الإسلامي، وذلك في محاولة لتصحيح بعض وجهات النظر الغربية الخاطئة تجاه هذا الفكر، التي ارتكزت على فرضية أن الفكر السياسي الإسلامي قد اغتال حق المعارضة وحرية الرأي، وأن الفكر السياسي الإسلامي هو فكر متحجر.

وأثبتت هذه الدراسة أن الفكر السياسي الإسلامي قد احترم الرأي الآخر وحفظ الحريات الإنسانية. وخلصت هذه الدراسة أن الإسلام قد اعترف بحق الحرية الإنسانية وأكد على حقوق الإنسان بما في ذلك حقه في المعتقد والرأي والتعددية السياسية، الأمر الذي يعني تطابق الفكر السياسي الإسلامي مع أسس الديمقراطية الغربية الحديثة ومبادئها.

مفتاح الكلمات:

المعارضة السياسية، الفكر السياسي، حقوق الإنسان، التعددية السياسية، الشورى، الأقليات.

Abstract

This study deals with the question of political opposition in the Islamic political thought in an attempt to correct the western mistaken view of the Islamic political thought. This Western view is based on the assumption that this thought has suppressed the right of opposition and the freedom of opinion... that it is a rigid thought. This study illustrates that the Islamic political thought has recognized, in its basic principles, the

(•) كلية الحقوق، الجامعة الأردنية.

(•) قسم العلوم السياسية، كلية العلوم الاجتماعية، جامعة مؤتة. حقوق النشر محفوظة لجامعة مؤتة، الكرك، الأردن.

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respect for the other opinion and the preservation of the rights and freedom of the human being, without being restrained by the school of thought or the religious belief.

This study has concludes that Islam has known and recognized human freedom and believed in the necessity of respecting human rights among which is the right of belief, has opinion and political pluralism. Accordingly, this thought meets the principles of the modern Western democracy. Key words

Political opposition, Political thought, Human rights, Political pluralism, Shura, Minority.

Introduction:

Since the events of the eleventh of September 2001, the Islamic political thought, and Islam in general, have been assaulted in an unobjective manner in many ways. Some of these attacks even went so far to focus on the idea of the premeditated conspiracy. This is due to the international confusion which rendered the Islamic political thought occupied with defending itself. Due to the absence of the "Islamic state", the true interpretations of the political approach in Islam has been confounded due to:

First: There is obvious insufficiency in conducting deep studies, research and scientific seminars that illustrate the determinants of the political thought in Islam.

This field was left to some unscholarly and inaccurate approaches that delved into conundrums and comminglings.

Second: Some Islamic segments has unjustly claimed the leading of the Islamic political thought. Unfortunately, most of them were either ignorant or demagogues.

Third: The increasing congestion in the Islamic mind regarding the mistaken and unjust foreign practices, especially the European ones, that were hostile to Islam and the Islamic political thought.

It started with hurting the Muslims and being insolent towards them which resulted in a state of hatred which the extremists took advantage of, and found support for them by the various Islamic currents. Among these, for example, the attempt to ascribe terrorism with Islam ignoring all the rational Islamic currents and overlooking the flagrant western terrorism in

many states in the West. This caused the Israeli permanent representative to the United Nations to state with complete rudeness "it is true that not all Muslims are terrorists, but all the terrorists in the world are Muslims". Within these formative atmospheres of the "Islamic political thought", the latter suffered from the western political cultural infiltrations that said that Islam is unqualified to be a "modernist" thought. The situations continued along this path and began to form challenges in front of the Islamic political thought. This was assisted by the drift of some ignorant and unqualified Islamic currents towards practices that harmed the Islamic political thought.

In order to stand to this, this study came to shed light and state that Islam is not the one wanted by the western circles, neither it is the untrue thesis of those who appointed themselves as leading the Islamic thought, especially after some political regimes in the region received this orientation as being a protection for themselves.

Accordingly, the legitimacy of the democratic handling – through which talk about the political opposition in the Islamic communities – springs up from the main point of obstruction which lies in the nature and structure of the authority. This means focusing on the concepts of reform and renewal on which the future of the transition towards modernity depends. This study strives to identify the reality of the Islamic political opposition and correct the mistaken vision that has been ascribed to the Islamic political thought. This is to be done thought adopting a historical analytical scientific and objective methodology that illustrates the concept of opposition in this thought; and the negation of many of the accusations that were advanced by the afore - mentioned sides of the equation.

The hypothesis of the study:

Since its beginning, the Islamic political thought has recognized political opposition. The Qur'an and the (Prophet) traditions called for the respect of the other opinion without going outside the boundaries of the Islamic boundaries that protect the rights and freedom of man.

Questions of the study:

In order for this study to answer this assumption, it will answer the following questions:

1. Did Islamic political thought know the concept of political opposition?

2. Was the nature of the Islamic political system based on the rule of the individual, and, consequently, did the Islamic political thought respect the opinion and the other opinion?
3. Did the Islamic political thought practice democracy; was shura (consultation) compatible with the principle of democracy?

The importance of the study :

Through research and review, the researchers have found that there is shortage in the Islamic political studies that reflect, in a scientific manner, the compatibility of the Islamic political thought with the principles and values of democracy. This is especially so since many (Islamic) jurists addressed this issue from rigid angles that has harmed this thought; or leaned to serve, unintentionally at times, certain political regimes or unaware extremist currents; or focused on the historical narrative that is far away from scientific analysis.

The structure of the study:

This study falls within the following axes:

First: the concept of opposition in the Islamic political thought.

Second: a historical rooting to the concept of opposition in the Islamic political thought.

Third: the foundations of the Islamic political system (shura-consultation).

Fourth: the bases of Islamic political thought (political pluralism).

Fifth: the foundations of the Islamic political system (freedom of opinion, belief and assembly).

First axis: the concept of opposition in the Islamic political thought.

Upon the passing of the Messenger (P.B.U.H) the Muslims were confronted with the issue of policy, authority and religion. This was so since the religious texts did not help them in finding many decisive answers to the issues that faced them. Among these was that of the caliphate, the authority of the caliph and the political and legitimate opposition that caused controversy that extended to the point of war between Koofah (where the caliphate was for Imam Ali) and Sham (Demascus) where authority was in the hands of Moawiyah Ibn Abi Sufian.

The Qur'anic text has provided the Muslims with detailed legislative codes that encompassed most aspects of the societal Islamic life, like economy, inheritance and personal rights and status. But it did not provide

a detailed legislation regarding the political question that draws a framework for ruling and authority. What it did was to lay down general readings for the political question like the two suras (verses) of shura that pinpoints the kind of governance in Islam. This meant assigning this question of governing to the Muslims who will determine its nature. Thus the Islamic political thought did not speak of the monopoly of power between one side against another side.

Thus it has freed authority from the shackles of two statements:

☞ That authority must be assigned to the precedence in Islam.

☞ That the kinship to the Prophet (P.B.U.H.) be taken into consideration.⁽¹⁾

This means that clerical power does not exist in the Islamic political thought. The ruler is not immune in the face of opposition, and he must listen to the other opinion. This is the content of the shura thought in Islam. Thus the Ommayid practice and the Abbaside one that followed it which called for the sultanate wilayah (the royal sovereign mandate or reign), and that of the Khawarij (dissenters) is against the true Islamic concept of the rotation of power. Here we have to revert to the shura practice of the Prophet (and opposition among them) which brought into its sphere many Muslims who were outside the circle of the Sahabah (companions of the Prophet), and ousted several close companions. And in order to succeed in studying the concept of opposition in the Islamic political thought, we have to access it through three approaches:

- 1- **The First Access:** in which opposition is studied as a phenomenon within the context of the historical experience and its evolution.
- 2- **The Second Access: The analytical intellectual access:** in which opposition is studied as a principle with its origins and components,

(1) Al-sayyid, Radwan (1997), "the group and the society and the state", Dar Al-kitab Al-Arabi, Beirut, page 36.

☞ Dr.Abdulelah Balzqeez,(2005), "the formation of the political Islamic range: prophethood and poliy,P. 43-47.

☞ Al-Motawakil Abdul Malik (2003) "Islam and Human Rights", The Centre for the Studies of Arab Unity, Beirut, pages 67-95.

then crystallizing it in the form of an intellectual formulation, whose some aspects relate to the religious thought.

3- **The Third Access: The political access:** which is an attempt to study opposition as a principle that is anchored in the method of dealing between the ruler and the ruled, and on the logic of the dynamic movement for the exercise of power and the rules that regulate this relationship. ⁽¹⁾ These three accesses, separately and collectively, are very important in studying the concept of the opposition in the Islamic political thought. But this dictates the presentation of something similar to a "general theory", with the accompanying huge difficulties, especially if this was within a single and distinguished regional area or cultural circle. ⁽²⁾ This is because the standing intellectual thesis is unable, to some extent, to present this general theory for the exercise of opposition. This inability is represented in the following:

1- The political regimes in the area has tied the concept of the opposition with the idea of resisting the colonialist. The length of the colonial experience that they suffered from has crystallized the idea of "the right to resist the tyranny" against the colonialist assigning to this the revolutionary struggle shape. As a result, the political regimes claimed that the mere attainment of independence and the assumption of the nationalists of governance has wiped out the idea of enmity to these regimes. This means that the concept of opposition flows, in one form or another, in the favour of the colonialist. This has prevailed even in those regimes that claim democracy And have focused in their political speech on this as being the right formulation.

2- The relationship between the religious phenomenon and the political phenomenon in the Arab world. A difficult intricacy arose on how to place

(1)Tawfiq, Ashraf Mustafa (1989) "opposition", the Arab centre for publishing and distribution, page 8.

(2) Ghalyoon, Burhan (1996) "the discourse of the study of the future of democracy in the Arab countries: a theoretical introduction". Majallat Almostakbal Alarabi year 19, issue 213, Beirut, Pages 37-53.

the Islamic heritage in the quiver of the political heritage ⁽¹⁾... and how to connect between these traditions and the concepts of the western culture, that concentrate on the principle of freedom and its philosophy that is based on the struggle in order to ascertain the values of excellence and individual distinction, which are not associated at all with the oriental world. Since these criticisms has deepened, we shall find more than one pretext by those who propagate this point of view in order to support such image. Here we see that the political system has entered in the circle of contradiction that is based on the following:

The First: it states that voting-meaning political participation as a way of the ways of the democratic practice-is not in the Islamic political thought.

The Second: the Islamic political thought does not recognize the content of the idea of the parliamentary councils, irrespective of the real function of these councils as regular expression of the popular will.

The Third: the legislative or the systematic guarantees for the protection of the individualistic freedoms vis-à-vis the ruling administration are absent issues from the Islamic culture.

The Fourth: Islam has impacted the Arab political culture, especially in that relating to the dynamism of the civil society and the mould of its relationship with the state... but it was full with the negatives like fatalism, dependency, causation, submission and obedience which rendered this culture to be a major hindrance for the process of the democratic transformation and the growth of the civil society in the region. This led some to the almost absolute conviction that secularism must be adopted in order to realize the process of the real democratic transformation. ⁽²⁾

(1) Ibn abi Al-Rabie, Shihab El-deen Ahmad Bin Mohammad (1980) "Solook Al-Mamalik fi Tadbeer Almamalik", verified by Hamid Abdullah Rabie, Dar Al-shaab presses, Cairo, first part, page 46.

(2) See: Eid, Abdul Razzaq and Abdul Jabir, Mohammad (2000), "democracy between secularism and Islam: dialogues for a new century, Dar Al-Filcr, Demascus.

☞ Fokoyama, Francis (1993) "the end of history and the end of humanity", translated by Hussein Ahmad Ameen, Al-Ahram Centre for translation and publishing, page 193.

☞ Sartori, Giovanni (1993) "how far can free government travel" journal of democracy, vol.6, no.3.

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On the other side, the opponents of this idea said:

- 1- One of the basic pillars of the civil society within the Islamic value and ethical framework is embodied in freedom, equality, volunteering, tolerance, acceptance of multiplicity and difference in views and interests, the values of cooperation, complementarity, participation and the peaceful settlement of disputes... these are embodied in several qur'anic verses and venerable traditions of the Prophet. ⁽¹⁾
- 2- The Islamic religion, in its origins, the Qur'an and the (Prophet) tradition, contains higher values for democracy, like freedom, justice, equality, participation and the right of the people to chose the ruler and to hold him accountable... . Islam has elevated these to the status of religious duty. Moreover, Islam did not accept the religious (clerical) authority like the one that was prevailing in Europe during the middle ages. Accordingly, Islam believes that "authority" is basically a civil authority. It is the nation that selects the ruler and it is the nation that allows them to continue as long as it is satisfied with him. It is she that holds him accountable and ousts him if there were reasons dictating his removal. ⁽²⁾ This means full recognition of the good opposition that supports the concept of the public will of the Ummah (Nation).
- 3- Islam did not specify a certain form for the system of governing that is adhered to by the Muslims in all times, but left this matter to Ijtihad (Jurisprudence or interpretative Judgment) and adaptation according to the changing circumstances and environments in times and places provided that this takes place within the framework of commitment to the true foundations, values and principles of the Islamic law (Sharia).
- 4- The Islamic currents has enjoyed special nurturing in several Arab states, not only at the level of the regimes, but also at the level of the peoples after the demonstration of these currents of their ability to deal

(1) Ibraheem, Hasanain Tawfeeq (2005), "the Arab political systems: modern trends in studying them", the centre for the studies of Arab unity, Beirut, page 174.

(2) Ibid, Same Page.

Abo Faris, Mohammad Abdul Kadir (1989) "the political system in Islam "Dar Al-Forqan, Amman, page 228.

with the popularly acceptable political action, after it tried its best to commit to the Islamic values. These currents possessed the capacity to oppose the regime in a rational and realistic manner. Thus the movements of the Islamic Brotherhood in Egypt and Jordan remained the sole legitimate political forces for more than three decades... especially after the dissolution of the political parties in Egypt in the year 1953 and in Jordan in the year 1957. Despite their partial absence during the fifties and the sixties of the past century, yet they maintained their continuance and the growth of their social and political role. This was evident in their winning a number of parliamentary seats in the elections that took place in Egypt and Jordan since 1989 and until today. ⁽¹⁾

5- The Islamic political thought assigned wide space for the rights and freedoms of man. Freedom in Islam and its culture and cultural experience despite the blemishes that it suffered-is a basic intrinsic value. Thus it is not mere permission or a material handout, it is a duty and continuous strive to overcome the necessity through disagreement with the self and pushing it towards the best values and combating the forces of evil and ignorance so as to uphold the principles of righteousness, justice and cooperation with the others. All of this is based on the fact that the human being is liberated in a manner equal to his fight against the internal and the external oppression and terrorism as revealed by the (99) names of Allah. ⁽²⁾

6- Human Rights in Islam started from an Islamic belief principle that states that man has an inborn divine honouring since he is a successor appointed by Allah to be in charge of the Universe. This means the existence of very close approximation between the principles of Islam and the contemporary declarations of Human Rights. The differences lie

(1) Ibraheem, Hasan Tawfeeq (2002) "Islam and politics in the Arab homeland during the twentieth century" special issue of "my nation in the world", Alhadarah centre, Cairo

(2) Al-Ghanoushi, Sheikh Rashid (1993) "public freedoms in the Islamic state", The Centre For the Studies of Arab Unity, Beirut, page 319.

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in the philosophical bases, the motives and ends and some other partial aspects. ⁽¹⁾

- 7- In its understanding of democracy, the West has based itself on the individualistic personality of the human being. This was caused by the struggle against the church and the absolute rule of the kings, in order to restrain their authorities or take them away and return them to the people. This was a single source and resulted in the individualistic, nationalistic, unreligious and formal idea. This was different in Islam which did not recognize this separation between the ruler and the nation-even during the times of injustice and oppression-due to the practices that the Sharia exercises in restraining the ruler in two important issues: the legislation and the imposition of taxes. The ruler was prohibited from enacting legislation that contravenes the religion. As for the question of taxes, the ruler cannot exceed the amounts that are dictated by the Zakat (alms tax). ⁽²⁾ This means the inability of the ruler to avoid between governance and the nation, like the way it happened in the rule of absolutism in Europe.
- 8- The Islamic historical experience has represented a model for application that was consistent with the entrenched religious belief that is derived from the Qur'an and the (Prophet) traditions. But as a result of the throng of the military and intellectual attacks in the second half of the nineteenth century against the Islamic world-land, resources and beliefs-the Muslims began to look with caution and fear to the west. They began to feel the sources of their power and greatness, deriving their power from this west that became dominant in the world, so as to return life to the Islamic body. Accordingly, there were calls in Egypt, Tunisia,

(1) Ibid, page 320

∞ Al-fassi, Allal (1979) "the intents and noble deeds of the Islamic sharia", Alrisalah press, Rabat, Second imprint, page 247.

∞ Al-Shatibi, Abu Ishaq Ibraheem Ibn Mousa, "the Suitabilities in the Origins of the Sharia", Dar AlMaarifah, Beirut, second part, page 5.

(2) Al-Torabi, Hasan Freedom and unity "A lecture at the Khartoum university students union, Khartoum, page 9, cited by Al-ghanoushi, page 39.

Turkey and Jordan, etc... to integrate parts of the western constitutional, administrative, judicial systems in their basic law and systems... on the assumption that the fight against the adversary comes from acting along the path of his ways. ⁽¹⁾ What has facilitated the subjection of the Islamic and the Arab political thought to the west was the fact that most leaders in these two worlds came by the order of the west or were educated by its culture. But this did not prevent the rise of enlightened Islamic movements that were led by-by no chronological order-Jamal Eddeen Al-Afghani, Mohammad Abdoh, Khair Eddeen Al-Toonisi, Rifaa Al-Tahtawi, Al-Ghanooshi, Mohammad Iqbal, Hasan Al-Banna, Hasan Al-Torabi, Khalid Mohammad Khalid, Mohammad Rasheed Rida, Mustafa Mahmmood, Mohammad AlGhazali, Maamoon al-Hodaibi, Mohammad Mitwalli Shaarawi, Mohammad Amarah, Ahmed Ameen, Ali Abdul RAziq, etc... nonetheless, many western constitutions and regulations pentrated several Islamic societies in an attempt by the Islamic reformists to restrain the authority of the ruler. This did not succeed. What has happened was more tyranny and despotism due to the internal weight of decline and the horrible external pressures to keep the Arab Islamic East backward and follower to the West. ⁽²⁾ But the Islamic reformists did not succumb and began the codification of the Islamic Sharia, especially as relates to the concepts of democracy, political participation-political development, political opposition, and human rights. They brought up several approaches for the Islamic orignions regarding the rights and duties in Islam and began a comparative study with the western matrix. ⁽³⁾

(1) Al-toonisi, Khair Eddeen, (1972) "Aqwam Almasalik fi Maarifat Ahwal Al-Mamalik (the straightest of paths in knowing the conditions of the kingdoms), the Tunisian house for publishing, tunis, page 27

(2) Al-ghannoshi, op.cit.

(3) The universal declaration of human rights in Islam, that was issued by the European Islamic council in paris in 1981.

* The final document of the panel of Human rights in Islam, in Kuwait, December 1980

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They concluded that the rights in Islam are sacred and must not be abused or underestimated... among these: self-preservation, the right of expression, rejection of subjugation, resistance against the tyrants, and the struggle for freedom, justice, progress, human happiness, preservation of the lives of people and repulse of aggression. ⁽¹⁾ In order to study opposition in the Islamic thought, the following discourses must be approached:

First: the historical rooting of the Islamic political thought-justice, shura and freedom of opinion.

Second: the position of the Islamic jurisprudence vis-à-vis the rule of the people and the right of opposition.

Third: the position of the Islamic Jurisprudence vis-à-vis the principle of the popular political participation in governance.

Fourth: the position of the Islamic jurisprudence vis-à-vis the authority of the ruler.

Fifth: the position of the Islamic jurisprudence vis-à-vis Human Rights like the right to life and property.

In order to achieve this, the researchers will recall the history of the Islamic political thought regarding the concept of opposition and the participation in the administration of the state.

The second axis:

A historical rooting for the concept of opposition in the Islamic political thought

A- The foundations of the Islamic political system (justice)

May Qur'anic verses and (Prophet) traditions decide that governance and rule belong to Allah, and any rejection of this is considered disbelief. All Devine laws have decided this and have called for recourse to the law of Allah Who have said that human beings are equal like the teeth of the comb, and that the claim for precedence among them is based on the extent of the commitment to the law of Allah which has demonstrated that what

(1) Al-katib, ahmad (1405 hijriah) "the mechanism of Unity and freedom in Islam", towards an Islamic civilization series, U.S.A., page 119.

* Othman, fathi (1984) "the origins of the Islamic political thought" second imprint, page 149.

he decided for them is total benefaction. Abo Bakr Al-Siddiq, the first Caliph who succeeded the Messenger (P.B.U.H) said in his first political speech "I have been appointed over you, and I am not better than you. If I do well, then help me. The strong among you is weak until I take the right from him, and the weak among you is strong until I take his right for him.

⁽¹⁾ I am just like you. If I was upright, then follow me, and if I deviate then straighten me. Obey me as long as I obey Allah and his Messenger, and if disobey Allah and his Messenger, you are under no obligation to obey me.

⁽²⁾ This truth was repeated by the second caliph Omar Ibn Al-Khattab, when he stated in his first sermon: "who ever see deviation in me, let him straighten it" one of the Muslims answered him by saying "by Allah, if we see any deviation in you, then we will straighten it with the edge of our swords". The people of Al-Koofah complained to Omar about their wali (governor), Ammar Ibn Yasser, who was a prominent companion (of the Prophet). He recalled and removed him and asked the Muslims to choose another governor. They chose Abo Musa AlAshaari, and Omar Appointed him to replace Ammar.⁽³⁾

Thus we find that control and monitoring are assigned to the whole public opinion. This is what is seen in the modern democracy that views this as the foundation of the popular participation in governance... the so-called parliamentary control, ⁽⁴⁾ foremost among which is the right to political opposition. Ali Ibn Abi Talib, the fourth caliph, was very stern over his rulers in satisfying the rights of the people. He used to ask the governors to recite to them a pledge, and if they approved it, then it becomes a contract

(1) Al-Jowziah, Imam Ibn Al-Qayyim (1964) Al-Torok Al-Hokmiah fi Alsiyasah Al-Shariah (legal ways in the Sharia policy) Al-Madani press.

(2) Balqeez, Abdallah (2001) "opposition and authority in the Arab homeland", the centre for the study of the Arab unity", Beirut, page 62

(3) Al-zain, Hasan (1997) "Islam and the contemporary political thought", Dar Al-fikr for publishing and printing, Beirut, page 74.

(4) Al-zain, hasan, former reference, page 75.

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among them. ⁽¹⁾ He used to give each man of the inhabitants of the province a monitor or observer (status) over his governor so as to file a complaint against him to the Imam as soon as the governor deviates from the pledge. ⁽²⁾

This exceeds that provided by the modern democratic theories-through the administrative decentralization-that subjects the administrators of the provinces and the governorates to direct elections which allows them to occupy their positions without the restraints that caliph Ali imposed which bind the rulers and are unchangeable without the approval of the rulers and the governed. ⁽³⁾ The Islamic political thought viewed the upholding of justice among people by the ruler is not one of voluntary nature that is left to the whims of the ruler. It is one of most sacred and important duties. The consensus of the Muslims was that a ruler must rule justly ⁽⁴⁾ ... that is the respect for the other opinion, which is the basis of opposition. Allah states in the Glorious Qur'an "Allah commands justice and the doing of good". ⁽⁵⁾ He also said: "Allah commands you to render back your trusts to those to whom they are due, and when you judge between people, you judge with justice. ⁽⁶⁾

Islam imposed obedience to the ruler, but did not leave it as an absolute obedience that leads to the individualistic dictatorial tyrannical rule that rejects all forms of opposition. Islam conditioned obedience to the

(1) Hussein, Taha (1967) "Ali and his -sons: the great sedition", Dar El-Adab publications, Beirut, first imprint, page 949.

(2) Ibid.

(3) Al-Zain, Hasan, op.cit, page 76.

(4) Al-Razi, Abi Bakr Ahmad Bin Ali Alrazi Al-Jassas "the provisions of the qur'an", verified by Mohammad Sadiq Kamhawi, dar Al-sohof, Abdul Rahman company and library, tenth part, page 141.

(5) Al-Nahl (bees) chapter, verse 90.

(6) Al-Nisaa (women): 58.

application of the ruler of the Islamic Sharia, and apply justice among people and not to order people to commit wrongdoing. ⁽¹⁾

The third Axis:

The foundations of the Islamic political system (Shura consultation)

Shura occupies a great centre in any political system, including the Islamic political system. Allah (be praised) has cited a Shura (chapter) in the glorious Qur'an as the chapter of shura that focused on the fact that the life of the Muslims is founded on shura. Allah has even imposed shura like the duty of prayer, charity and avoidance of obscenities. Allah (be praised) states: "those who avoid the greater crimes and shameful deeds, and when they are angry even then forgive, those who harken to their Lord and establish regular prayer, who (conduct) their affairs by mutual consultation, and who spend out of what we bestow on them. ⁽²⁾ The Messenger (P.B.U.H) used to consult. In the Badr battle, he said "O people advise me". He did the same in the battles of Ohod, Khandaq and Hudaibiyah. The (Prophet) companions practiced Shura in their political life. Abo Bakr used to consult Omar and the Companions. The same was done by Omar who was reported to have said" Nothing good comes out of a matter that was concluded without shura". Al-Hasan Albasri said "people who consult are led on the right path".

Shura in the Islamic political thought means that the ruler must not become opinionated (stubborn), but listen to the opposing opinion. This is the right way to rightness. Islam has made it a condition on the ruler to consult with the people of competence and adopt their opinion even if it was against his opinion. It even stipulated consultation in every matter. The caliph Omar Ibn Al-Kattab has sought consultation regarding a necklace that was given as a gift to his wife Omm Kalthoom. He sought an advisory opinion from the people in this regard. His example was emulated by other (Prophet) companions.

Accordingly, the Muslims were accustomed to have a shura council for the caliph that deliberates over the state affairs and administration, especially the important ones. Yet Islam has determined the attributes of

(1) Abo faris, mohammad Abdul Kader, former reference, pages 67-73.

(2) Shura (consultation) chapter, verses 37 and 38.

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those advisors... to be a sane mature Muslims of ability to discern and keenness on rightness, free knowledgeable and just citizen. Thus they are ones who are concerned with public affairs. The small, the insane, the prejudicial or one with selfinterest are excluded from this circle. He gave those advisors- whom he called those charged with authority- the authority of choosing the head of the state and assisting him in running the affairs of the state. when Othman (the third caliph) was martyred, people flocked to Ali Ibn Abi Talib in his house saying: "extend your hand! We are offering you pledge of allegiance". He said "this does not fall within your competence... it is for the people of shura and Badr. The one who is approved by the people of shura and Badr is the caliph. Let us meet and consider this matter". ⁽¹⁾

It falls to the advisors the jurisdiction of holding accountable the head of the state and other senior officials like princes and ministers. They can remove them if they were derelict in their duties. ⁽²⁾ This means the respect and glorification of the opposition.

The fourth axis:

The foundations of the political system in Islam (political pluralism)

The modern political jurisprudence has concluded that political pluralism, and political opposition as one of its most important aspects, constitutes a pillar of the pillars of modern democracy.

The absence of this means dictatorship and despotism. ⁽³⁾

The question arises her: where does political opposition stand in the Islamic political system? And in order to approach this, we have to speak of the following:

First: is it possible to separate religious pluralism from political pluralism in the states that have varied belongings and where the relations between

(1) Al-mowdoodi, Abo Ali (1967) "the theory and guidance of Islam in politics, law and the constitution", Dar El-fikr, page 288.

(2) Abo faris, Mohammad Abdul KAdir, former reference, pages 116-128.

(3) This was elaborated extensively by Maurice duverger in this book, "the political institutions and the constitutional law", French edition, page 220, Quoted by Al-zain, page 111.

the religious beliefs and the political systems intertwine... like the Islamic society? Here we have to address the question of the rights of the non-Muslims and their equality with the rights of the Muslims in the social, economic and political spheres.

We ask: did the Islamic political system give the other opinion a dimension that is based on the difference in religion? In answering this, the Muslim jurists stress that the Sharia rulings which the Messenger (P.B.U.H) established-and were followed later by the caliphs and Muslim rulers-has given the nonMuslim Christians and Jews a legal status that equates between them and the Muslims in all social, political and economic rights. ⁽¹⁾

The caliph Omar Ibn Al-Khattab pointed in his will before his death that "I ask the caliph who succeeds me to be benevolent to Ahl Al-Dimmah, (free non-Muslims enjoying Muslim protection) to fulfill their pledge, and fight past them and not to burden them with that beyond their capacity. ⁽²⁾

The caliph Ali Ibn Abi Talib said about Ahl Al-Dimmah: "their funds are like ours and their blood is like our blood". ⁽³⁾

He said in his will to his son Al-hasan: "Allah! Allah in the Dimmah of your Prophet... the AHL Al-Dimmah should not be harmed among you" ⁽⁴⁾

We can deduct from this that Islam takes a criticizing political approach when it addresses that which contravenes it. The Muslims denounced the actions of the army of MoAwiya Ibn Abi Sufian in attacking the rights of

(1) Al-zain, Hasan (1988) " the legal positions of the Christians and Jews in the Islamic countries until the ottoman conquest", Dar Al-fikr Alhadeeth, Beirut.

(2) Alqorashi, Yahya Ibn Adam (1979) "Al-Kharaj book, explained by Ahmad Mohammad Shakir, Dar Almaarifah, Beirut, page 74.

(3) Abdul Jabbar, Asad Abadi, "Al-Moghni Fi Abwab Al-Tawheed Wa Al-Adl", Cairo, Eighth part, Page 445.

(4) Al-Tabari, Abo Jaafar Mohammad Ibn Jareer, (1979) "the history of Altabari or the history of the Messengers and kings", Dar Al-Maarif, Cairo, fourth impression, page 148, paragraph 1/3463.

* Al-Ghannoshi, Rashid (1988) "the rights of citizenship: "the position of the non-Muslim in the Islamic state", former reference page 46.

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the non-Muslims since this constituted a flagrant major violation of the provisions of the Sharia, and considers standing against this as a religious duty.

Second: talk of political pluralism leads us towards exploration of the principles that have been entrenched at the early stages of Islam that has called for the necessity of permitting the going out against injustice and despotism... as an extension to the principle of ordering good deeds and ceasing abominable acts. The Messenger (P.B.U.H) said "whoever of you see an objectionable act, he should change it with his hand, and if cannot, then by his tongue, and if he cannot, then by his heart, and this the least of belief". ⁽¹⁾ He also said "the best jihad (just war) is a word said in front of an unjust ruler". ⁽²⁾ The Messenger did not specify the "just warrior", thus allowing non-Muslims and others to fight the unjust ruler.

Third: the Messenger (P.B.U.H) allowed his companions to intervene when "political" or "wordly" questions were discussed. His companions used to ask him: "is it revelation or is it the opinion and consultation?" when he told them that it is a question of opinion and consultation, they interfered to the point of opposing his opinion. This took place at the Khandaq (trench) battle, and the blockade of Al-Madeenah (the capital of the state) by the unbelievers when the Messenger concluded a military economic treaty with the allies of Quraish (his enemies) of (Ghatfan) and (Najd) so as to abandon their alliance and blockade. When the Messenger (P.B.U.H) began to draft this treaty, he saw it necessary to consult with his companions of the Ansar (the supporters in Medinah). When they decried this treaty (represented by Saad Ibn Moad and Saad Ibn Obadah) the Messenger retreated and erased the paper. He addressed (Uoyainah) and (Al-harith) the leaders of (Ghatfan) and (Najd) saying "leave! You have

(1) Narrated by Muslim : Saheh Moslem, No. 49, Ketab AL- Eman

(2) Sunan AL-Termthi, No. 2174, Ketab AL- Fetan.

Sunan Abo-Daoud, No.4344, Ketab AL- malahem.

Sunan Ibn- Majah, No.4011, Ketab AL- Fetan

nothing unto us except the sword".⁽¹⁾ He then told the (Ansar): "you are more knowledgeable of your wordly affairs".⁽²⁾

Within this context, the government that was formed before the passing of the Messenger (P.B.U.H) played prominent political roles after his death, the most important of which was that during the term of the third caliph Othman Ibn Affan, when those in opposition called for breaking away from his rule. They said in their messages to the Islamic countries: "join us and save the caliphate of the Messenger of Allah". Thus we see that the political experience during the times of the Prophethood has known the principle of the individual and the collective opposition. After the passing away of the Messenger (P.B.U.H), political opposition began to rise. Among the most prominent of this was the abstention of some of pledging to (endorsing) the first caliph (Abo Bakr) like Saad Ibn Obadah. Abo Bakr frankly recognized the right of political opposition in correcting governance which means political participation in governorship. He was followed by Omar Ibn Al-Khattab and Ali Ibn Abi Talib who showed acceptance of the most prominent aspects of political opposition as we know it today, or maybe exceeding it, especially as it relates to the fall of the political immunity of the head of the state. As for the times of the third caliph, Othman Ibn Affan, the opposition was severe, where he was killed because he did not respond fully to the demands of those who revolted against him. Nonetheless, Othman was narrated to have recognized explicitly their right to opposition when he refused to resist them despite the insistence of some of his followers to do so.⁽³⁾ The idea of the acceptance of the opposition in the Islamic political thought has been launched by the Qur'an and the (Prophet) traditions. This is represented in.⁽⁴⁾

(1) Ibn Abdul El-birr (1966) "Al-dorarr fi ikhtisar Al-Ghazi wal Siyar , "Cairo, page 184.

(2) Narrated by Muslim, Ibn Majah and Ibn Hanbal.

(3) Al-yaacoubi, Ahmad Ibn Abi Yacoub, "the history of Al-yaacoubi", Dar Sadir, Beirut —————, second volume, page 174.

(4) Alzain, Hasan, former reference, page 119.

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First: free dialogue. This is a principle that is imposed by the provisions of the Islamic Sharia that calls for the protection of the lives and the intellectual property of the opponents. This is consistent, and sometimes exceeds, the Modern Human Rights codes.

Second: objectivity in facing the actions of those who oppose, and the respect for their rights. This is evident in the saying of Ali Ibn Abi Talib: "right and falsehood do not identify people". ⁽¹⁾ This poses a legitimate question: did the events of the contemporary democratic thought hint, even remotely, at such positions during the annals of the two world wars?

Third: the participation of the minority (of the opposition) in steering governorship. This reflects an important principle that is not mentioned by modern democracy which usually ends with the adoption of the rule of the numerical majority and its interests. This neglects sometimes the interest and opinion of the millions of citizens who belong to the numerical minority. The Islamic thinker imposes the assurance of the right of the minority to participate in steering the ruler through deliberations that accommodate all.

The fifth axis:

The right of opinion and belief

Since the 1789 French Revolution, most modern constitutions stipulated the rights of opinion, belief, assembly and associations. And when we survey the experience of the Prophet and the successor caliphs, we find that this was embodied in words and deeds, clearly and transparently, without any objection to the application of this. As a matter of principle, the freedom of opinion and belief in the Islamic political thought was based on the abrogation of religious and ethnic discrimination between the Muslims and the non-Muslims. This is evidenced by the saying of Allah (be praised): "there is no compulsion in religion". ⁽²⁾ And in order to fathom the freedom and protection of opinion and belief, we point out to the civilized dialogue that took place between the Messenger (P.B.U.H) and the

(1) Al-yaacoubi, former reference, second part, page 210.

(2) Al-bakarah (cow) chapter, verse 256.

delegation of the Christians of Najran that revolved at length around Islam and Christianity, and ended with the acceptance of the Christians of the Islamic prepositions without embracing Islam. An agreement was signed between the two parties that was balanced and equal among two powers that sought the interest of both sides. ⁽¹⁾ The practices of the Rashidi times reflected many instances that demonstrated the protection of the right of opinion and belief, and no one was harmed as a result. On the contrary, Othman Ibn Affan and Ali Ibn Abi Talib were severely opposed and both were Killed as a result. Even the Khawarij (the dissenters) were free to proclaim their creed anytime they want. Ali Bin Abi Talib used to argue with them in a transparent manner and exchange with them proofs and inferences. ⁽²⁾ The follow-up of the Islamic wars has demonstrated that these were not against the background of suppressing the opposition, unless the latter resorted to the arms, and after exhausting all possible means of dialogue. The recognition of the freedom of opinion was in application of the provisions of the Qur'an and the (Prophet) traditions. The practices of the (orthodox) caliphs testified to this. Ali Bin Abi Talib addressed the opposition by saying: "we commit to you three matters: not to deny you the mosques, and the spoils and we shall not fight you unless you fight us". ⁽³⁾ This proves that the foundation of the Islamic political thought is anchored in respecting the other opinion. This is not harmed by the undemocratic practices that were perpetrated by some of those who headed the Islamic state. Nonetheless, the anti- Islam statements of the Saint John of Damascus did not cause him any harm.

The same took place to John the Nifi and Theodore Abo Garrah.

The Islamic Sharia has guaranteed for the Human being the freedom of choosing his creed away from coercion. It does not force anyone to embrace

(1) Al-zain, hasan, "the legal positions of the Christians and the Jews in the Islamic lands", page 41.

(2) Hussein, Taha (1967) " Ali and his sons or the great sedition" Dar Al-Adab publications, Beirut, first imprint, page 922.

(3) Bin Salam, Abo Obaid Al-kasim (1981) "the book of properties", Nasser foundation for culture, Beirut, page-102.

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it, and neither does it allow anyone to force an individual to leave it. This is evidenced by the Qur'anic verse "let him who will believe, and let him who will reject it".⁽¹⁾ Al-Razi said that the place of the belief is in the heart... since coercion there is impossible. This is in addition to the fact that it collides with the overall Islamic perception regarding commandment and the charging of the trust.⁽²⁾ In order to illustrate this, the texts of the Islamic political thought state that coercion negates the punishment and reward which result from affliction and choice. Islamic jurists went on to entrench the freedom of opinion and belief by saying that it is unreasonable that Islam-which has suffered from the repression and persecution at the hands of the forces of unbelief and falsehood due to the difference of opinion-will exercise arbitrariness and humiliation against the adherents of the other faiths so as to force them to be against their belief.⁽³⁾ Islam even added that the attack against the creed and causing harm because of it and the sedition of its followers is more serious than the assault on the life itself... since the creed, as the human being views it, is a value that is greater than life. Thus the thinkers of Islam has considered the freedom of opinion as the preceding one of public freedoms, since it is the basis and the foundation,

(1) Al-Kahf (cave) chapter, verse 29.

(2) Al-Razi, Fakhr Eddeen Mohammad Ibn Omar (1955) "the big interpretation: the keys of the unknown" Dar Al-kotob Al-ilmiah, second imprint, seventh volume, pages 15-16.

(3) Qutob, sayyid (1980) "Fi Dilal Al-Qoran" under the shades of Al-Qoran" Dar Al-shorroq, Beirut, Cairo, first volume, ninth imprint, page 430.

(¹) and is the first human right. (²) As for the controversy regarding the question of apostacy that calls for killing of the apostate from his Islamic religion, this was a controversial one that was explained by the fact that the Messenger (P.B.U.H) did not kill an apostate but asked him to repent. He did not kill any of the apostates except those who have committed other crimes. As for Abo Bakr, he fought the apostates against a political and not religious background. (³) The point of difference that arises here is one between the Islamic political thought and the western political thought. The latter places the question of religion legally within the circle of personal matters, whereas Islam is a faith and a system of life which renders any action that targets it as an attack against public order-and faith is its essence-like the principles of democracy in the liberal systems or the Marxist creed in the Communist systems.

Thus the Muslim thinkers has concluded that apostacy is a crime that is not related to the freedom of faith which Islam recognizes, but it is a political matter that is meant to preserve the Muslims and protect the institutions of the state. (⁴)

(1) Al-Meeli, Mohsen (1986) "secularism or the philosophy of the death of man", Tunis press, Carthage, page 38.

(2) Qutob, Sayyid, "Fi Dilal Al-Qoran, page 431.

* Al-torabi, Hasan (2003) " Shura and democracy: the intricacies of the term and the concept" page 22.

(3) Belqeez, Abdul Elah: "the formation of the Islamic political sphere: Prophethood and policy", op.cit, page 42.

(4) This was explained in detail by : Mitwalli, Abdul Hameed (1970) "the crisis of the Islamic political thought in the modern times: Phenomena, reasons and treatment", the modern Egyptian office for printing and publishing, Cairo, Alexandria.

Conclusion

The Islamic political thought has of late been subjected to a systematic, vicious, unjust and distorting campaign that portrayed it as being backward, terrorist and anti-modernist. This was caused by the suffering of the others, especially in the West, of the complex of hating the other, and their keenness to guarantee their selfish interests. They have adopted the anti-Islam theory as a tool of the instruments of the struggle. This was helped by the rise of groups of Islamic extremists who have followed paths not only not advocated by Islam, but Islam has faught in many of its values and principles.

But, and this is a true fact-those extremists have based their thought on the aggressive and wrongful practices that have been perpetrated by the colonialist states that came from America and Europe. They were also able to form extremist fronts taking advantage of the extremist, deviated and aggressive western approach against Islam.

Accordingly, we have to conduct the scientific and objective studies regarding the concepts of political freedoms, Human Rights and political participation in Islam.

This study has concluded that Islam has defined freedom as being a foundation in the righteousness of belief, and is the basis of the society, the state and civilization. It is a continuous struggle towards the embodiment of the human ideals and values. The Islamic political thought also believes in the necessity of guaranteeing Human Rights, among which the freedom of belief, freedom of opinion and political pluralism. Thus this thought has not only met with the priciples of the modern western democracy, but has surpassed them in many aspects. In addition, the concept of the state in its modern dimensions is an original concept, and that the authority is a natural need and a social necessity and a religious duty to uphold religion. It is not only a part of Islam, but an essential function for its standing.

The Islamic religious stipulation came to prevent the existence of the ruler as being the shadow of Allah on earth, thus preserving the legitimacy of the revolution and opposition-whether through war or peacefully.

This makes the Islamic state more committed than the others to the concept of the state of the law, on the basis that the nation is the one with the authority and sovereignty.

This demonstrates that the Islamic state calls for respecting the atmospheres of freedom, justice, purity, spiritual and material progress. Islam has also called for the strengthening of the authority of the community vis-à-vis the authority of the state. The Islamic political thought is a tolerant and just one that calls for equality, political pluralism, political opposition. These are enormous values that are completely consistent with any modern political thought.

Maybe the difference that arose between the western civilization and its thought, on one side, and the Islamic political thought, on the other side, was based on two factors:

The first difference:

Lies in the terminology. The west uses the term democracy, whereas the Islamic political thought uses the term Shura (consultation).

The second difference:

Lies in the practice. Democracy in the west is mostly practiced within a non-religious rule, as an old reaction to the revolution against the domination and control of the church and the attempt to ascribe divine glory and sanctity over its domain. It monopolized contact with Allah and confiscated the freedom of opinion, knowledge and the right to differ... to the point of the control of the clergy of the public life of the people. Thus the western democracy has risen over the ruins of the religion.

On the other side, the shura in Islam came as a political exercise that is not isolated from the religion which, in its essence, is a system of life... which contains within it public freedoms and the expression of opinion that constitutes the origin of political opposition.

The Islamic political thought has preserved for the human being all his rights in the freedom of belief, the right to equality, the rights of women, children, etc....

This humble study hopes to have posed questions to provoke the Western mind that is known for its knowledge and objectivity should it find the proper thesis that is presented by the others.

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