

مَجَلَّةُ الشَّرْعِ وَالْأَشْيَاءِ الْإِسْلَامِيَّةِ

فصلية علمية محكمة تصدر عن مجلس النشر العلمي - جامعة الكويت

الكفاءة السياسية والتمثيل الشعبي بوصفهما ركيزتي السلطة
في التصور الإسلامي

د. نايف نهار الشمري

كلية الشريعة والدراسات الإسلامية - جامعة قطر

مجلس
النشر العلمي



جامعة الكويت
KUWAIT UNIVERSITY

ISSN: 1029-8908

العدد ١٣٢ - السنة ٣٨

شعبان: ١٤٤٤هـ - مارس ٢٠٢٣م

البحث الثامن

**الكفاءة السياسية والتمثيل الشعبي بوصفهما
ركيزتي السلطة في التصوّر الإسلامي**

د. نايف نهار الشمري

أستاذ مشارك

كلية الشريعة والدراسات الإسلامية – جامعة قطر

الكفاءة السياسية والتمثيل الشعبي بوصفهما ركيزتي السلطة في التصور الإسلامي

د. نايف نهار الشمري *

تاريخ إجازة البحث: ديسمبر ٢٠٢٢م

تاريخ استلام البحث: أكتوبر ٢٠٢٢م

ملخص البحث

تسعى هذه الورقة لبيان أن النظام السياسي الإسلامي تفرّد عن سائر النظم السياسية بحرصه على اجتماع ركيزتين، الكفاءة السياسية والتمثيل الشعبي. ولا يعني ذلك أن النظام السياسي في الإسلام ليس فيه سوى هاتين الركيزتين، فهو يمتلك ركائز أخرى، كمبدأ مرجعية الوحي وسيادة القانون واستقلال السلطة القضائية وغير ذلك، لكن المقصود في هذه الورقة هو بيان موضع الفريدة في النظام السياسي الإسلامي عن سائر النظم، فالنظم الأخرى إما جنحت إلى البعد الكمّي أو إلى البعد الكيفي، والنظام السياسي الإسلامي وحده الذي جمع بينهما. وقد تمحورت هذه الورقة حول هاتين الركيزتين بياناً وتفصيلاً، موضحة أن مبدأ الكفاءة السياسية يعود إلى الأدلة الشرعية التي تبين أن الكفاءة مطلوبة في سائر التكاليف الشرعية، وأن نصوص الوحي لا تساوي بين المؤهل وغير المؤهل. أما فكرة التمثيل الشعبي فتجد سندها في فكرة البيعة، إذ إن البيعة عقد اختياري باتفاق الفقهاء، فلا بد إذن من الاختيار والرضا من قبل المحكوم وإلا لا تتحقق البيعة، وبذلك يتكامل عنصرا الأهلية والتمثيل. ارتكزت هذه الورقة على المنهج الوصفي الكاشف عما يتضمنه الوحي الإسلامي من مواقف تجاه موضوعات البحث.

الكلمات المفتاحية: الكفاءة السياسية، التمثيل الشعبي، النظام السياسي الإسلامي، مرجعية الوحي، سيادة القانون.

(*) أستاذًا مشاركًا في كلية الشريعة والدراسات الإسلامية بجامعة قطر، ومديرًا لمركز ابن خلدون للعلوم الإنسانية والاجتماعية بجامعة قطر. حاصل على شهادتي دكتوراه في الصيرفة الإسلامية والعلوم السياسية من الجامعة الإسلامية العالمية بماليزيا، عام ٢٠١٣ و ٢٠١٨، والمجستير في الصيرفة الإسلامية من الجامعة الإسلامية العالمية بماليزيا، عام ٢٠١٠، والليسانس في الفقه وأصوله من جامعة قطر، عام ٢٠٠٨. نشر ١٠ كتب، وأكثر من ١٠ أبحاث علمية محكمة منشورة في المجلات العلمية.

الاهتمامات البحثية: الدراسات القرآنية، الفكر السياسي الإسلامي، الفكر الغربي الفلسفي، الصيرفة الإسلامية، الفقه وأصوله.

fī naqḍ kalām al-Shī‘ah al-qadarīyah. Al-Imām Muḥammad University Press. Riyadh, KSA.

25. Le Bon, Gustave. (2016). Al-sunan Al-nafsīyah liṭaṭawūr Al-‘Umam. Al-Ahlīyah lil-Nashr wa-al-Tawzī‘. Amman. Jordan.

26. Locke, John. (1959). On Civil Rule. tarjamat Majid Fakhry. Al-Lajnah al-Dawlīyah li-tarjamat al-Rawā’i‘. Beirut. Lebanon.

27. Mill, John Stuart. (2017). Parliamentary Governments. tarjamat Emīle El-Ghūrī. Al-Markaz Al-‘Arabī. Beirut. Lebanon.

28. Monsor, W. N. (2015). “Abu Hasan Al-Mawardi: The First Islamic Political Scientist”. 1-8.

29. Muslim, Ibn Ḥajjāj. (1374AH). Ṣaḥīḥ Muslim. Maṭba‘at ‘Īsā al-Bābī al-Ḥalabī. Cairo. Egypt.

30. Plato. Al-Jumhūrīyah. tarjamat Ḥannā Khabbāz. Dār Al-Qalam. Beirut. Lebanon.

31. Ṣabrī, Muṣṭafā. (2007). Mawqif al-‘aql wa-al-‘ilm wa-al-‘ālam min Rabb al-‘ālamīn. Dār al-Tarbiyah. Damascus. Syria.

32. Schumpeter, Joseph. (2003). Capitalism, Socialism and Democracy. Routledge. London.

33. Twshār, Jān. (2010). Tārīkh al-afkār al-siyāsīyah. Trans. Nājī aldrāwshh. Dār al-Takwīn. Damascus. Syria.

34. ‘Uthmān, Muḥammad Ra’fat. Ri’āsāt al-dawlah fī al-fiqh al-Islāmī. Dār al-Kitāb al-Jāmi‘ī. Cairo. Egypt.

13. Dahl, Robert. (1995). *Al-Dīmuqrāṭīyah Wa nuqqāduhā*. tarjamat Numayr ‘Abbās. Amman. Jordan.
14. Davutoglu, Ahmet. (1994). *Alternative Paradigm: the impact of Islamic and Western Weltanschauungs on political theory*. University press of America. Maryland, USA.
15. Hallaq, Wael. (2013). *The Impossible State: Islam, Politics, and Modernity’s Moral Predicament*. Columbia University Press. New York. USA.
16. Hamid, E. A. (2001). “Al-Mawardi’s Theory of State: Some Ignored Dimensions”. *American Journal of Islamic Social Sciences*, 18(4), 1–18.
17. Hume, David. (2016). *Abḥāth akhlāqīyah sīyāsīyah wa-adabīyah*. tarjamat ‘Abd Al-Karīm Nāṣīf. Dār Al-Farqad. Damascus, Syria.
18. Ibn Ḥazm, ‘Alī ibn Aḥmad al-Zāhirī. *Al-faṣl fī al-milal wāl’hwā’ wa-al-niḥal*. Maktabat al-Khānjī. Cairo. Egypt.
19. Ibn Kathīr, (1408AH). *Al-Bidāyah wa-al-nihāyah*. Dār Ihya’ al-Turāth al-‘Arabī. Beirut. Lebanon.
20. Ibn Khaldūn, (1408AH). *Dīwān Al-mubtada’ wa-al-khabar, taḥqīq Khalīl Shihādah*. 2nd ed. al-Fikr. Damascus. Syria.
21. Ibn Rajab, (1996). *Faṭḥ Al-Bārī fī sharḥ Ṣaḥīḥ Al-Bukhārī*. Dār al-Ghurabā’. Al-Madīnah Al-Munawwarah. KSA.
22. Ibn Qudāmah, (1417AH). *Al-Mughnī*. 3rd. Dār ‘Ālam Al-Kutub. Riyadh. KSA.
23. Ibn Sa’dī, (1999). *Al-qawā’id Al-ḥisān fī tafsīr al-Qur’ān*. Maktabat Ibn Rushd. Riyadh, KSA.
24. Ibn Taymīyah, (1406AH). *Minhāj al-Sunnah al-Nabawīyah*

- Islām. al-Nādī al-shabābī, Amman, Jordan.
2. Abū Ya‘lá, Al-Farrā’. (2000). Al-aḥkām Al-sultānīyah. 2nd ed. Dār al-Kutub al-‘ilmīyah. Beirut. Lebanon.
 3. Aḥmad, Ibn Ḥanbal. (1421AH). Musnad Aḥmad. 1st ed. Mu’assasat al-Risālah, Beirut. Lebanon.
 4. Al-Ghazālī, Muhammad bin Muhammad. Faḍā’ih Al-bāṭinīyah. Dār Al-Kutub Al-Thaqāfīyah. Kuwait. Kuwait.
 5. Al-Ghazālī, Muḥammad. (2004). Ḥuqūq al-insān bayna Ta‘ālīm al-Islām wa-i‘lān al-Umam al-Muttaḥidah. Nahḍat Miṣr. Cairo. Egypt.
 6. Al’kwīnī. (2016). Risālat Al’kwīnī fī al-radd ‘alá al-Muslimīn. 2nd ed. Maktabat Bībliyūn. Beirut. Lebanon.
 7. Al-Aṣfahānī, Al-Rāghib. (1412AH). Al-Mufradāt fī Gharīb Al-Qur’ān. Dār al-Qalam. Damascus. Syria.
 8. Albyyāty, Munīr Ḥamīd. (2013). Al-nizām al-siyāsī al-Islāmī mqārnan bi-al-dawlah al-qānūnīyah: dirāsah dustūrīyat shar‘īyah qānūnīyah muqāranah. Dār al-Nafā’is. Amman. Jordan.
 9. Al-Māwardī, ‘Alī ibn Muḥammad. Al-aḥkām Al-sultānīyah. Dār Al-ḥadīth, Qairo. Egypt.
 10. Al-Raisūnī, Ahmed. (2012). Qaḍīyat al-Aghlabīyah min al-wijhah al-shar‘īyah. 1st ed. Al-Shabakah al-‘Arabīyah lil-Abḥāth wa-al-Nashr. Beirut. Lebanon.
 11. Al-Shāfi‘ī, Muḥammad ibn Idrīs. (1357AH). al-Risālah. 1st ed. Muṣṭafá al-Bābī al-Ḥalabī wa-Awlāduh, Cairo.
 12. Al-Shawkānī, Muḥammad. Al-Sayl Al-jirār ‘alá Ḥadā’iq Al-azhār. Dār Ibn Ḥazm. Beirut. Lebanon.

ruler who is the outcome of the community's choice {*and their matter is consultation among themselves*}, and the community that is committed to obeying the legitimate authority.

4. Jurists agreed that the contract of allegiance should be a free-will contract in which there is no compulsion, as coercion nullifies the legitimacy of the contract.

5. It is not correct to equate between the Islamic contract of allegiance and the social contract known in political literature. The contract of allegiance is a tripartite contract; as both the authority and the community are committed to the Almighty Allah before they are committed to each other. While the social contract is an exclusively bilateral contract, between the community and the ruler.

6. Obedience to authority is restricted by two constraints: the ability to act, and the legitimacy of the law.

7. The pledge of allegiance binds citizens to two duties: the duty to obey in what is right, and the duty to oppose in what is wrong. The ultimate goal of the duty of obedience is for the state to be organized, and the goal of the duty of opposition is for the state to be upright. A state that does not obey its authority cannot be organized and will lose its sovereignty. A state in which there is no opposition sets the doors of corruption wide open, as it has rightly been said: Absolute power is absolute corruption. The duty of the opposition and accountability ensures the prevention of corruption and consequently the righteousness of the state.

Sources and references

1. Abū Fāris, Muḥammad ‘Abd al-Qādir. *al-nizām al-siyāsī fī al-*

Ibn Taymiyyah said – as mentioned above - had the rest of the Companions abstained, it wouldn't have been permissible for him to rule (Ibn Taymīyah, 1406, Vol. 1, p531).

In conclusion, the researcher does not find in the scriptures a single text that makes the choice of the ruler an elitist affair. Likewise, the practices of the rightly-guided caliphs didn't monopolize allegiance to a group of society. On the contrary, the scriptures and the practices of the caliphs show that allegiance is a general right of the whole society. For this reason, Ibn Qudamah (1417AH, Vol.2, p243) says: “In summary, whoever the Muslims agree on for leadership and pledge allegiance to, his Imāmat is confirmed, and his assistance is obligatory”.

Conclusions:

Based on the above, the researcher reaches the following conclusions:

1. Authority in Islam has two integrated principles. They are the political efficacy of those in authority, and the free-will pledge of allegiance. It proved the hypothesis that the Islamic political system did not relinquish either of political efficacy and popular representation. Rather, the advantage of the Islamic political system is that it combined them together.
2. The criterion of eligibility in Islam is based on two things: wisdom and the discernment in speech. Wisdom means possession of knowledge that prevents falling in error, and the discernment in speech means the ability to activate [and protect] that knowledge.
3. The pledge of allegiance is a partnership of two parties; the

without being limited to one of their categories. Authority is accordingly not a representative of one group of society, but rather a representative of the entire society. This is what was realized and practiced by the first Islamic community. In the story of the two arbitrators [agreed upon by the supporters of 'Alī and Mu'āwiyah], for example, Ibn Kathīr says: "When the two arbitrators met, they compromised over the interests of the Muslims with knowledge and consideration of estimating matters. Then they agreed to evict both 'Alī and Mu'āwiyah, then make the matter a consultation among the Muslims to agree on who is best for them."

Then he says: "they disposed both of them and returned the matter to consultation, for the Ummah to process this matter, through selecting whoever they like and agree upon" (Ibn Kathīr, 1408AH, Vol.7, p313).

These two texts indicate that the Companions understood that *shūrā* [consultation] is a popular and not an elitist right. None of the Muslims denied the arbitration of Abī Mūsā that *shūrā* was attributed to the public and not to an elite among them.

For the rule of Abī Bakr, there was satisfaction with it, and the way in which it was carried out through urgency and the sufficiency of the pledge of allegiance from some of the Companions is a result of the fact that the scene at that time was neither normal nor stable. There was an emergency due to the sudden absence of the founder of the state, and the absence of a procedural system stipulated by Sharia that defines the mechanisms and specifications of political action. That is why 'Umar described it as an exception. As for 'Umar, Abū Bakr consulted with the Companions, and that is why

are called “politics” according to Western logic, are rejected by Sharia. Rather, it is the legal duty to cooperate with the rulers for everything that is good for the interests of society. The reality in the western perspective is that they cooperate in sin and aggression through all means regardless of morality (Abū Fāris, 1980, p75-77).

II.5 The political function of the pledge of allegiance

The researcher explained that the political function of the pledge of allegiance is for the Islamic community to avoid falling into a “crisis of political representation,” which simply means for the community to feel that power is not part of it and does not represent it; because the community did not participate in selecting the authority. As mentioned earlier that the challenge that any political system faces is to combine the elements of efficacy and representation, and the Islamic political system has achieved these two things. For the element of efficacy, it is achieved through the requirement of political competence (Abū Fāris, 1980, 187-188). For the element of representation, it is achieved through the requirement of pledging allegiance to the authority (Abū Fāris, 1980, p239).

The pledge of allegiance is therefore essential in establishing authority in the Islamic society in order to achieve political representation, so that there is no gap between the authority and society. When this is the political function of the allegiance- that is, the achievement of political representation - then it is self-evident that we realize that the allegiance is related to all members of society and not to the elites; *i.e.*, it is a right for the public

to deception is wide open, because conscience is not part of the equation. As for the Islamic pledge of allegiance, it is a contract with Allah, and because it is with Allah, it addresses and monitors the human conscience, which all human laws cannot control. This is what activates human self-censorship, as the contract is now with Allah Almighty, who knows the secret and what is hidden (Davutoglu, 1994, 98). This leads to more stability in legal ties within society when protected by the moral framework (Hallaq, 2013, 63-64).

This is an essential matter, as whenever a candidate reaches power and becomes a ruler, the other politicians would accept that superficially, but deep inside, they would not cease to strive in order to bring down their opponent, even though false propaganda, or even by harming the higher interests of the state. They do this through parties to bring down this opponent, even if the opponent is a model in righteousness and efficiency (al-Bayyātī, 2013, p318-319).

A politician according to the Islamic standard is not permissible to do that, because he pledged allegiance to the Almighty Allah before he pledged allegiance to the president. Pledging allegiance to Allah means the submission of the conscience to the divine command. The divine command is that all people should cooperate in righteousness and piety (Davutoglu, 1994, 98). This is what blocks the way in front of the Muslim politician who wants to follow the same path as the Machiavellian politician, by fabricating lies and creating problems for the authority in order to overthrow it in the next electoral cycle. All of these tricks, which

to obey Allah, he is also obligated to obey the legitimate authority. The Qur'ān says: *{Indeed, those who pledge allegiance to you, [O Muhammad] - they are actually pledging allegiance to Allah}* [Quran, 48:10]. The matter, then, is not embodied in a superficial allegiance, then as soon as one finds a way to circumvent this allegiance, he turns against it in whole or in part. Rather, it is a real allegiance that expresses mutual acquiescence between two parties, the acquiescence of the citizen to submit to the laws of authority, and the acquiescence of the authority by submitting to the constitution.

If the political pledge of allegiance is an extension of the divine pledge of allegiance, then we will realize the error of comparing the concept of allegiance in Islam to the social contract in the Western perceptiveness⁽¹⁾. Because the pledge of allegiance in Islam is a contract with Allah first, so the Muslim feels that he contracts with Allah in this pledge *{they are actually pledging allegiance to Allah}*. The social contract is just a contract between man and man exclusively, and this is a big difference in terms of perceptions and consequences. If the contract is between man and man, the door

Philosophers talked about the state of nature that preceded the state of civilization, that is, (1) when people were fighting among themselves and usurping the rights of some without any law or control. This was the state of nature before they moved to civility and there was a central authority controlling their behavior. This is an image that many critics question its verification in history, and consider it as mere illusion in the minds of philosophers. But John Locke defended the existence of that state and that it is a historical fact and not an imagined illusion. He mentioned several proofs for this, including saying: "Whoever denies that the founding of Rome and Venice was the result of a meeting of a number of free and equal men among whom there was neither a master nor a slave, then he is one of those who tend to deny the self-evident truths". See (Locke, 1959, p198).

social ties, all in order to bring down the party and reach power (Hamid, 2001, p6-7). In the Islamic system, on the contrary, the principle is that the opposition aims to reform the authority in order to lead society to what is better (al-Bayyātī, 2013, p340-341).

Therefore, the pledge of allegiance binds the citizen to two duties, the duty to obey in what is right (just), and the duty to oppose in what is wrong (unjust). The ultimate purpose of the duty of obedience is for the state to be organized. The purpose of the duty of opposition is for the state to be upright. A state where there is no obedience can never be well organized. A state where there is no opposition sets the doors of corruption wide open, as it has been said: Absolute power is absolute corruption. The duty of the opposition and accountability guarantees the prevention of corruption and consequently the integrity of the state.

II.4 Contract of allegiance is not the same as a social contract

If the pledge of allegiance fulfills its legal criteria, that it is a representation of the community's will and decision, then it is considered an extension of the Muslim's pledge to Allah, for Islam is a pledge between Allah and man. Man has to abide by His rulings and legislations in this life in order to obtain permanent bliss in the hereafter. *{So rejoice in your transaction which you have contracted. And it is that which is the great attainment}* [Quran, 09:111]. This divine pledge is binding to every Muslim by virtue of his Islam.

The political pledge of allegiance to the legitimate authority is an extension of that contractual pledge. Just as the Muslim is obligated

proceeds: *If you disagree about something refer it to Allah.*" (al-Shāfi'ī, 1357AH, 80).

‘Abū Hāmid Al-Ghazālī says: "Obedience to the imam is not obligatory for people unless he calls them to conform to the sharia law" (Al-Ghazālī, p206). And Al-Mawārdī says: "And if the Imam fulfills what we have mentioned of the rights of the Umma, then he has fulfilled the right of the Almighty Allah in what they have and upon him, and he must have two rights over them: obedience and support as long as his condition does not change" (Al-Māwardī, p42).

Therefore, obedience to the Sharia law is important for the integrity and stability of the state, otherwise it will turn into chaos that cancels the value of the state's existence itself.

II.3 The second duty: opposition, *i.e.* opposing injustice. It stems from a definitive value that the scriptures have always been reminding Muslims of, which is the value of enjoining good and forbidding evil. Injustice is a type of evil, so it is obligatory to forbid it (Davutoglu, 2002, p126-127), and to deny it according to the available means as the researcher explained earlier. The Qu'rān describes the people who obey their rulers [blindly] even in their foolishness as immoral, {*So he bluffed his people, and they obeyed him. Indeed, they were [themselves] a people defiantly disobedient [of Allah]*} [Quran, 43:54].

The problem of the opposition in the democratic system is that it is not practiced for the public interest, but rather to overthrow the ruling party. An oppositive party may harness thousands of young people and spread lies that lead to charging society and tearing its

believe! Obey Allah, and obey the Messenger, and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger, if ye do believe in Allah and the Last Day: That is best, and most suitable for final determination} [Quran 04:58, 59].

Note that the verses started with the notion of fulfilling the trust and ended with the notion of the sovereignty of the revelation according to a clear gradation. It began with fulfilling the trust and then ruling with justice, **as if they were a condition for the upcoming order**, which is obedience to the ruler. Then the verses shift to the reference to the scriptures when there is a dispute, indicating that obedience to the ruler is not independent. Therefore, obedience to the ruler is preceded by the fulfillment of the trust and ruling with justice, and followed by the reference of the sharia and its governance by returning to it in any disagreement or dispute. Ibn Sa'adī rightly describes this verse {*Allah commands you to fulfill trusts*} as one of the “comprehensive verses in [matters of] politics” (Ibn Sa'adī, 1999, p107).

Islam that says: {*And obey Allah and obey the Messenger and those in authority among you*} is the same that says: {*Allah commands you to render trusts to whom they are due*}. As long as there is no rendering of the trust, there is no obedience to the command. The Prophet (PBUH) says: “*Obedience is only in just/right matters*” (Al-Bukhārī, Hadith No: 7257). Al-Shāfi'ī explains the verses saying: “[Muslims] were commanded to obey those in authority who were appointed by the Messenger of Allah, not absolute obedience, but rather exceptional obedience, so the verse

a raisin, as long as he rules with the Book of Allah among you” (Al-Bukhārī, Hadith No: 7142).

But obedience is delimited by two things: The first: the ability to act, the evidenced for which is in the verse: *{So keep your duty to Allah and fear Him as much as you can}* [Quran, 64:16]. This means that there is no obligation except with what is possible. The second is the legitimacy of the law, *i.e.*, the law issued by the government should not contradict the Sharia, for Almighty Allah says: *{and that they will not disobey thee in any just (lawful/right) matter}* [Quran, 60:12]. This means that Muslims can, rather should, disobey if what they are ordered to do is not right or just. The verses that forbid obedience to the oppressors are various and absolute, such as: *{And do not incline to those who have wronged}* [Quran, 11:113], *{And do not obey the command of the transgressors}* [Quran, 26:151], and *{And do not obey the sinners or the unbelievers among them}* [Quran, 76:24]. However, when the scriptures refer to obedience to authority, it is restricted to certain attributes that characterize the ruler or the authority to be obeyed. The first of these is that he carries the entrusted responsibility. The second is that he judges with justice, and the third is that he refers to the revelation in case of disputes, and does not refer to judgment according to his mood:

{Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing. O ye who

authority towards the citizen and what are the obligations of the citizen towards authority? What is required of the authority is part of our philosophical perceptions of what authority is. Based on the different perceptions, what is required becomes different accordingly. From the Islamic perspective, authority is nothing but a mechanism to achieve the purposes of human community and the legislation of Allah. It is not an ever-watching guard as in the Liberal view that focuses more on prevention than action, nor does it stop at the limits of the socialist conception of positive intervention. Rather, it goes beyond all that to be a tool for embodying the Islamic message (‘Uthmān, p348).

The duty of the authority towards society is thus to abide by the constitution with all the legislations it contains that define the purposes and provisions of the authority. As long as the authority is committed to the constitution, every societal objection to the authority must be within the framework of the constitutional channels for objection and change (al-Bayyātī, 2013, p340-343). This is the duty of the authority towards society. The duty of society towards the authority is represented in two things:

II.2 The first duty is obedience. The legal texts urging obedience to authority are many, such as the verses: {*O ye who believe! Obey Allah, and obey the Messenger, and those charged with authority among you*} [Quran, 04:59], and {*O you who believe, fulfill the contracts (and obligations)*} [Quran, 05:01]. The relationship between the authority and the citizen is a contractual relationship as expressed in the constitution. The Prophet (PBUH) says: “*Listen and obey (your chief) even if he is an Ethiopian with a head like*

are the representatives of power and authority.” (Ibn Taymīyah, 1406, Vol. 1, p531).

Al-Shawkānī nullifies the legitimacy of the ruler for whom the Muslims do not pledge allegiance to, as he said: “Whoever the Muslims do not pledge allegiance to will have no guardianship, and he not allowed to engage in what the imam does in whole or in part, because guardianship is [effective only] by the pledge and the Muslims’ commitment to obedience” (Al-Shawkānī, p819). The Grand Mufti of the Ottoman Empire, Muṣṭafā Ṣabrī (2007, p276) says: «The government is nothing but the people’s representative or agent that does nothing but what pleases them”.

These texts by Islamic jurists indicate their awareness of the importance of the principle of allegiance in achieving political legitimacy in the Islamic political system. Therefore, we clearly say that the fulfillment of the will of the society is part of the realization of the sovereignty of the Sharia law. A society whose will is hijacked by an individual because he possesses power is a society in which the Sharia law does not prevail, no matter how established he would set up [Sharia-complaint] rulings; because the Sharia law commanded us that our matter should be a consultation amongst ourselves, while this person made the matter to himself alone.

II.1 The controversy of duty between the ruler and the citizen (the two parties of the pledge of allegiance)

If the pledge of allegiance is a binding contract for two parties, the [holder of] authority and the citizen, then what is the requirement for this obligation? What are the obligations of the

authority. For example, Al-Māwardī (p26) says: “The contract of leadership is a contract of consent and choice, which does not involve force or coercion.”

‘Abū Ḥāmid Al-Ghazālī makes the approval of the people a mandatory condition for the validity convening the Imāmat (the governance): “Had ‘Abū Bakr been offered a pledge of allegiance by ‘Umar alone, and all Muslims remained dissenting or divided equally, in which the winner is not distinguished from the loser, the Imāmat would not have been convened for ‘Abī Bakr” (Al-Ghazālī, p177).

Judge ‘Abū Ya’lā declares that the pledge of allegiance is convened by the covenant of the Muslims: “It is permissible [for a ruler] to entrust [a successor] who is affiliated with him with paternity or filiation, only if the entrusted has the characteristics of the imams, because the Imāmat is not held for the entrusted with the same [older] covenant, but is held by the covenant of the Muslims, and [only by this], any doubt in the new ruler is cast off” (‘Abū Ya’lā, 2000, p25).

Ibn Taymiyyah (1406AH, Vol. 1, p531) says: “Likewise, the case of ‘Umar when ‘Abū Bakr entrusted him, he only became an imam when they pledged allegiance to him and obeyed him. Had they not approved the covenant of ‘Abī Bakr and not pledged allegiance to Umar, he would not have become an imam... Had ‘Umar and a group with him pledged allegiance to ‘Abī Bakr and the rest of the Companions refused to pledge allegiance, he would not have assumed Guardianship. Rather, he became an imam by the approval of allegiance by the majority of the Companions, who

the pillars of popular representation and efficacy. The Sharia legal evidence for the principle of allegiance in the Islamic system is represented in the definitive texts that necessitate consultation, and order Muslims that their matter be a consultation among them. If a ruler attains power against the will of society and without obtaining their allegiance, he loses political legitimacy according to the Sharia law (Abū Fāris, 1980, p91).

Politics in Islam is based on agreement, not coercion. Even the prophets, peace be upon them, are not an exception to this equation. The Prophet (PBUH) as the one who would take over the affairs of Medina, had to meet with representatives of the Medina community in an effort to establish an initial political contract in the allegiance of *Bay'at al-'Aqaba*. The Prophet (PBUH) explained to them the system of rights and duties resulting from this pledge of allegiance. They were not without will at this historical meeting, which is the most important meeting in the whole of Islamic history. Rather, their political will was present, as they discussed the Prophet (PBUH) and set their conditions. An example is that Abū Al-Haytham ibn Al-Tayhān asked the Prophet for emphasizing on the unity of destiny, so the Prophet (PBUH) said as in the Musnad of Aḥmad and others: “Oh Messenger of Allah, there are bonds between us and other tribes, and we will have to cut them off- meaning the covenants -, so, if we did that, then Allah made you victorious, would you return to your people and leave us?” (Musnad Aḥmad, Hadith No: 15798).

Muslim scholars' views have always stressed the importance of the free-will pledge of allegiance in the process of establishing

[Quran, 02:247].

Here the Qur'an refers to two criteria: knowledge and bodily strength. Knowledge is a sign of guided wisdom, otherwise it would not be knowledge, and bodily strength is a sign of power, *i.e.*, wisdom and discernment in speech.

The criterion of a ruler's eligibility is thus enjoying these two qualities: the wisdom that makes him know what is right and follow it, and the strength that makes him implement that wisdom. This is the model of political efficacy in the Islamic perspective. It remains the duty of the Islamic nation after that to elaborate on these two conditions in a procedural way, and to put in the constitution the mechanisms that guarantee the availability of the conditions of wisdom and strength. These procedural mechanisms will undoubtedly differ from time to time, and from place to place. That's why the Sharia has set these two conditions for us and left the procedural issues to the development of human society (Abū Fāris, 1980, p238-239). It may be appropriate in our time today to suggest the possession of successful experience as a condition for attaining power, *i.e.* the candidate must have worked in public positions - as a governor, minister, or mayor - and his success has been proven. Perhaps this condition is the most realistic in ensuring the candidate's efficacy.

II. The pledge of allegiance

Allegiance means the people's acknowledgment of the validity of the power of the ruler and its obligation (Davutoglu, 1994, 131). It is not sufficient for the ruler to be qualified, as he must in addition be accepted and approved by the governed in order to achieve

enables him to act accordingly. There are many righteous rulers throughout history, who were weak and unable to implement what they believed was right, either because of the predominance of relatives, out of fear, out of compliment, or out of the predominance of one's own desires or the like. This is literally what is referred to in the saying of the Prophet (PBUH): "There is no envy except in two things: a man whom Allah has given wealth and he spent it in the truth, and a man whom Allah has given wisdom and he judges / rules with it and teaches it" (Al-Bukhārī, Hadith No: 7141; Muslim: Hadith No; 816).

This Hadith proves that there is no correlation between acquiring wisdom and being capable of discernment in speech. A person may enjoy wisdom but not the ability of discernment in speech or *vice versa*. This means that the discernment in speech is not a repetition of wisdom as some people might think.

There is another verse that reinforces the same meaning. When the people of Ṭālūt (Saul) asked why he was chosen when he did not sustain the criterion of efficiency in their view, which is wealth, the Qur'an corrected the criteria for determining the competence of the leader, saying:

{And their prophet said to them, "Indeed, Allah has sent to you Saul as a king." They said, "How can he have kingship over us while we are more worthy of kingship than him and he has not been given any measure of wealth?" He said, "Indeed, Allah has chosen him over you and has increased him abundantly in knowledge and stature. And Allah gives His sovereignty to whom He wills. And Allah is all-Encompassing [in favor] and Knowing."}

governance: The first: competence in knowledge and morals, two: strength of character. These are the two basic principles of a successful ruler. These two pillars can be seen in the Qur'ān referring to Dāwūd (PBUH) {*And We strengthened his kingdom and gave him wisdom and discernment in speech*} [Quran, 38:20]. In this verse, The Almighty Allah tells us that He strengthened the kingdom of Dāwūd with two things: wisdom and the *discernment in speech*.

For wisdom, it is the knowledge that prevents one from falling into error⁽¹⁾, as it is correct and does not lead to error. It is also moral and does not allow error, since correct knowledge does not prevent error unless it is linked to a moral will that prevents it. For the discernment in speech, it is the ability to embody wisdom, as there is no correlation between knowing the truth and acting on it. Therefore, wisdom and strength are the two main pillars of the ruler, as the verse states⁽²⁾. Being wise and able to distinguish the good from the evil is an essential but not sufficient condition for a ruler. There must be another condition, which is the strength that

(1) Al-Rāghib Al-Aṣfahānī (1412AH, p249) says: "Wisdom is serving the truth with knowledge and reason."

(2) Hence, Ibn Khaldūn was not accurate when he made strength and money the cornerstones of authority, as he says: "Know that the establishment of authority is based on two inevitable foundations. The first is the power and strength, which is expressed in the army, and the second is the money which is the sustenance of that army, and the source for establishing the conditions that the kingdom needs. A state becomes defective if attacked through these two foundations". The researcher is surprised by Ibn Khaldūn's negligence of the idea of wisdom and its role in establishing and consolidating authority, especially since the Qur'an clearly referred to it. In addition, reality is evident of the dangers of ideology and its impact on establishing states. For example, the Soviet Union and Nazi Germany had no shortage of strength or money, but the problem was in the ideology that dominated the decision-makers, causing the destruction of all their capabilities. (Ibn Khaldūn, 1408AH, p363).

nature, society, economy, laws, and so on. If it is true that it is an empirical science, then it can be made “a systematic science like all other formal sciences that depend on experience” (Dahl, 1995, p120). Accordingly, if it turns into a stable discipline, many can specialize in it, so it is no longer a monopoly for the elite.

He means that it is possible to develop a new discipline in academic institutions called “the science of governance” that includes all the knowledge necessary for the administration of the state. If we succeed in this, it will not be difficult to determine the criterion of competence and eligibility, as everyone who successfully passes this discipline will be qualified. However, Robert Dahl’s objections and suggestions do not seem to be valid. As for the moral condition, his objection may be valid if the society lacks a reference for its position on moral issues. In a Muslim society, the reference is to revelation, and revelation clearly decides the moral issue. Therefore, a Muslim community does not have a problem with this issue (Hallaq, 2013, 63). For the requirement of specialization, this is also not a criterion, as the matter is related to awareness more than information. A person may succeed in a certain specialization because he has studied and memorized information, and even achieve excellence in that, but this does not mean that he developed political awareness. The issue of awareness is completely different from the matter issue of information.

These are some attempts to control the issue of eligibility and efficiency. As for the Islamic revelation, we can find the clear criterion for eligibility, as the Qur’an refers to two pillars of good

class realizes the “best, most appropriate and effective ways to achieve the desired goals” (Dahl, 1995, p104).

Together, these three conditions - morality, ambition, and management - are called “political efficacy”. Robert Dahl believes that these conditions are impractical, and difficult to achieve in one person in a complex world like ours, he says: “It may be easier for one to become a distinguished mathematician than to be a virtuous ruler, and certainly the number of good mathematicians is much greater than the number of virtuous rulers” (Dahl, 1995, p112).

Robert Dahl discussed these three conditions and the objections to them in a detailed and lengthy discussion in his important book “*Democracy and Its Critics*”. The two most prominent objections are briefly:

First: With regard to moral knowledge and inclination to virtue, the problem here lies in the flexibility of moral standards because they are relative. There are no absolute moral judgments that everyone agrees on and that are objectively correct⁽¹⁾. Even on a theoretical level, there are only “a few moral philosophers today who believe that we can reach absolute moral judgments” (Dahl, 1995, p118).

Secondly: With regard to instrumental knowledge, *the science of governance* is virtually a science based on human experiences in

(1) To refute this objection, the researcher states that the relativity of morals does not entail the absolute dispossession of moral judgment, because, although morality is relative in the total human mind, it is absolute in the partial human mind. We mean that every society has its own culture, and therefore it is easy to know its own moral standards. A virtuous ruler is not required to be characterized by morals that all people see as good. Rather, he must be characterized by morals that his society deems good even if other societies do not do so.

concerned with the interest of the people, unlike the false prophet who will be concerned with his personal interests. He gave the example of the adulterer man who does not commit adultery for the benefit of the woman by providing her with offspring that will benefit her. Rather he intends to obtain his bodily pleasure. Likewise, the false prophet does not claim prophethood to create a spiritual offspring, but to enjoy the pleasure of status and dominion (Al'kwīnī, 2016, p154).

However, this criterion - if it is true - can be applied only when renewing the reign of the ruler; *i.e.*, after the society have witnessed the ruler's performance for a specific ruling period. If the candidate is unknown and it is not known what he will do whether useful or not, then in this case we need to set different conditions to ensure the achievement of benefit. It seems everyone agrees on the standard of benefit, but the problem is that this standard is only accessible after the candidate reaches power, not before that (Mill, 2017, p270).

The American thinker Robert Dahl tried to suggest the eligibility criterion when he explained the idea of a hierarchical system, which he defines as: "It is a system of governance in which a certain state is ruled by a minority of qualified rulers" (Dahl, 1995, p102) Because the connotation of eligibility is vague and unclear, Robert Dahl mentioned three conditions for eligibility: The first condition: moral awareness or moral ability. The second condition: inclination towards virtue; *i.e.*, the rulers are inclined to "striving towards virtuous goals" (Dahl, 1995, p103). The third condition: instrumental knowledge, which means that the ruling

is the tradition of the Romans and the Persians. The tradition of the Muslims is that allegiance is to the one who is the best and the fittest for the nation”.

Through the history of the Companions, they avoided that completely, as they never attempted to apply these two characteristics or one of them. Despite all the controversy among the Companions regarding the criterion of the eligibility of the ruler, they agreed that the inheritance of power is not valid. None of the rightly guided Caliphs dared to suggest succession of power to children or relatives (Abū Fāris, 1981, p250). This is based on a clear perception in their minds, which is that power is “responsibility” and not a “property”. Since power is not the property of the ruler, he does not have the right to bequeath the ruling to his relatives (Ibn Hazm, Vol. 4, p129).

I.2. Eligibility Criteria

Islam requires eligibility for authority, but the question is: What is the criterion for this eligibility? There is no doubt that this question is one of the most complicated questions that occupied the religious, political and philosophical mind since the dawn of political work. For example, a thousand years ago, St. Thomas Aquinas raised the issue of the criterion of a good ruler and stated that the criterion should be the benefit of the people. A ruler is good when he intends the benefit the people and works for their interest. This criterion is not limited to rulers, as Aquinas makes it also a criterion for distinguishing the true prophet from the false prophet. He mentioned that one of the most important mechanisms of differentiation between them is that the true prophet will be

some experience in them” (Mill, 2017, p270).

So, Mill has two propositions: The first: government tasks require high skills. The second: a person who is qualified for high-skill tasks is only known by those with similar high skills; because “popular opinion is unworthy to appreciate technical qualifications” (Mill, 2017, p270).

The result: government employees must select highly skilled people [directly].

This is exactly what the Islamic context states, as the condition of efficacy in power cannot be overlooked in order to satisfy the quantitative aspect. Rather, both quantitative and qualitative aspects must be achieved. Each of them has its place; the quantitative aspect in the selection of power, and the qualitative aspect in the exercise of power (‘Uthmān, p121, 133).

The principle of qualified authority makes us realize that the Islamic political system is the opposite of two systems: The democratic system, as explained above. And the inheritance system, which makes the ruling for the closest of kin and not the fittest or the most qualified. In fact, one of the greatest achievements of the rightly guided Caliphate was that it avoided the two most dangerous characteristics prevalent among the political systems at the time, namely: rule by inheritance and the sovereignty of the ruler. The Persian and Byzantine empires were known for these two characteristics. Sovereignty belonged to the ruler, and because of that, he had the right to bequeath the power to whomever he wanted. That is why the jurist Ibn Rajab al-Hanbali (1995, Vol. 5, p279) said: “Allegiance to the offspring

starting with the philosophers of Athens who rejected democracy because it lacks a guarantee of eligibility (Plato, p351), and ending with our current era. For example, the American thinker Joseph Schumpeter states that the public are not qualified to rule themselves; because a common person usually does not care about political affairs and is not knowledge about that. In addition, a common person does not deal with the political issues and is not well-versed in dealing with them. So, how can we ask him to govern himself? Schumpeter therefore suggests that the concept of democracy should be based on its purpose, *i.e.*, to be based on governance in the interest of the people without being run by the people (Schumpeter, 2003, p252).

A hundred years before Schumpeter, the philosopher John Stuart Mill stipulates the eligibility of runners for power. He does not accept that nomination alone be a criterion for access to power. He refuses even that officials in the executive authority be elected. Stuart Mill stated that the most important principles of “Good Governance” is that “executive officials should not be appointed by general election, that is, neither by the votes of the people themselves nor by the votes of their representatives” (Mill, 2017, p270).

Here Mill refuses the selection to be done by the people or even by members of Parliament, justifying that by saying: ‘All the tasks of government are based on skill, and the qualifications which ought to be available for them are of a kind of special and technical qualifications which can only be properly appreciated by persons who themselves have some of those qualifications or

choosing the one who is the fittest for leadership and management of interests on the best ways” (Al-Māwardī, p18).

We notice here that eligibility and efficacy for some jurists is required even at the stage of choosing the prospective leader, not only when exercising leadership. Therefore, Islam determines its position on authority by granting it exclusively for the qualified (‘Uthmān, p121), and not for the general public, as is the case with democracy. It is true that both the democratic and Islamic systems see that the people are the ones who choose, but the difference is that Islam differentiates between the selection for power and the exercise of power. The former applies to the general public so that “popular representation” can be achieved (al-Farrā’, 2000, p25), while the latter is exclusive for those who are qualified, so that “efficacy” can be achieved (Mansor, 2015, p5). Democracy does not differentiate between the two levels because it - as above mentioned - is concerned exclusively with the quantitative aspect. It is important to differentiate between these two notions: selection of authority and exercising authority. The first is related to the will of society and the importance of representing it so that society does not feel that authority is alien to it (Abū Fāris, 1980, p239). Exercise of authority, on the other hand, is about experience and competence. That’s why only the best and most knowledgeable are approved (‘Uthmān, 133).

As a matter of fact, the Islamic political system is not the only one that requires the principle of eligibility for power, as it intersects with the meritocratic system that will be explained shortly. Islam also intersects with the views of some philosophers and thinkers,

because of his weakness in administration (Muslim, Hadith No: 1825).

The prophet Yūsuf (PBUH) referred to the criterion of why he deserved authority, which was purely competence and efficacy (*He said, 'Set me over the land's storehouses; I will indeed guard them with full knowledge.'*) [Quran, 12:55]. Yūsuf (PBUH) mentioned only two things: guarding and knowledge. Guarding is a reference to his honesty and trustworthiness. But because honesty and trustworthiness are not enough, he referred to the second criterion, which is knowledge, that is, experience. Thus, the competency of yūsuf (PBUH) is complemented by trustworthiness and knowledge, since trustworthiness without knowledge does not qualify for authority. Likewise, knowledge without honesty and trustworthiness does not qualify for authority either, but their combination is what achieves that (Ibn 'Āshūr, 1984, Vol. 13, p9). Therefore, there is consensus among jurists in requiring what guarantees the eligibility of those in power. The jurists unanimously agreed on the requirement of knowledge and experience in the ruler. They stipulated other conditions, all of which reflect the requirement of eligibility in the person in charge of the authority, regardless of their perceptions of eligibility. If some jurists stipulate eligibility for the political voter, what about the political candidate himself? Al-Māwardī, for example, stipulated that whoever wants to participate in the selection of the person in charge of authority should be characterized by some qualities, including “the knowledge with which he can decide on who is worthy of the leadership” and “the reason and wisdom that lead to

difference? If we contemplate the texts of Sharia, we find that all of them do not approve absolute equality among people in the acquired qualities. In Islam, absolute equality does not exist except in issues that are not subject to human gain, such as color, homeland, race and gender (Muḥammad al-Ghazālī, 2004, 213). All people are equal in these respects, but for the acquired qualities such as faith, knowledge and jihad for the sake of Allah that one can obtain by his own will and ability, Islam completely rejects absolute equality. Islam differentiates between the scholar and the non-scholar, between the striving and the non-striving, between the just and non-just, between the spender and the non-spender. Islam, then, differentiates in its rulings on people if their acquired qualities are different. This opposes the democratic assumption that people are equal in the voting weight even if they are different in their abilities and skills (Twshār, 2010, Vol. 1, p32).

If Islam denies Muslims to hand over their money to fools {*And do not give the weak-minded your property*} [Quran, 04:05], will it permit them after that to hand over the future of our societies to the weak-minded? There is no doubt that Islam, which is keen on eligibility and efficacy in all matters, will not give it up in the most important and most dangerous areas of life, which is the political field. The Prophet (PBUH) embodies this in practice. He did not appoint anyone except on the basis of having eligibility and efficacy, and when he found a person lacking efficacy, he would apologize to him, as happened with Abī Dharr, may Allah be pleased with him, when he asked for a position and the prophet (PBUH) apologized to him that he was not qualified for that

I. Political Efficacy:

In this section the researcher tries to discuss the issue of political efficacy in a detailed manner, after he divides it into two subsections.

I. 1. Political Efficacy of the general Public:

The assumption upon which the democratic system is based is that people are qualified to administer power. Ignoring this assumption will necessarily mean destroying the foundations of democracy. Robert Dahl (Dahl, 1995, p167) states, "The principle of democracy can be justified only in the light of the assumption that ordinary individuals are generally qualified to govern themselves".

This is one of the reasons why Islam does not approve democracy, as Islam believes that power is not for the general public but is exclusively for the qualified among them. The requirement of eligibility or qualification for power is self-evident, or so it should be. If today we do not accept anyone for the position of secretary unless they have sufficient qualifications, how then can we allow a person to be a head of state who does not have the appropriate qualifications for the position? It is not logical to realize the importance of acquiring the qualification for the lowest positions and jobs and then ignore that with the grand positions in the state, if qualification and efficacy are not required (al-Bayyātī, 2013, p322-323).

The Sharia legal evidence for the requirement of eligibility for those who seek power is based on the fact that all regulations and rulings are based on the distinction between the qualified and the unqualified, so why in this case exclusively should we ignore this

for God, justice and equality, political obedience, and consultation. The author discusses the topics of the Imamate, the necessity of appointing the Imam, plurality of Imams, titles, conditions, duties, methods of choosing and removing Imams. The author also discusses the pledge of allegiance and its forms and nature, in addition to ministries and other topics. This book intersects with the topic of this study in the issue of allegiance, but the Abū Fāris's handling of the issue was traditional, as he rarely exceeded the method followed by ancient scholars, while the researcher tried to handle it based on the foundational texts of the revelation, and employ it directly, taking advantage of the Islamic heritage.

Research Plan:

The researcher divided the article into two main sections; first of them dealt with the political Efficacy of the ruler in Islamic point of view, the second one studied the pledge of allegiance and the related issues.

The first section dealt with the legal foundations of the nation state in modern constitutional jurisprudence compared to the Islamic system. The second section dealt with the precautions for the state to enact the law according to modern constitutional jurisprudence as compared to the Islamic political system. Despite its significance, this book did not address the idea of political competence from the Qur'anic perspective. This is one aspect of difference between the book and the present study.

2. Democracy and Its Critics by Robert Dahl (Dār al-Nafā'is, 1995, Amman, Jordan). The author divided his book into six main parts, first of which he reviewed the origins of democracy and discussed the issue of parliamentary representation. Then he reviewed the criticism of democracy, the theory of the democratic process, its problems, its limits, and its capabilities. He concluded the book by talking about the future of democracy.

The part on parliamentary representation in the book is the one that intersects with the topic of the present study to some extent. The difference is that Dahl dealt with this topic from the point of view of democratic representation, while this study deals with the issue of popular representation from an Islamic point of view. The researcher benefited from Dahl's book in presenting the democratic view of the issue of representation.

3. The Political System in Islam by Muhammad Abū Fāris (Al-Nādī al-shabābī, Amman, Jordan). The author reviews four basic rules of the political system in Islam, namely: governance

on this issue.

3. Reviewing the position of Islam to the issue of popular representation.

Research Methodology

In preparing this paper, the researcher relied on the following two approaches:

1. The descriptive approach, in presenting the Islamic position towards authority and its conditions based on the sources of revelation and the Islamic political heritage.
2. The deductive approach, in uncovering the perspectives embedded in the Islamic scriptures and heritage regarding the topic of the study, as well as verifying the hypotheses of the study.

Substantial value of the study

This study reviews the specific position of Islam towards the efficacy of candidates for power, and this is contrary to what is common in contemporary writings that Islam does not have a political system nor a specific vision towards the issue of political efficacy.

The targeted population of the study

This study is of interest to scholars and researchers interested in Islamic political affairs in general and in issues of Islamic political thought in particular.

Literature review:

1. Al-Nizām al-siyāsī al-Islāmī muqāranan bi-al-dawlah al-qānūniyah: dirāsah dustūriyat shar‘īyah wa-qānūniyah muqāranah by Mūnīr Ḥāmid Al-Bayyātī (Dār al-Nafā’is, 2013, Amman, Jordan). This book was divided into two sections.

system sacrifice? This is what this paper seeks to prove through this article.

Significance of the study:

The study seeks to explain the uniqueness of the Islamic political system in the question of authority. It is not a quantitative system that relies on the adequacy of popular representation, such as the democratic system. Nor is it a system confined to the concept of quality alone without consideration to the will of society such as the aristocratic, meritocracy, theocracy and other systems. Rather, the uniqueness of Islam is that it stipulated two criteria in political authority that guarantee the necessary duality for the success of any authority, which are the efficacy of authority and the representation of society. To prove this hypothesis, the study unfolds evidence that shows that Islam really achieved this duality.

Problem of the study:

The problem of the research lies in determining the nature of the Islamic position on political authority. The questions posed are: Does Islam have a specific perspective of the eligibility criteria for exercising power? What is its position on the political competence of the ruler? Is popular representation a condition for the exercise of power as a reflection of the will of the society?

Aims of the study:

1. Explaining the nature of the Islamic position on authority, and its perspective towards matters related to this issue.
2. Reviewing the position of Islam on the conditions of political competence for those who assume power and identifying its relationship to the Islamic position of the democratic system

other, for this reason John Stuart Mill (2017, 137) says: “Every system of government has flaws”. Elitist systems - such as aristocracy, theocracy, and meritocracy - sacrifice the purpose of representation for the sake of quality, as they propose. In contrast, democracy did the opposite when it sacrificed the element of quality in favor of the element of quantity; as what is important in democratic system is to achieve the largest possible amount of popular representation, regardless of the quality of this representation. For that, democracy sacrificed the goal of “achieving efficiency” for the sake of “achieving representation”. On the continuum of quality-quantity, some political philosophers believe that no political system is absolutely the best, as the matter depends on the conditions the society undergoes. This was the initial stand of Aristotle, as well as David Hume (2016, p140) who states: “I frankly declare that despite that liberty is better than slavery, and preferable to it in almost every case, nevertheless I would prefer an absolute monarchy than a republic on this island [Britain].”

This means that the preferred form of governance is linked to the goal of the regime. There is no preferred political form above all. It rather depends on the goal that the system wants to achieve. This is the perspective adopted by Gustave Le Bon who sees that the liberal-style state, or the model of the night watchman, suits the British and Americans more than it suits the French, who like the state’s authoritativeness (Le Bon, 2016, p124).

If political systems were forced to sacrifice one element for the sake of the other, then for which of these did the Islamic political

efficacy is attributed to the legal evidence that requires efficacy in all legal matters, as the scriptures do not make the qualified and unqualified as equal. Popular representation is supported in the concept of allegiance, as allegiance is, unanimously, an optional contract, where there is choice and consent of the governed, otherwise the pledge will not be nullified. Thus, the principles of efficacy and representation are integrated. This descriptive approach is adopted as it reviews the position of the Islamic revelation regarding the research topics.

Keywords: Political Efficacy, Popular Representation, Islamic Political System, Reference of the Revelation, Rule of Law.

Introduction:

The real problem of any political system lies in the difficulty of reconciling two goals that are rarely combined: the efficiency of people in authority and the representation of society. Together, these two goals embody the maximum ambition for what powerful system can be. The element of efficacy reflects the concept of quality, as it entails the importance of a qualified leadership to manage power. The element of representation reflects the idea of quantity, as it ensures the importance of representing the largest possible number of the members of society in order to avoid the so-called “political representation crisis”; *i.e.*, the feeling of society that it is not represented, and that power is not a manifestation of its will. The question is: How do we ensure the efficiency of the authority and the representation of society at the same time? Political systems tend to sacrifice one of these elements for the

Political Efficacy and Popular Representation as the two Principles of Power in the Islamic Perspective

Nayef Nahar Al-Shamari⁽¹⁾

Research received date : Jan 2022

Research authorized Date: March 2022

Abstract

This paper seeks to prove that the Islamic political system was unique compared to other political systems by its foundation on the combination of two principles, political efficacy and popular representation. This does not mean that the political system in Islam rests on these two pillars only, as it has other principles, such as the principle of revelation as reference, the rule of law, the independence of the judiciary, and so on. Rather, the purpose of this paper is to clarify the principles that are particular to the Islamic political system compared to other systems. Other systems focused on either the quantitative dimension or the qualitative dimension, while the Islamic political system alone is the one that combined them together. This paper explains that the principle of political

(1) The Director of the Ibn Khaldon Center for Humanities and Social Sciences and an Associate Professor at the College of Sharia and Islamic Studies at Qatar University. He holds a BA in Sharia and Islamic Studies from Qatar University, a MA and PhD in Islamic Banking from International Islamic University Malaysia, as well as a PhD in Political Science from the same university. He wrote ten books and published more than 10 scientific articles in peer reviewed journals.

Research Interests: Quranic Studies, Islamic Political Thought, Islamic Banking, Islamic Law and Western Philosophical Thought.