

Discourse on Democratic Values in the Islamic Political System

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Islam today still continues to be at the center stage of the global community. Yet the Muslim world-nearly 1/5 of the world population is caught between the modern as well as the mundane aspirations of life on one hand and a disconnection from the past glories and transcending values-beliefs that these people identify with, on the other. The Muslim world would like to progress past its problems without delinking from Islam. The western countries, currently dominating the world, supposedly prefer that the Muslim world to move forward, too, but also delink itself from Islam except at the personal or spiritual level, and most definitely, not to upset the current global status quo.

Western countries are mostly democratic and they claim that they would like to see the spread of democracy around the world. They consider democracy to be an indispensable modern ideal that, they contend, is quite conducive to attaining modern aspirations of life. For that reason democracy is identified as a cornerstone of western civilization and it is even promoted as a panacea. Discourses involving Islam, Muslim world and democracy are proliferating. But what really is the relationship between Islam and democracy? Are they even compatible?

Keywords: Democratic values, Islamic political system, *shura* (consultation), majority principle (*al-hukm al-aghlabiyyah*), democracy and Islam.

INTRODUCTION

The aspirations of Islam and democratization set the framework for most of the critical issues in the contemporary Muslim world. When one looks at the issues of Islam and democracy, it becomes clear that the most important questions revolve around the compatibility of Islam and democracy and the role of the new-style movements in the political evolution of Muslim societies. The older kind of approach, which works to adapt existing structures to the conditions of modernity, is still significant.

However, in the era of postmodern perspectives and institutions, the two most important issues relating to religious resurgence and political development are the potential democratic resources of the Islamic tradition and the ability of the new Islamic movements to operate effectively to meet the demand for both Islamic authenticity and popular democratic participation. This paper will highlight the issues related to the contribution of Islamic political system with regard to the democratic values. However, it is important to know that the relationship between Islam and democracy is best understood in a perspective that views both the global

context of democratization and the distinctive concepts and experiences of Muslims.

Due to the complex relationship between Islam and democracy in the contemporary world, the Muslims who consider Islam and democracy to be incompatible need to discard their biased position based on misperceptions. In addition, those who consider these to be compatible need to get rid of the apologetic approach. If Muslims find adequate convergence between Islam and democracy, it is not because some or many Muslims and non-Muslims think so and that they would like us to tread the path of democracy. Rather, Islamic governance a constitutional, participatory and accountable form is essentially based on the consent of the people or those who are governed, and thus democratic.

How Do We Define Democracy?

Democracy is the most popular and accepted political system in the modern world. It is portrayed by its advocates as the most advanced system of government

for the modern civilized society. Yet, there exists some differences of opinion among the Islamic groups on democracy. Democracy and human rights have become very important in the political agenda of many of Islamic parties such as *al-nahdhah party* in Tunisia, the development and justice party (AKP) in Turkey, and the freedom and justice party in Egypt. However, some of the parties and people do not accept it, since democracy speaks of sovereignty of the people.

In this context, we need careful and deep analysis on this issue. We need to understand the issue avoiding the minor technicalities. As we see it, Islamic scholars and even Islamic parties in the Muslim world think of a political system wherein government will run the country through Parliament. Muslim people also want freedom of expression, voting right of the people, rule of law, independent and free judiciary, free press, and fundamental human rights and etc. These are also the pre-requisites of the democratic system.

The philosophy of democracy is based on a strong presumption that it is the government of the people elected through adult franchise that the entire society participates in the formation of the government through the process of elections. It is presumed that during elections people will elect the right type of representatives for no considerations other than wisdom, justice, honesty, integrity and a general understanding of world affairs. They are certain that these representatives would look after the interests of their electorate for the duration of the mandate and serve the state with loyalty and devotion. One point which is very important in the western parliamentary democracy is that decisions can be taken on all issues (without exception) by the parliament and implemented through an impartial and honest administration and the efficiency of the entire system is subject to judicial authority and public scrutiny.

Larry Diamond, co-editor of the Journal Democracy, and Leonardo Morlino, a specialist in comparative politics at the University of Florence, ascribe seven features to any system of democracy: individual freedoms and civil liberties; rule of the law; sovereignty resting upon the people; equality of all citizens before the law; vertical and horizontal accountability for government officials; transparency of the ruling systems to the demands of the citizens; and equality of opportunity for citizens [1]. This approach is important, since it emphasizes civil liberties, human rights and freedoms, instead of over-reliance on elections and the formal institutions of the state.

Beyond their general agreement about the characteristics which distinguish ancient from modern democracy, scholars have yet to agree on a universally accepted definition of modern democracy. Some scholars regard democracy as a substance, while others define it as a form or method. But most scholars seem to agree that democracy connotes: "a system based on competitive parties in which the governing majority respects the rights of the minorities" [2].

The Democratic Values in Islamic Political System

The theory of state and government has ever been the most controversial issue in Islamic history. The reason for this controversy is due to its absence of detail in the Qur'an. The Holy book of Qur'an which is regarded as the first source of rules in Islam only provides some fundamental principles pertaining to the political and constitutional affairs of Muslims. In other words we can say that Islamic law (*shari'ah*) which regarded as a set of regulations in Islam does not prescribe any uniform system of government for a Muslim country, or it has refrains from providing detailed regulations for all changing requirements of Islamic social existence. The need for continues temporal legislation is therefore, self-evident.

In a state on Islamic principles, this legislation would relates to many problems of administration not touched upon by the Islamic law and it is believed that with the passage of time the practical form of government for any country will naturally change and therefore the Islamic law has left it to the community to evolve relevant form of government through an exercise of independent reasoning (*ijtihad*) in consonance with the spirit of the law and the best interest of the nation [3]. In matters affecting the communal side of community life no legislation reasoning or decision can be left to the discretion of individuals, but they must be based on a definite consensus (*ijma'*) of the whole community.

It is known that the ability of any political system to survive throughout the ages depends first and foremost on two factors: its provision for the basis spiritual and biological needs of man and its allowance for change. Aside from the spiritual and moral aspects of the creed which are permanently established, Islam provides only broad principles and framework in the area of worldly interactions (*mu'amalah*) which makes it possible for the Muslim community to evolve and meet the needs of every age.

The chief among such flexible aspects of Islam is its constitution. Although the constitutional rights and obligations of the rulers and the ruled are firmly established, the organization of the state, system of government and the procedures for participation in the political process are left open. However, Muslims at any point of time are obliged to evolve from this framework the constitutional institution which meets the needs of their era.

It is believed that to evaluate the relationship between Islam and democracy from the vantage point of existing political system is very important. There is no doubt that democracy provides the most appropriate alternative among the myriad of political systems that exist today. At the same times, Islam also emphasize and embrace democratic values and ideals as found in its key principles of its political system, such as the concept of popular consent or mutual consultation (*shura process*) in

the appointment of state leadership, or concept of the majority principle in decision making process (*al-hukm al-aghlabiyyah*), as well as the concept of sovereignty (*al-hakimiyyah*) in the discussion on the source of political authority, etc. Let us look first at the Islamic concept of popular consultation.

Concept of Popular Consultation (*Shura's Principal*)

According to Islamic law, Islamic government must be based on *popular consent* and *consultation (shura's principal)*. However, the *shari'ah* does not prescribe a detailed political system applicable under all historical circumstances. Indeed, the *shari'ah* provides only a broad constitutional framework which consists of divine precepts that are meant to be adapted with changing times. This orientation of the *shari'ah* requires that any demand to re-establish Islamic Constitutional ideals commensurate to the needs of time. On this, however, Muslims scholars have failed miserably. Their ceaseless demands to re-establish an Islamic Constitution have suffered since historical times from the lack of a meaningful program of action in the form of serious scholarly efforts to adapt the constitutional principles of the *shari'ah* to changing circumstances.

Instead, the vast majority of Muslim reformers simply stated the constitutional precepts of the *shari'ah* and called for their reintroduction to the Muslim constitutional life. They did not show how this could be done practically. This shortcoming has reduced the practical significance of those demands and minimized their historical achievements. The challenge posed to the proponents of the revival of the Islamic Constitutional is not only to take the Islamic constitutional precepts from the original sources of the *shari'ah*, but also to make them relevant to contemporary life.

The Islamic history has shown us that the term '*shura*' has been used in connection with consultation over decisions concerning the common problems and leadership of the Islamic community (*ummah*). The Prophet Muhammad and his rightly guided Caliphs practiced *shura* in the state of Madinah. The leaders of communities participated as representatives of their communities in discussing their affairs and common problems through the *shura* process of decision making [4]. In this context *shura* can be defined as the ascertaining of public opinion concerning matters of public nature. This means that *shura* is used to evaluate the opinion of the whole community (*ummah*) with regards to the affairs of common interest which are conducive to the position and healthy development of the state. This evaluation could be taken directly from the individual themselves or indirectly through their representative.

The institution of *shura* played a vital role in the political development of the early Madinah state, as it was practiced in full operation during the period Abu Bakr al-

Siddiq (d.634 A.D) and 'Umar Ibn al-Khattab (d.644 A.D.). The first divine order to the Prophet to practice *shura* was revealed in chapter *al-shura* " *wa amruhum shura baynahum* " which means; their affairs should be decided through consultation [5]. The verse described that the Muslims and the believers (*al-Mukminun*) as having conducted their affairs through the process of mutual consultation. This divine order regarded as evidence that the *shura* is one of the traits of Islam which should be practiced by all Muslims, whether they are only a group without an established state, as was the stateless situation of Muslims in Makkah, or from a fully established state as was the situation of the Muslim in Madinah. The second order given by God on the practice of *shura* to the Prophet is contained in following verse "*washawirhum fi al -amri*" which means; and consult them in affairs [6].

The predominant opinion among Muslim jurists is that the ruler is obliged to consult the Muslim community on public matters, and if the ruler neglects this, the community is entitled to demand that he abides by the obligation. To support this view, an quranic commentator al-Qurtubi (d.671 A.H) quoted Ibn Atiyyah's (d.518 A.H.) opinion by saying: '*shura* is the basis of *shari'ah* and any ruler who does not seek the counsel of the learned and religious people should be replaced' [7]. This means that the practice of *shura* is not only as a legal obligation for the Muslims, but also as a religious one. Abdalati [8] claims that consultation methods in politics, or in any other field for that matter, are not only a democratic formula of government, but a religious injunction.

The question now is, according to what standard should such public matters be defined? There are two conditions to be observed in the subjects matters of *shura*: the *first condition* is that *shura* is not applicable to questions on which an injunction exists in the Holy Qur'an or in the tradition (*sunnah*) of the Prophet, both of which constitute binding legislation; matters falling in this category are necessarily outside the domain of *shura*, except when its purpose is only to interpret the injunction, or to enforce it. The *second condition* is that when a question is referred to *shura*, the advisors are precluded from reaching a decision contradicting a legislative injunction in the Qur'an or *sunnah* of the Prophet. In the event of such contradiction, adherence to the opinion reached by the *shura* is prohibited [9], thus rendering the opinion valueless.

From historical precedence, the Prophet in his practice divided his overall conduct into two categories: *spiritual* and *temporal*. The spiritual aspect of life was regulated by the law giver, and this spiritual legislation was beyond reason, and the Prophet made reference to no one. The second type of the Prophet's overall conduct was the temporal legislation which dealt with conduct of worldly affairs, or in most of the matters where there were no divine revelations received. At these levels, the Prophet would make it a matter of consultation [10]. In one

occasion the Prophet also was asked as to what the Muslim community (*ummah*) should do after his demise in matters where they were no clear guidance of the Qur'an and the *sunnah* of the Prophet. To this query, He replied by saying that: " the Muslim community (*ummah*) should solve their problem through the process of *shura* (*mutual consultation*) [11].

This Prophet's precedent has provided us with an explanation that this idea of *shura* was concerned with those temporal matters about which there were no precise injunctions in the Qur'an. These are called as the common interest (*masalih*) of the Muslims in their affairs; this includes legislation, war and treaty [12].

Ibn Taimiyyah and Muhammad Abduh encouraged Muslim political leaders to rely on consultation in conducting public affairs. This includes all matters which are related to general policy as well as other field of worldly interest. Probably, Ibn Taimiyyah and Abduh based their opinions on the principle that authority belong to the community (*Sultah Li al-Ummah*) [13] and upon this principle the system of government in Islam was built. As *shura* is prescribed to the Muslims as a *constitutional principle* only while the details of its application are left open. Consequently, every generation has been given considerable legal attitude to determine, according to existing circumstances, and which they should share with the head of state, or delegate to him or to any other representative body . Muslim jurists generally agree that there are certain major decisions which should be made through consultation among the Muslims at all times. Chief among such decisions in the manner in which the government of a modern Muslim state is to be established, that is, the elective principle underlying governmental authority.

At the beginning of his Prophethood, the general practice of popular consultation (*shura*) by the Prophet was mainly with the leading Companions, a selected number of tribal leaders and men of supreme talents in the society [14]. These prominent men were the personalities who had been associated with the Prophet from the very beginning, and those who subsequently became prominent by virtue of their sacrifice, insight and ability. The members of this group enjoyed the confidence of the Prophet himself.

In a later period, especially after migration to Madinah, certain influential personalities of Madinah embraced Islam. Through their labor, Islam established a secure foothold in that city among the tribes of Aus and Khajraj tribes [15]. It was at the request of these people of Madinah that the Islamic government naturally grew into a political organization and become a *state* in its full meaning. It was, therefore, only natural that these people, with whose services Islam had prospered and progressed in Madinah, should be the leaders of the newly formed society and its political organization. Naturally again, it was most befitting that these people should be included in the *Majlis al-Shura* (Member of Parliament) of the

Prophet along with his first associates from Makkah. These people thus became the representatives of the people through a natural process of selection. They enjoyed the confidence of the Muslim masses to such a degree that if elections of the modern days would have been held, these people alone would have been chosen.

After the death of the Prophet, the Muslim community (*ummah*) naturally, treated them as being the most reliable authorities in the country. By the same process of natural selection, this group of people was automatically included in the *majlis al-shura* (parliament) of the Prophet's successors. However, it is undeniable fact that the precedents of the Prophet and of the rightful Caliphs in the matter concerning the appointment of the *majlis al-shura* (Member of Parliament) may not be of much help to the present situation, regarding qualifications of the members of that institution and the way they were required to discharge their functions.

Nevertheless, in term of intellectual capacity, all around those Caliphs, there were Companions of the Prophet who were extremely pious, and many of them were very knowledgeable and were known for their knowledge of the Quran and in matters of other knowledge requirements. They were entirely selfless. Each of them was a leader in his own right. In addition, they enjoyed public confidence, which was one of the greatest assets of leadership.

It was a very easy task to call all of them or many of them, whenever the occasion arose, for advice. During the period of monarchy, the appointment was the prerogative of the Caliph or the Sultan. But now, the method available is the election of the members of the parliament (*majlis al-shura*) who may represent the popular will. Through election, *majlis al-shura* will be truly representative of the entire community. The technique of election, whether it be a transferable or non-transferable vote, regional or proportional representation, has not been laid down in the *shari'ah* and, therefore, is a matter for communal decision.

It is important to keep in mind that in the classical period of Islamic government by consultation (*shura*) practically lasted for about twenty-three years only. It began with the reign of the Prophet and the two elders of the Caliphs, Abu Bakar al-Siddiq and Umar Ibn al-Khattab. Besides the limited time span, the twenty-three year period was full of military activities which resulted in the conquest of the Sasanid and the Eastern Byzantine empires. The brevity of this period and the pressure of the events simply left the *majlis al-shura* (Parliament) with no time to consider such an undertaking in the form of modern day general election.

Since political and social institutions of a country have direct relation to the history, national temperament and character of a particular people, and it is obviously impracticable to transplant such institutions from one country to another with appreciable success. It should be remembered that whatever methods were used in the

past should not be held by Muslims as precedents that have to be strictly followed as provisions of the Islamic law. It is by no means that following the precedents of the past is wrong, but that in similar situation Muslims must not blindly follow any precedent before examining all the circumstances and comparing them to the precedents.

The way of popular consultation (*shura*) of the Prophet and the four Caliphs were carried out indirectly, undertaken by representatives of the people. That was the practice of early Islamic civilization and recognized by jurist in their reference to *ahl al-hal wa al-'aqd* or *ahl al-shura*. The election of the Caliphs was carried out according to circumstances prevailing at the time. It is impossible to expect people living around the middle of seventh century A.D. to hold the consultation of equal standard to parliamentary discussion held today.

The main aim of representation in the political system is that the government should always remain in touch with public opinions. This principle must always be observed very strictly, no matter what form of representation of the people is put in place. Every effort must be made to find a proper and effective method of selection or election so that the community is able to play its proper role as the consultative body of the government. Today, with advanced technology and world-wide communications, Muslims must not imitate examples of fourteen centuries ago; that precedent and techniques were used due to unavailable modern communication, rather than that God has so ordered it.

The Islamic law does not restrict Muslims to certain methods, but gives them full freedom to select the technique will fulfill their ultimate desire to invoke justice and equality through the use of consultation process (*shura*) in electing their representatives as their leaders.

Although this is a Western view but it is useful for us as Muslims to understand that general elections facilitates political education, on the one hand, and the accountability of the leadership, on the other. General elections provide the masses with an opportunity to remove leadership if it has lost the people's confidence. Regular elections would keep the spirit of accountability alive in the nation and would act as a safety valve against violence. If the door to a peaceful change of government were closed, the masses would be compelled to adopt methods to bring about political change. We believed that any attempt to obstruct the general election process in any Muslim country, would be tantamount to a virtual defect of the Islamic political system.

The most important thing that we have to understand here is that Islam has enunciated basic democratic principles and values, and had them established in a particular space and time in varying degrees, during the lifetime of the Prophet and the rightly guided Caliphs, but there can be more than one road to achieve these ideals in the later periods of history, particularly in our globalization era, as Sayyid Qutub states that the Islamic system is not restricted solely to a replica of the first

Islamic society, but in every social form governed by the total Islamic view of life. The Islamic system has room and scores of models which are compatible with the natural growth of a society and the new needs of the contemporary age as long as they are kept within the parameters accepted by Islamic ideals [16].

Concept Majority Principle (*al-hukm al-aghlabiyyah*) as Decision –Making Mechanism

The provision for a peaceful resolution of constitutional disputes is crucial for peace, national unity and the longevity of any political system. The need for this constitutional mechanism is even more obvious in popularly inspired political systems. The successful resolution of any kind of constitutional disputes depends greatly on how the political system provides methods for peaceful resolution of disputes.

The Muslim history reveals that the lack of a constitutional framework to resolve disputes was a prime reason for the murder of the third Caliph Uthman Ibn 'Affan. It is well known that this incident resulted in a disastrous civil war and the everlasting disintegration of Muslim unity [17]. If the early Muslims had managed to institutionalize the proper mechanism provided for in the Qur'an to resolve their constitutional conflicts, the story of the Muslim world could have been much brighter than it is today. But, the thirty years life span of the classical caliphate, perhaps, was too short to allow the companions to evolve such practices. This sad reality should remind those who are concerned about the reinstatement of the Islamic political system that the provision for a peaceful resolution of constitutional disputes ought to be one of their primary objectives.

Given the fact that politics involves the adjustment of conflicting interests and opposing claims, man's selfishness to assert itself in the process of decision-making, except in the rare moments of history where high ideals prevail. Claess [18] claims that Human nature, as we know it so far in history and in ourselves, does not give any reason for optimism about the ethical motives over selfish motives in human affairs. Respect for the ethical goal of life does not seem to be the rule of politics but the exception. Another reason which contributes to differences in the legislative assembly (*majlis al-shura*) is that the common good is bound to be perceived differently by various members of parliament because the perceptions and judgments of people are in many ways based on their experiences, habits, traditions, social backgrounds, and all other forms of cultural influences that mould each individual's character. Laski [19] observes that man think differently who live differently. Since men are products of different social environments, their perceptions and judgments reflect that diversity.

The Muslim history which recorded the experiences of the Muslim community in the Muslim world also provides ample evidence to document the mentioned point. We

need only to remind ourselves of the fact that the emergence of separate Islamic schools of law is primarily a result of the environmental diversity of their scholars [20]. Accordingly it would be rare for two members of legislative assembly (parliament and *majlis al-shura*) to reach identical conclusions, or to see the effect of proposed decisions on their interests or those of their constituents in the same light. Claess [18] states that no two members of a popular assembly will be able to conceive of the meaning and consequences of a proposed law in the same way. Then, as a result of psychological, sociological, and other factors unanimity in decision-making in Parliament will be an exception, not the rule. The difficulty of obtaining unanimity in human affairs underscores the need for the establishment of rules of procedures for decision-making which are acceptable to all. Then, the establishment of standard procedures is a matter of necessity in order to prevent possible division in the community resulting from conflicting opinions in the legislature which could lead to anarchy and chaos.

Experience reveals that under the circumstances, the most suitable standard procedure for decision-making in representative institution is the majority principle [21], that is, the adoption of decisions by fifty percent plus one vote. Mindful of the difficulty of unanimity in human affairs, Prophet expressed, '*Ittabi'u al-suwad al-'azam*', which mean; follow the largest group (the majority); and at another occasion he also stated: '*'alaikum bi al-jama'ah wa al-'ammah*' meaning; it is your duty to stand by the united community and the majority', and '*yadu Allah ma'a al-jama'ah*'; [22] which means; God's hand is with the majority.

Besides these three hadiths which provided the constitutional basis for majority-decision in legislative assembly (*majlis al-shura*) there are also many references in historical and juristic precedents which supported the majority principle in both, historical fact and juristic writings. According to Muhammad Asad [22], the second caliph, Umar Ibn al-Khattab became Caliph by the *bay'ah* (oath of allegiance) of the majority of the companions, and not based on the consensus of all companions.

The fact that the principle of majority has its roots deep in the idea of political equality in Islam, as the Islamic law also provides equal political rights for community makes it logical that decision in legislative assembly (*majlis al-shura*) be made by majority vote decision, while sticking to the minority opinions would undermine the idea of political equality in Islamic political system. In addition to this fact, Imam al-Ghazali in his elaboration as to how the members of legislative assembly may select the Chief Executive (Prime Minister or President) he writes that in case they were divided about who should be the chief executive, it is an obligation that the majority prevails [22]. Similarly, Audah [23] writes in fact, the idea of consultation is meaningless if the majority does not

prevail. The obligations of consultations upon the community (*ummah*) require the adherence to the majority opinions.

It is true that the majority principle was not followed during the historical experienced of the four Caliphs, but its adaptations had neither been specifically forbidden nor disapproved by the Qur'an and the Sunnah. Both, reason and experience suggest that a carefully considered majority decision is less-likely to be wrong than a minority decisions. In the event that a carefully considered majority decision is proven wrong, the possibility also exists for its corrections via the same accepted procedures. Learning through the process of trial and error, as we all know, is the vehicle of human progress. This observation indicates that besides its *shar'i* obligations, the adaptation of the majority principle for the decision-making process in the legislative assembly (*majlis al-shura*) is also dictated by rational consideration.

Concept of Sovereignty (*al-Hakimiyyah*) as the Source of Political Authority

The concept of sovereignty remains the most important distinguishing mark of the state even today, in the era of globalization. The nation state still plays the role of both *de jure* and *de facto* sovereign and the citizen's identity is linked with it though there is a distinction between legitimate and illegitimate sovereign authority and also what is considered as just and unjust wars. From the perspective of political science, there are many types of sovereignty: legal, political, popular, *de jure* and *de facto*.

Legal sovereignty is the supreme law-making body in the state. It is the determinate sovereign that Austin spoke of and this view was shared by Hobbes and Bentham. In modern states, the *constitution* is the legal sovereign [24]. Political sovereignty, a conception in Locke's theory, is a term associated with democratic system of government to symbolize the will of the peoples, which is recognized as the ultimate and final source of all authority [25].

As Thomas Hobbes stresses that power alone is not enough, it must be accompanied by the people's acknowledgement of the legal and political authority of the state [24]. Popular sovereignty which is associated with direct democracies, like Rousseau's plebiscitarian model, argues that it is the people who are the ultimate authority. Both the concepts of political and popular sovereignty consider the legislature (Parliament) to symbolize supreme power, for it is the law-making institution. Based on these concepts of sovereignty the modern ideal of democracy has been defined as government of the people, by the people for the people which indicated that western democracy advocates that sovereignty belongs to people, or it is people as was regarded as the source of power or authority in the democratic system of government.

While in the whole of Islamic history the questions of

political power or authority (sovereign) of Muslim world were never realistically solved. Rulers never succeeded in gaining full and total recognition of the Muslim jurists and if they did, it was out of necessity and expediency. The reason for this was due to the reluctance of the Muslim scholars to adopt the changes in the body politics of the early Muslim community and their inability to work out a synthesis between eternal principles of Islam and the social changes.

The confusion that has arisen is due to the fact that Islam has not evolved a term of its own to specifically designate authority. There are many verses of Qur'an which reflected that the legal sovereignty (*De jure* sovereignty) belongs to God, as the verse stated in the chapter of Yusuf: *Inni al-hukmu illa lillah amara alla ta'budu illa iyyahu* which means the command is for none but God, He hath commanded that ye worship none but Him [26].

Again in the chapter of al-Maidah, Qur'an explain clearly by stating '*Waman lam yahkum bima anzala Allah faula ika humul kafirun*' which carries the meaning; And whosoever does not judge by what God has revealed, such are the disbelievers-of a lesser degree as they do not act on God's law (*al-kafirun*) [27]. These Quranic verses confirmed that it has been definitely laid down that *de jure* (legal sovereignty) also belong to God whose *de facto* sovereignty is inherent and manifest in the working of the entire universe and who enjoys exclusively the sovereign prerogative over all creations. Based on this rationality some Muslim scholars believed that the source of all power and authority in Islamic political system belong to God alone.

However, since God authority cannot operate in human society as He himself cannot become an immediate ruler in the political connotation, for that reason we also found that besides the Qur'an emphasising the sovereignty of God, at the same time it repeatedly refers to man as His vicegerent (*khalifah*) on earth as stated in chapter of al-Baqarah "*Inni ja'ilun fi ardhi khalifatan*" [28], which means; I will create a vicegerent on earth. In the chapter al-'Araf God also stated: "*wazkuru iz ja'alakum khulafa*" which means; and remember how He made you as inheritors [29]. As well as in verse 129 of the same chapter again God also stated: "*wayastakhlifukum fi ardhi*", which means; and makes you as inheritors on the earth [30].

The stated Quranic verses explain to us that the concept of authority and power which originally belong to God according to its classical concept of Islamic system has been replaced with the concept vicegerency of God on the earth. Al-Alusi [31], the quranic commentator said; "the rule of the Holy Prophet Muhammad (PBUH) is in fact, the rule of God. After the Prophet, Muslim community (*ummah*) succeeded to power to rule".

However, the Muslim community places itself under *self-limitation* by declaring individually as well as collectively the moral sovereignty of God. Hence,

according to Islamic political theory, the sovereign power or authority is delegated by God to Muslim community (*ummah*) as a trust. The community can, therefore, legitimately exercise this delegated authority only in accord with His will, the Islamic law (*shari'ah*).

It is very clear that political authority on earth is a gift to the community as God's vicegerent (*khalifah*), but it is a sacred trust to be exercised by rulers of the community for implementing the will of God for the betterment of the Muslim community at large. Based on this fact, the Sunni Muslims developed their concept on political authority, that it must not be left vacant after the death of the Prophet. Its vacancy means that someone must be appointed to the supreme power with the principal task of regulating the affairs of the community in general.

Since political authority signifies the power to determine policy and enforce it through the law and other institutions, it can only be justly and expediently based on the consent of the whole population purported to be so governed. The right to participate in the discussion of, or to be consulted about, all major public issues not categorically settled by the revealed text (the *nusus*), is only one of those universally guaranteed political rights. Then, the basic reason for popular participation in the decision-making process of their government is due to their political right. The fulfillment of these obligations makes political participation itself an obligation of the Muslim community [3]. Since the application of the law represents both a personal and a collective obligation upon Muslims, for that reason it is essential for every citizen to participate directly in the decision-making process. From this perspective, political participation in Islam constitutes both an exercise of rights and a fulfillment of religious obligations. The ideal method for such political participation, it may seem, is that of direct popular participation. However, due to the obstacle of a large territory and sizeable population for some countries make some sort of representative government the only available practical option to ensure effective popular participation in the decision-making process in any large state. The Islamic or modern Muslim state, of course, is no exception to this rule. In fact, the idea of government by representation in Islam is derived from this necessity.

What logically follows from the above observations is that legitimacy of political authority is determined by the free choice of the members of Muslim community who elect someone as their leader to administer the community left behind by the Prophet. The Sunnites further hold that legitimate authority is constituted by election on the part of either the masses or their leaders as had been the case in the choice of the immediate successors of the Prophet [32]. In case of election is not feasible, they assert, then, the incumbent ruler has the right or authority to nominate someone as his successor. But any succession, in order to be valid, must be confirmed by the prominent members of the community as well as the common people [32].

It is clear that the concept of legitimacy of political authority in Islam is rest on the community. The Muslims as the vicegerents of God have to elect a trustworthy person from among themselves to administer the community. The ruler is thus not only responsible to God for his acts but also to the members of the community as well. This also makes it clear that the right of authority in Islam is not hereditary.

Islamic Political System Vs Democracy

Since Islamic political system shares some important characteristics of western democracy, some thinkers, Muslims and non-Muslims alike have associated the Islamic political system with western system. To avoid the misapplication of western political terms to Islamic institutions, it is necessary to distinguish between them. This distinction is important in order to put our discussion in the proper context. Let us draw the line between democracy and the Islamic political system.

Modern democracy is a representative system. In the words of John Stuart Mill, modern democracy is a government of the whole people by a mere majority of the people, exclusively represented [33]. Unlike the Greek polis, the large size of population and territory of modern democracies make government by representation imperative. Beyond their general agreement about the characteristics which distinguish the ancient from modern democracy, scholars have yet to agree on a universally accepted definition of modern democracy.

Some scholars regard democracy as a substance, while others define it as a form or method. Most scholars, however, seem to agree that democracy connotes a system based on competitive parties in which the governing majority respects the rights of minorities [34]. Our purpose here, which is to distinguish between Islamic political system or Islamic governance and modern western democracy, would be well served by using the classification made by some scholars, which divides democracy as a popular rule into plebiscitarian and constitutional. This approach would make it possible to cut across the philosophical lines and to identify the most salient features that distinguish Islamic political system from western democracy.

Plebiscitary democracy is defined as one which gives maximum freedom and power to the momentary majority of the people by placing no strong resistant legal obstacles in the way of emerging popular wishes [18]. In his attempt to harmonise politics with morality, Jean Jacques Rousseau sought to associate man's unrestrained spontaneous behavior with morality. According to Rousseau, man is by nature good. When he acts spontaneously, man always wills the good. Thus, in order to make popular government moral, the general will, which is the spontaneously expressed will of the people and by necessity moral, should be allowed to manifest itself free of any constitutional restraints, such

as "artificial" constitutional goodness in politics [18].

Rousseau's concept of plebiscitary democracy is diametrically opposed to the notion of government in Islam in at least two ways. One difference between plebiscitary democracy and Islamic political system concern the subject of 'constitutional restraints' on the people. Rousseau, as we have seen, considers the 'removal of such restraints' to be essentially for the evolution of moral government. Islam, on the contrary, considers the existence of *constitutional restrictions* on man's behavior as a prerequisite for good government. Accordingly, the Islamic law prescribes a perpetual code of ethics to guide the conduct of man, the violation of which is said to cause displeasure of God. Referring to these constitutional to these ethical restrictions, God states; "tilka hududal lah fala ta'tadduha waman yata'adda hududal lah faula ika humul dhalimun " which means ; these are the limits ordained by God, so do not transgress the limits, whoever transgress the limits of God, such persons are wrong [35].

The second difference that distinguishes the Islamic government from Rousseauistic notion of plebiscitary democracy is the latter's implication that spontaneous impulse of the moment is necessarily good in politics. According to Islam, Islamic law constitutes the source of all ethics including those of the state. Human conduct, whether spontaneous or well considered, is moral only insofar as it is compatible with the law.

In the absence of a clear provision in the law to guide decision-making concerning the subject under consideration, careful reasoning within the broad limits of the Islamic law is mandatory. Decision-making with the whims of the moment is incompatible with Islamic tradition. This discussion leads to the conclusion that the system of governance is far removed from plebiscitary democracy, which allows us to turn our attention to the comparison of Islamic governance and constitutional democracy.

Constitutional democracy is defined as a popular rule under legal restraints which cannot be changed or removed without the support of a qualified majority over an extended period of time [18]. In this sense, constitutional democracy signifies a representative system that operates within a framework of fundamental laws which guides its decision-making process and allow for the refinement of momentary popular inclinations.

There are at least three important characteristics common to constitutional democracy and Islamic system of government, these aspects are: quality before law, government by consent and consultation, and a process of decision-making formed by constitutional restraints. Due to these aspects it connotes that democracies are similar to each other.

In fact, constitutional democracy and Islamic governance differ, at least in two substantive respects. One difference relates to the 'source' of constitutional laws in each system. While laws in Islamic system are by

necessity part of the Islamic law, or are humanly derived from such a law; they are not necessarily so in constitutional democracy. Laws in western democracy usually have a secular origin.

The second difference stems from the 'nature' of law. In the Islamic system the basic elements of law, revealed text (*nusus*) are meant to be perpetually valid. No human agency has the power to amend or abolish them. Other supplementary laws, mostly related to worldly affairs, which are man-made and may be changed to meet the needs of changing times, must be consonant with the spirit of the Islamic law. In constitutional democracy, however, no law is perceived to be perpetually valid or beyond change. All laws may undergo gradual change in the course of time.

Laws in constitutional democracy may or may not be compatible with the Islamic law guidance. In other words, while citizens in constitutional democracy have greater sovereignty to legislate, citizens in Islamic state enjoy only limited sovereignty in this respect. This orientation in Islamic law puts definite limitation on the right of community to legislate and denies the 'will of the people (community)', an attribute of sovereignty which forms so integral part of the western democracy [36]. Thus, despite their similarities, Islamic governance and western constitutional democracy are not identical.

In What Way the Muslim Community Accepted Democracy?

Muslim must recognize the historical fact that for nearly fourteen centuries the system of governance in the Muslim world, though progressive and dynamic compared to the other contemporary societies and civilizations of the time, has been based not on what is the principle of popular consultation (*principle of shura*). Since the time of Mu'awiyah, the governmental system of Muslim societies turned to hereditary monarchy (*mulukiyah*). That was an important turning point, because this replacement of popular governance with hereditary monarchy was actually a counter revolution against the teaching and the precedent of the Prophet Muhammad.

The political legacy that followed and on the basis of which has evolved current Muslim countries dysfunctional state is rooted in that counter-revolution, not the precedent of the Prophet and the legacy of the Rightly-Guided Caliphs. Based on this fact some western scholars such as Samuel Huntington and Bernard Lewis, take a pessimistic scholarly view that historically the Muslim world has been under non-democratic rules for nearly fourteen centuries, going back to the period that ended with the Rightly Guided Caliphs, and thus a democratic culture since those times not internally in existence in the Muslim world [37]. The scholars, Muslim and non-Muslims who agree with mentioned statement they argued that democracy and Islam are fundamentally

incompatible because of difference in the concept of sovereignty. According to them, in Islam sovereignty belongs to God alone. Human beings (people) are mere executors of His Will. On the other hand, in democracy sovereignty belongs to people.

Due to this concept of western sovereignty, some Muslims fear that democracy makes the people a source of power and even legislation. Anyway, these fears can be overcome by one article stipulating that any legislation contradicting the incontestable provisions of Islam shall be null and void because Islam is the religion of the State and the source of legitimacy of all its institutions and therefore may not be contradicted, as a branch may not run against the main stream. For those who against the concept of '*sovereignty of God*', they should be clearly understand that the acceptance of the principle that legislation or rule belong to God does not rob the Nation of its right to seek for itself the codes necessary to regulate its ever-changing life and earthly affairs.

What Muslim community and their scholars actually seek is that legislations and codes be within the limits of the flawless texts and the overall objectives of the Islamic law and the Islamic message. The binding texts are very few, while the area of "permissibility" or legislative free space is quite wide and the texts themselves are as flexible and capacious as to accommodate more than one understanding and accept more than one interpretation, which leads to the existence of several schools and philosophies within the expansive framework of Islam. Hannan [38] wrote that we would like to reiterate again here that God is the true and ultimate Sovereign, but he has bestowed a level of freedom and responsibility upon the human beings in this world. God has decided not to function as the Sovereign in this world. He has blessed humanity with revelations and his essential guidance. Muslims are to shape and conduct their lives, individually and collectively, according to that guidance. But even though essentially this guidance is based on divine revelation, its interpretation and implementation are human. Whether Muslims would choose an Islamic system of governance or not is a human decision. It is a matter of choice; there is no room for compulsion or imposition.

When conflict takes place between society and leadership for example, if the majority of the society of Muslim community does not want to uphold Islam, the leadership cannot coerce the society into what it does not want. There is no compulsion or coercion in Islam. Coercion never delivers sustainable results, and the foundation of Islam cannot be based on coercion. God is the sovereign from the viewpoint of Islamic reality, but not from practical standpoint.

When our decisions are to be made based on reasoning (*Ijtihad*) and we could be wrong, where Muslims constitution and policies would be formulated through human consultation (*shura process*) and could also err, when Muslim judicial system would be guided by

the revealed guidance, yet, based on the evidence presented, there would be chance for an innocent person to get convicted and a guilty one to go free, God is not acting as a sovereign in this Worldly life.

To obtain a clear picture of the relationship between Islam and democracy it is necessary to look from the vantage point of existing political systems. There is no doubt that democracy provides the most appropriate alternative among the myriad of political systems that exist today. According to Abu al-Fadl, both Islam and democracy emphasize and embrace values and ideals, such as human rights, the protection of minorities, freedom of expression and religious practice, and the rule of law [39]. They argue that if a democratic state gives an individual the opportunity to learn and practice his or her religion, then the political system is not considered to be against the teaching of the Qur'an.

Moreover, when a political system is consistent with '*universal norms of law*' particularly in human rights, protection of minorities, freedom of expressions, there is no need for another state, even if such a renewal is not considered based on Islamic law (tashri), it is not conceived of as being against it [40]. Gulen [40] argues that a political system that does not stem from Islamic law does not necessarily imply being against *shari'ah*; hence, a political system, such as democracy, may in fact be congruent with the basic tenets of the religion. Islamic law, he suggests, for the most part, relates to the personal religious life supported by God's command, the Prophet's sayings and practices, and the consensus of the Muslim community (*ummah*). While principles regarding politics and state administration account for only five percent of the whole, whereas the rest focuses on issues related to article of faith, and moral principles of religion. As a result, most of the concern about Islamic law is unfounded [40].

As an added point, let us look at the role of individual and the nature of the relationship between the state and the individual. Islam regards government as a contract between the ruler and the ruled. Both have duties, responsibilities, and right. In contrast to some practice in many Middle Eastern Muslim majority countries, both the ruler and the ruled are subject to the rule of law. Hence, military rule, dictatorship, arbitrary rule and any type authoritarian political system are illegitimate forms of government. In an Islamic administration, those who are at the top have to obey the law like ordinary people. They cannot violate these principles and cannot act in their practice against these principles [41]. In a similar vein, the right to rule does not belong to any kind of spiritual leaders, that is, the '*ulama*, or to any other religious institutions. Instead, the values and importance of the individual human being has been emphasized on various occasions. Based on this discussion, it becomes important to recognize the fact that Islam, on doctrinal grounds, underscores human rights, freedom of expression and religion, and individual accountability.

This indicates the compatibility of Islam within democratic political system.

It is clear that in its fundamental character based on those core features, there is no conflict between democratic values and Islamic political system, except that in an Islamic political system people cannot call themselves Islamic while themselves being in conflict with Islam. That is why Muslims should not shun democracy in a general sense as conflicting with Islam; rather, they should welcome it. Omar [42] remarked that; democracy is the best application of shura.

A matter of fact, the issue of Islam and democracy is important not just for Muslims, but also for the west. As Esposito [43] argues, democracy in the west is arguably not a model of perfection at the end of history; rather, a reconceptualization of democracy is viewed as a continuous imperative. Esposito [43] contends, Muslim and non-Muslims have something to benefit from each other in light of our human experience. As we have observed, beyond the formally proclaimed Islamic political systems, there has also been an increasing role for democracy with an Islamic tone.

In many countries, we found that Muslims who are not activist Islamists have participated in electoral processes and brought a growing sense of the need for morality and Islamic awareness in the political arena. We also observed what has taken places in Muslim countries in an era when politics is becoming '*desecularized*', leaders of Islamic organizations play important role in electoral process political systems that are not explicitly identified as Islamic. When the military regime of Suharto in Indonesia was brought to an end, the person who became president in 2001 as a result of the first open elections was Abdul Rahman Wahid, the leader of *Nahdatu Ulama*, perhaps the largest Islamic organization in the world. He did not campaign on a platform of Islamic party, instead his party was National Awakening Party '*Partai Kebangkitan Bangsa* (PKB)', he also did not campaign on a platform of Islamizing the political system, even though he participated in the democratic system as clearly as an identifiable Islamic leader. When he was removed as president in 2003, it was by a process of orderly replacement, and neither his followers nor his opponents engaged in religious warfare.

Similarly also in some of Arab countries after Arabs Spring event has taken place, some Islamic oriented parties such as the Awakening Party '*al-Nahdhah party*' in Tunisia has successfully formed government as a result of November 2011 general election, the same thing also has taken place in Egypt since the first round of Parliamentary election in November 2011 to 21 January 2012, the Muslim brotherhood which contested under the Freedom Justice Party (FJP) has won 47% votes or 235 seats in the 498 seat parliament, and another Islamic oriented party '*Salafi al-Nour*' obtained 25% votes, or 125 seats [44] and the AKP party in Turkey, all of those parties have operated successfully in the secular

electoral politics of those countries. Although at the beginning, the Islamic oriented parties in those countries have been suppressed and many of their leaders jailed or in exile, the response of the people in the parties has simply been to form new parties and try again within the political system rather than withdrawing into a violent underground opposition.

The Turkish experience reflects the fact that many Muslims, whether living in formally secular or formally Islamic states, see democracy as their main hope and vehicle of effective political participation. In short, we can say that the Islamic oriented political parties as stated above resort to the electoral democratic election because 'democratic elections' may have proven to be the easiest and most legitimate to power. Muslim community in the Muslim world accept the formal procedural of democracy such as the ballot box but is unsure whether they also have accepted democracy as a set of liberal values of democracy as a pluralist culture of democracy. Whatever their stand, it is clear that in term of procedural democracy Islam is not inherently incompatible with democracy. Political Islam is sometimes a program for religious democracy and not primarily an agenda for holy war or terrorism.

CONCLUSION

The collapse of the Soviet Union (a communist regime) and the emergence of the United States (a democratic regime) as the supreme power in the new world order have furthered the widespread acceptance of democracy as the legitimate basis for political order around the globe. The discourse of democracy has become, in almost all societies, the dominant discourse in politics.

There is wide agreement among many analysts that perhaps 'the most important global political development of the late twentieth century' is the emergence of movements embracing democratic ideas throughout the world. Movements in Arab and Islamic countries are not exceptions in the universal quest for democracy. The moderate Islamic movement e.g. al-Nahdah Political party in Tunisia, Justice and Freedom and al-Nur Salafi parties in Egypt, AKP party in Turkey and moderate Muslim thinkers such Sheikh Yusuf Qaradawi, Rashid Ganusi and al-Ghazali have accepted the centrality of the notion of democracy to the Islamic political order. They have concentrated their efforts on developing an Islamic political order or Islamic democratic political system which could embrace democratic ideas and institutions, but only after they are subjected to reinterpretation and reformulation in the light of Islamic law norms and values.

While the concerns about compatibility of democracy with various other religions have been frequently raised, namely with regard to such religions as Catholicism, Christian Orthodoxy, and Confucianism. Similar issues, as in the case of Islam, have been raised about these religions, and their cultural spheres. We should bear in

mind the fact that these religions embody a complex set of ideas and doctrines, more than anything else. It is believed that these religions indeed have the capacity to renew themselves over time to synchronize with the requirement of the present. Hence, judging against religions to soon may prove inaccurate.

One thing that we cannot deny here is that the tools and guarantees created by democracy are as close as can ever be to the realization of the political principles brought by Islam to protect against the ambitions and whims of rulers. These principles are: mutual consultation (*shura*), disobeying illegal orders, resisting unbelief and changing wrong by force whenever possible. It is only in democracy that the power of Parliament is evident and that people's representatives or deputies can withdraw confidence from any government that breaches the Constitution, and it is only in such an environment that the strength of free press, free parliament, opposition and the masses is most felt. Nevertheless, we have to be aware here that the absence of stable democratic regimes among Muslim-majority countries is in our opinion, due to non-religious reasons such as petroleum dependency in the case of Middle East, and low levels of education and economic development more generally.

A majority of Islamic thinkers and Muslim community (*ummah*) want their right to vote, rule of law, and a government that is to be elected by the people. The term democracy means all these things. Taking everything into consideration, we can say that there is no problem to accept the term of democracy under certain conditions. Accepting the procedural democracy at least will help to remove misunderstandings about Islam that it is for violence and dictatorship.

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