

## **Different Approaches to Council in Contemporary Arab Political Thought**

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### **Abstract**

The political thought of the contemporary Arab thinkers can be formulated in the relation between tradition and modernity. Struggle with modernity and return to the tradition of the Salafist minds, the possibility of rejuvenation of tradition by some other intellectual thinkers, the acceptance of modernity and putting the tradition aside, and the combination and compromise between tradition and modernity, are various forms of this ratiometric that can be beneficial in understanding the political thought of many contemporary Arab thinkers among the Sunni community. Meanwhile, the Council is a key word considered by many scholars from different Sunni countries, especially in the post-Ottoman Empire era, a good starting point for achieving a desirable political system. The type of impression of these thinkers from the council and the meaning given to this key sign from different perspectives, forms the mindset of many of these thinkers: reducing the meaning of council to the level of consultation and monistic view of it, the unanimity of the council with the resolution and community, the belief in the council as a society of Muslim citizens and the Islamic Ummah, and the promotion of the council from democracy are different aspects of contemporary thinkers. The result of this new look can be found in the neglect of the capacity of tradition, including the council, to systematize politics in the modern era with a thinker such as Ali Abdul Raziq, an attempt to revive the council in the new caliph-lovers, such as young Rashid Reza, and the link between Shura(council) and democracy in the moderate school of eastern scholars such as Rashid Reza Pir, Gharzavin and Ghonoushi, and finally believing in the superiority of the council to democracy under Mohammad Tofiqh al-Shavi. This paper, by a documentary method, and expressing conceptual framework and different narrations of the concept of the council, seeks to reconsider the position of the council to the aforementioned thinkers.

### **Keywords:**

Council, Sunnis, Arab Political Thought, Democracy, Rashid Reza, al-Ghanoushi, al-Qaradawi, Shawi.

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## **Introduction**

Contemporary Arab political thought under the influence of some events has gone through changes. The modernity and invasion of the west to the Arab world, the collapse of the Ottoman Empire, and the emergence and fall of the Soviet Union and the Islamic Revolution of Iran, are among the most important of these events. Nevertheless, the Arab world is still in turmoil in its pursuit of a desirable political system. It seems that the patterns of non-democratic traditional and modern systems that were in form of the kingdom and militaristic systems before the recent Islamic awakening in the Arab world which was the predominant post-Ottoman regime, is now collapsing. Obviously, the traditional conservative front resists changes in the form of kingdom's government, and compared to the militaristic systems in Egypt, Libya and Tunisia, which have passed or are going through the path of power, are stubbornly standing against the new wave of movements in the Arab world. However, it cannot be denied that even the continuity of these systems requires the redefinition of the foundations of legitimacy and efficiency in the new situation. Since, throughout the history of the Sunni's, the political ideas have always been belated from the actual appearance; the Islamic Awakening movement as an important milestone has shaped the origins of the beginning of the new Arab political discourse. Despite the diversity in Arab countries, the ratio of tradition and modernity redefines the formation of this discourse. The contemporary Sunni Arabic thought seems to seek a response from tradition or modernity or the type of relationship between them. This paper is a report on the status of the council as a key and meaningful sign in contemporary Arab political discourse, which, based on the type of thinking of the involved thinkers, has found different and fluid meanings and indicates its capacity to respond to the needs of the scholarly thinkers; As the council, is reduced in meaning at the level of consultation, it still runs in the royal systems, but in the broadest meaning of the term, even the capacity to realize democracy is the most among democratic systems. In the middle of these two spectra, there are thinkers who either seek to revive

the council as a traditional institution, or seek to integrate and link the council with democracy. The paper, therefore in order to maintain brevity has emphasized on the scholars who seek to provide a more clear link between council and democracy.

## **1. Conceptual Basics**

### **1-1. Council (Shura)**

Shura (council) is built from the root of “Shur” (Consult). In Arabic, shura word means extraction and bringing out. In other words, it means to reveal what is hidden. For example, Sharal-ol-Asal means he removed honey from the beehive. In the mode of action, it means guiding and indicating (Referring).

In Aqrab al-Mawarid Lexicon, “Shur” is also defined as “Getting honey out of the beehive”. Sharal-al-Asal Shura means: He took it out of the rock cleft.

In Al-Munajjid, the council (Shura) has been defined as austerity, testing, fat and become good, and the camel.

In Dekhoda Dictionary, the word Shura has been defined as “Bringing out honey and taking it from the beehive” quoted from the Arabic language. He also narrated the “Getting fat” and “Becoming well” from the Arabic language. He has brought out the “Revealing something” from Montaha Al Adab. One can say that Shur (Consulting) is to extract a worthwhile viewpoint resulting from consultation and it also leads to enrich the ideas and opinions. Dekhoda has also brought the meanings of counselling and exploring for Shur (Consulting). Dekhoda does not consider the use of Shur (Consulting) instead of Shura and consultation correct (Dekhoda, 1998, vol. 10, p. 14550).

Dekhoda has brought Shura in its infinitive general meaning as consulting and investigating, and, has brought an example from Rumi:

Gather reason with another wisdom      consult the issue and then use  
the result

Also, Shura has been referred to as “A board who gather for consulting”.

Dehkhoda explains that the first Shura occurred as follows: As Umar ibn al-Khaṭṭāb was wounded by Abu Lululah, Sahabah came to him and asked about the Prince. He said six people, namely Ali, Osman, Talha, Zubair, Abdul Rahman and Saad should consult after my death for three days and agree on one of these six. If three of them agree on one and three others on the other, make my son Abdullah the judge. Abdullah would attend the council, but he should not interfere with the caliph election, and only with the advent of the current state, he should act as the judge (Dehkhoda, 1998, vol. 10: 14561).

From the perspective of terminology, the Shura (council) can be either defined both as the act of consulting and extracting the views and opinions of individuals and an assembly and a community of people who gather together to discover a truth or a guidance to reach a particular interest and decision. Thus, the realization of the Shura (council) is related to the formation of three components:

The person or people who talk to each other about a subject, which can, however, have two aspects.

Sometimes people present in the council discuss and talk to make a decision, and sometimes, someone is consulted, and other members of the council are advisers.

Another point is the subject of advice and consultation that matters in this area.

From the summary of historical texts and events, the following characteristics of the council (Shura) can be realized:

The first feature is the personal and psychological aspect of counseling, which on one hand prevents the consultee from pride and arrogance, and on the other hand will grow up the counselor. However, this feature of consultation suggests its arbitrary nature. The second feature of Shura is to use the experts' opinions to aggregate their ideas and opinions together. This

feature, however, is a sign of attention to the well-known and expert people. Accordingly, the council will lead the Islamic society to a high degree of acceptance of the flow of collective intellect. Thirdly, the council emphasizes the specific role and act based on the experts' opinion. Fourthly, the council will prevent a Muslim individual and the Islamic community from tyranny. Fifthly, Shura is ijtiḥād to obtain the experts' opinion and an effort to utilize the opinions of the experienced and experts and not the ijtiḥād against the Nas (Heidar al-alheidar, 1988:141-146).

### **Shura (council) at the Dawn of Islam**

The Islamic jurists (Fuqahā) usually use two names in relation to the selection of Abu Bakr as it happened in Saqīfah. Mawardi and Ibn Farra refer to those involved in selecting Abu Bakr as the jurists and scholars of the Muslim world. In this regard, Abdusalam Khanji refers to both the consensus and the jurists and scholars of the Muslim world: the consensus of Muslims on Imamah... and the allegiance of dissolution and concluding people of scholars, judges and chiefs and other people classes. Abu Bakr, Omar and the rest attending the Saqīfah did not use the terms of consensus, dissolution and concluding people, etc. The formation of what happened in Saqīfah was made at later times by the followers of the Caliphs as the aristocrats of the Sunnite. In fact, the caliphate views came after events and were subject to them. According to Mawardi, a group believe that the dissolution and concluding people refers to their collection from all countries. Some consider the minimum number of them as five people, by arguing and referring to the companions of Abu Bakr in Saqīfah, namely Omar, Abu Abideh, Acid bin Hazir, Boshir bin Sa'd and Salem Molly Ibn Hudayefeh. A group consider this number as 6 people, referring to the Omar Council. In the practical aspect, the dissolution and concluding community means the community of different classes of Muslims for choosing the caliph, which has never been fully followed. However, one can assume the way of choosing Ali Ibn Abi Talib close to the model of the dissolution and concluding community (Qaderi, 1996: 166-169).

Abu Bakr himself did not follow the approach of the Saqīfah as a model.

Abu Yusuf narrates in al-Kharj book that at the time of Abū Bakr's death, he sent a person to Umar to make him as his successor. In convincing the people opposed to this and objected to this decision of Abu Bakr because of Omar irascibility the strictness, he said that Omar is the highest servant of God. The selection of Omar as the successor to Abu Bakr created the Vicegerency theory. In principle, the theory of Vicegerency considers the right to choose the next caliph as the choice of the ruling caliph. In the course of historical developments, despite the emphases of the Rashidun Caliphate, who did not choose their children as the next caliphate, this theory included the fathers and children (Qaderi, 1996: 173).

Various narratives have been mentioned about how the Shura (council) was formed. Omar thought to make the Shura responsible for choosing his successor dates back to his Mecca's journey based on historical narratives where he is told that some of the rijāl and the companions (sahabah) intend to swear allegiance to those who are named in the historical books after his death. Ali ibn Abitaleb, Talha bin Abdullah, Zubair and some others present at the Saqīfah are mentioned among these people in the history. Ultimately, as Milani described in his book, Omar intended to declare his intention to determine the council in Mena in his remarks, but Abdul Rahman Ibn Awf prevented him from doing so. In returning to Medina, in the first sermon of Friday prayers, while narrating what went on in Saqīfah, he announced the event of the council determination. At the beginning, he wanted Osman to become the next caliphate. Thus, he assigned the council, including six people, in charge of Abdul Rahman for the sake of Omar, to direct this transfer of power (Milani, 2010: 70). Millani quotes from the book of Tabaqat al-Kubra that Umar put the management of the council at the disposal of Abdul Rahman ibn Awf, and he needed to work in such a way to satisfy the opinion of Omar. In fact, if three of the members of the council came to a consensus on one person and the three others on another, the chairman opinion, Abdul Rahman, was preferred. However, another

viewpoint, as stated, says that Omar made his son responsible to enforce the final decision if the council votes turned out to be three to three and tend to one of these two groups of three.

The theory of Shura (council) owes all its weight to its initiator, Omar, the second caliph. The legal basis of council theory is in the heart of the theory of Vicegerency. The caliph of the time created a council. Once the caliph can make a hand in choosing his successor, it makes the work look like a vicegerency (Qaderi, 1996: 176).

The theory of the council, like the idea of the dissolution and concluding community, flowed from the actual state of affairs. Another difference is that in the theory of the council, the principle of authority and the right of the caliphate of time to choose the next caliph had been accepted. This issue was not understood as consultation, but as a natural right. Accordingly, the choosing of Abu Bakr and the theory of dissolution and concluding community in their historical origin are the result of a short but important interregnum phase; while the council's theory was derived from the principle of vicegerency. The council received its legitimacy from the caliph and in turn, the Caliphate did not determined his successor explicitly for some reasons.

The council actually emerged from heart of vicegerency and it was the same legitimacy intended by two ascetic Umayyad Caliphate, but the interpretation of the council was not limited to the above realization (Qaderi, 1996: 177).

There is disagreement on the matter that the caliphate of Imam Ali (AS), as encountered a public welcome of people, follows which of these models. Ibn Qutayba al-Dīnawārī writes: After the killing and burial of Osman, the people gathered together in the mosque in the morning and expressed remorse and regret. Most people considered Talha and Zubayr as Osman murderers. The people rose and went to Ali (AS) and told him we swear allegiance to you. Ali (AS) replied: "This is not your job, the caliph's choice is reserved for the council and those who were in the battle of Badr. Some

people talked to each other that the news of Uthman's murder has been spread in different lands, while no one has still become the caliphate. In this case, everyone can rise up in a part of the land and various corruption would occur to the people in the aftermath of these uprisings. Due to such discussions, the people returned to Ali to force him to accept the caliphate. Malik Al-Ashtar Ali (AS): Open your hand so I will swear allegiance to you... Ali [AS] opened his hand and those who were with him swore allegiance to Ali (AS). The people came to Talha and told him to go out and swear allegiance. After Talhah and Zubayr, Saad and other companions of the Prophet (pbuh) swore allegiance to Ali (AS)" (Dīnawarī, 2001: 70-72). Ibn Qutayba, in the words of Abdullah bin Umar, has written that in the case of council, I swear to God that it is the best thing to do since the Shura had preceded Ali (AS) over others and no one could reject the council's ruling. He also quoted from Abdullah bin Khalaf that people swore allegiance to Ali (AS) in a public allegiance (Ibn Qutayba, 2001: 88).

### **1-2. Religious Democracy**

Democracy refers to the participation and political competition of a number of groups and interests organized to capture political power and administrate the country based on the needs of the policies and barriers of each of those groups (Bashirieh, 2003: 375). However, the emphasis on the role of political groups in this definition is somewhat different from the classical definition of democracy. In ancient Greek thought, including Aristotle, the administration were defined as monarchy, aristocracy or oligarchy and democracy. Democracy, however, is not simply a form of government, but a way of life in the modern world. The essence of this approach to life can be found in the originality of human equality, the authenticity of the individual, the authenticity of the law, the authenticity of the people's sovereignty and the emphasis on the natural, civil and political rights of humans. The authenticity of principle of equality refers to the fact that individuals, groups and classes of people are not superior to each other in terms of the right to rule (Bashirieh, 2003: 243).



In the formal and nominal dimensions, democracy can represent in the body of entities such as elections, the elite rotation, the growth of indices and human rights and the determination of political power by the people. The presentation of democracy cannot be considered the same in all societies. But on the other hand, new insights into the intrinsic means and mechanisms can be achieved within the religious democratic system, which are largely secured against the gaps and conflicts mentioned in the practical democratic scene and pursue dimensions beyond the political development in the religious societies. Such an attribute in the attitude toward politics and power in religious democracy as well as the need to observe ethical principles and rules shows itself more clearly. That is, the acceptance of religion in the framework of democracy by the majority of citizens confirms the fact that such an acceptance has its formal and structural implications even earlier. Thus, by accepting religion as the spirit and framework of democracy, the attitude toward power essentially differs, and accordingly, the origin of the principle of power and sovereignty, i.e., the God is defined. This indicates that religious democratic capacities are abundant to establish an appropriate relationship with democracy in its desirable and wanted form and not necessarily as its realized form and its external manifestation. However, in this connection, certain aspects of democracy, in the customary and non-traditional forms will be definitely limited. But these limitations are not such that one could speak of a barrier to form the religious democracy. One can say that there are different views among the contemporary Arab Sunni thinkers regarding the relationship between religion and democracy. Some consider religion and democracy to be incompatible and basically do not believe in democracy and follow the establishment of Islamic emirate or an Islamic caliphate, which manifests in the Salafist thought. The second view considers religion and democracy to be incompatible, but basically denies the claim of the political system in the post-Prophet period and sees the political affairs as beyond the bounds of religion, and in general, supports the flow of people. Another view seeks the integration and reconciliation of religion and democracy. This group, to make a ground for such a goal, tries

to provide a reading of religion compatible with democracy. To this end, they use democracy as a method and a narrative of the council as a religious institution for compromise between democracy and religion and attaining religious democracy. The fourth view basically considers the religious institution of council superior to democracy and strives to provide a narrative from the council with a capacity beyond democracy and introduce it more advanced and progressive than democracy. This perception is highly close to the deliberative democracy. In this article, we addressed these views of the position of the Council in the assessment the relationship between religion and democracy.

## **2. Different Approaches to the Council (Shura)**

### **2-1. Refusal of the Political Theory in General and Council-based in Particular during the Post-Prophet Period**

Ali Abdul Razzaq is one of the few thinkers in the Arab world who basically considers the caliphate to be an empirical and popular issue and denies that the caliphate is a religious belief and a ruling of the laws of religion. According to Abdul Razzaq, the Prophet's Hadiths on mentioning Imamate, Caliphate, allegiance, etc. do not imply more than what Jesus has communicated - when he made some religious decrees versus the Kaiser government.

According to Abdul Razzaq, the claim of the religious and juridical requirement of the caliphate is a great claim and no hadith, even if it is correct, is worthy to equalize with this claim (Abdul Razzaq, 2001: 88-89).

Abdul Razzaq believes that the caliphate in the view of the Muslims [apparently] is based on the voluntary allegiance and the choice of the resolution and concluding community who have the power to decide among the Muslims. But he adds that if we look at the truth, we will find that the caliphate in Islam has not established except for basing on the power of suppression, and this power, except for the exceptions, is the armed material power of the period (Abdul Razzaq, *ibid*, 94). However, Abdul Razzaq

excludes the three first caliphs from this rule to some extent and doubts the basis of their power relying on the material power, but generalizes it to others.

By denying the political and ruling status of the Prophet, Abdul Razzaq emphasizes the status of communicating his mission by. By witnesses of some verses, he claims that even in some cases of speaking of the Prophet's governorship, it is related to the acceptance of the Prophet's communication and invitation rather than a political obedience (conf. Abdul Razzaq, 2001: 145-150).

In a superior way, Abdul Razzaq denies that the Prophet has clarified the caliphate issue after himself and claims that the truth is that the Prophet has not specified the issue of government after himself and has not brought any law in this regard for Muslims to refer to (Abdul Razzaq, 2001: 167).

Based on this argument, Abdul Razzaq describes the union of Saqīfah and consultation by some of the Arab elites concerning the appointment of the emir or minister after the Prophet as a completely political issue, which has nothing to do with the religion or the Prophet's will statements. This process, according to him, is the establishment of a civil and worldly rule (Abdul Razzaq, 2001: 170-171).

From Abdul Razzaq point of view, one can say that after consultation and the council (Shura) after the death of the Prophet, was not considered to be based religious teachings, including the council verses in the Quran, but a worldly and non-divine issue related to the elite of the center of the Islamic world. Thus, it could be represented in other forms besides Shura and Saqīfah; as, in his view, the rule of the kingdom and the caliphate has been established in many cases based on the power of the sword.

## **2-2. Adoption of the Council and the Denial and Negation of Democracy**

An attempt to accept some aspects of modernity compatible with Islam is one of the most important components of contemporary Arab political thought. Except for democracy, one of the most important components of the

new Islamic reform (new-reformists) is to confirm the reality of a new national government in Islamic countries and the legitimizing of this concept. Although none has any hope and wish for the restoration and returning of the caliphate institution. In this framework, the notion of citizenship has been also accepted within the context of society and political community in the new Islamic states. All Muslim new-reformists have rejected any kind of resort to force and violence as a means of fundamental change and justified the basis of such a reversal of violence by Sunni jurisprudential and historical consensus on the relationship between violence and sedition. Muslim neo-reformists want to reconstruct the relationship between Islamic societies and the international community, especially the western countries (Musa Nafea, 2012: 282). However, the transition from tradition to modernity has not taken place suddenly, but it has been chosen initially with efforts to revive the tradition and due to the failure of that project. This evolution path can be found in Rashid Reza, the disciple of Muhammad Abduh, who was himself a disciple of Seyyed Jamal.

### **3. Young Rashid Reza**

The disciple of Mohammad Abduh was influenced by the modest political thought and political mentality of his master until his death. During his youth, Rashid Reza was affiliated with the Naqshbandi Sufism Sect. But after a while, he became critics of the Sufis and Sultan Abdul Hamid, who was their supporter. He was in line with the divergent tendencies and the independence of the Arab countries from the Ottomans. The most important feature of Rashid Reza in his last years of life was supporting the Arab-Islamic nationalist movements against the colonialists (Musa Nafea, 2012: 38-39).

Rashid Reza believes that the Islamic jurists have mentioned four methods to determine the ruler, including “Nas”, “Allegiance”, “Crown Prince”, and “Violence and Conquest”. The only right method in Islam is in practice referring the council votes, which is to swear allegiance through the

resolution and concluding community and integration the consent to the discretion of the ruler. But apart from this documentary, other methods are limited (Qazizadeh, 2005: 15).

Rashid Reza combined the revival of the caliphate with the tendency of Arabic nationalism so that after the collapse of the Ottoman Empire, which, in his view, were not proper guardians for the caliphate, the Arab nation can be effective in the revival of the Arab caliphate by the leadership of the Saudi society. By Rashid Reza belief, without a caliphate, no improvement would be possible in the social situation and other government forms are all non-Islamic. The only legitimate and Islamic form of the political organization is the caliphate. This system, in its proper form, is the best form of government not only for Muslims, but for all the humanity, and it will be forever too.

Rashid Reza, as a new advocate of caliphate, seeks to establish and rebuild the caliphate while reviving it. The role that he has of the caliph in mind, though being a global leadership, but does not serve as an alternative in the modern world for the existing states. In fact, in the opinion of Rashid Reza, the caliph is the spiritual leader of the Confederacy that somehow guarantees the autonomy of the states; however, the religion-orientation concern of Rashid Reza leads him to consider the organizing of religious education and the laws related to personal situations, i.e., a position similar to the pope (Anthony Blake, 1385: 505-506).

In the strategy of Rashid Reza, the unity of Muslims would be obtained in the light of the caliphate (Ali Golmohammadi, 2011: 217).

Rashid Reza considers the necessity of caliphate an individual duty and provides the conditions of the volunteers and candidates for Imamate based on the jurisprudence of the old believers. On explaining who are the resolution and concluding people in the new era, Rashid Reza reviews the current elites of the Islamic world and divides them into three categories. By excluding the Western-oriented elites, who think of the separation of religion and politics, as well as with the rejection of the traditionalist and

conservative jurists who contribute to the current problems of the Muslim world by their old beliefs, he suggests that it is the duty of the Islamic moderation reformist party to realize the unity of the Islamic nations and establish a new caliphate as they have an independent comprehensive understanding of religion and law on one hand and the depth and essence of the European civilization on the other hand. This party, due to its mediocrity may be able to absorb the predisposed members of the past two parties and provide the ground for the revival of Islam (Feirahi, 2006: 147-148).

According to Rashid Reza, the first task of this party will be the establishment of a high education school for the training of scholars, politicians, judges and the senior managers of the caliphate system. One of the graduates of this higher education center will be chosen as the Caliph (Feirahi, 2006: 149).

Rashid Reza claims that the Prophet has failed to determine the future of the Ummah's political future. From his viewpoint, the resolution and concluding community is the same council members and the case of the noble in authority that Imamate is concluded by their allegiance. The acceptance of the vicegerency and the determination of the successor is subject to their satisfaction as well.

Rashid Reza considers consulting in government matters necessary and writes: When God has obligated His Messenger to counselling, then, apart from him, they are the first (the noble) that are required to consult with others. The way of the Rashidun Caliphate and the consensus of the Ummah also imply the same issue; although some of the jurists have neglected it and considered the council *mustahabb* (recommended), not *wajib* compulsory (to please the kings and Iran (Rashid Reza, *bi ta alef*: 184).

The other element of the caliphate theory of Rashid Reza is allegiance. After consultation with the resolution and concluding community on one hand and the chosen Imam on the other hand, a contract is concluded called allegiance. The Imam is committed to act based on the rules of the Shari'a

and in accordance with the Haqq (truth) and justice, and the resolution and concluding community is also bound to obey his legitimate decisions (Golmohammadi, 2011: 222).

Hence, according to Rashid Reza, Shura is considered the only source of Caliph's legitimacy and other political decisions. He introduces this institution as the origin of the appointing and dismissal of the caliph. Therefore, the council (Shura) plays a key role in determining the caliphate; Rashid Reza regards this council as the resolution and concluding community, the members of which are chosen not based on election but based on recognition. Rashid Reza considers them equal to the Ummah in the sense that their decision and choice is in the decision and the choice of the people. This resolution and concluding community who, according to Rashid Reza, are Sunni Mujtahids, are involved not only in choosing the caliph but also in advising him on important decisions of the Confederacy.

However, Rashid Reza considers the quality of the council subject to the conditions of the time. This is the starting point for Rashid Reza's transition from the theory of caliphate to the theory of Islamic government.

### **3-1. The Council as the Resolution and Concluding Community**

Following the facing of problems in the realization of the caliphate, including failure in finding someone responsible for his ideal caliphate as well as the problem of the proper capital for the caliphate center, Rashid Reza finally turned to a realistic approach. The position of the council in his later theory is seen as a starting point for the relative reconciliation of his theory with the new manifestations of democracy since in his view, the political rule in Islam is an establishing process and is founded based on the rule of the people in the light of Islamic legitimacy, and thus, it receives its legitimacy from the will and request of the people (Golmohammadi, 2011: 230).

Hence, we can say that in the eyes of Rashid Reza, the council moves from an elitist entity, defined with the resolution and concluding community, to the area of public will.

In an effort to prove the incompatibility of Islam and tyranny, Rashid Reza emphasizes the principle of the sovereignty of the people by referring to the principle of the council. In this regard, he first introduces Islam as a religion of freedom. According to him, Islam is the religion of freedom and independence, which has honored man and increased his dignity and position by freeing him from worshipping other than God. In addition, Rashid Reza considers the possibility of making laws by man. In his view, the Islamic government needs to make necessary laws to bring justice among the people, preserve the security and protect the lands and nations. These laws and rules change with the changes in time and place conditions. Therefore, two pillars of the freedom and the right to set up the law, as well as the general public interests (which, in his opinion, the Council provides them) form the foundations of the council in Rashid Reza's perspective (Mirahmadi, 2005: 306-308).

As proponent of constitutionalism, Rashid Reza sought to link tradition and modernism. The council is considered his focus of attention on such a relationship where it became Rashid Reza's criteria for elections, legal commentary, administration and lawmaking (Anthony Black, 2006: 507). The difference was his clearly elitist approach.

By depriving the caliph of his discretion to determine the crown prince, Rashid Reza practically goes so far to question the formation of the council by the second caliph to determine the third caliph since the main reason for the legitimacy of the council by the second caliph has been in fact the vicegerency.

Rashid Reza considers the responsibility of determining the caliph the duty of an elected and not an appointed council. To his belief, based on the expediency and interest of the Ummah, Imam is required to get consultation on all things that there is no consensus and Nas about them or the ijtiḥād naṣ



is uncertain; political and war issues are the priorities in this regard. The reason for this is the Prophet's method of counseling in the affairs of the nation in the interests of the Ummah. These issues have many branches and subsets that cannot be ruled out, which change according to time and place (Rashid Reza, *Bi ta Be*, 69).

To the extent that the Prophet was in charge of counsel in cases where there was no revelation, in case of Shura, which is a matter related to the Ummah, the Prophet could not prescribe anything for the Ummah's political future since it was in contradiction with the changing conditions of the future. Thus, as the political system varies in the different periods of the Ummah, it is not possible to issue certain rulings about them. If a provisional ruling is issued on this matter, there would be a concern that expediency will not be respected as what happened in case of Omar vicegerency (Rashid Reza, *Bi ta Be*, 70).

Rashid Reza emphasizes the necessity of Shura in the formation of Imamate. By negating the caliph's competency to determine the future successor (vicegerency), he breaks the caliph's authority and introduces the council as the competent authority in determining and dismissing him (Golmohammadi, 2011: 231) (Rashid Reza, *Bi ta Be*, 57-69).

Hence, in the Islamic government intended by Rashid Reza, practical supervision, the right to dispose of the caliph and allegiance to the democratic rule, and, in particular, making the rules and laws by new legislative bodies are concluded from the principle of Shura.

The scholars can use consensus as a legal and religious practice for the interest of the general public. In his view, they can make decisions by attending in a place called the Parliament on behalf of the people and based on the public interests (Golmohammadi, 2011: 232).

According to Rashid Reza, the work of the council goes beyond the choosing of the ruler and involves a supervising aspect. He considers the overseeing of the religious scholars as the representative of the Muslims over

the ruler, the area of politics and government an effective guarantee of the implementation of the principle of the sovereignty of the people.

### **3-2. Council as the People Sovereignty: The Link between Council and Democracy**

The third generation of the Sunni council-orientated thinkers from the Arab world is made up of intellectuals who approach the democracy of the West by passing the elitist trend that renovates the Shura people in the form of the resolution and concluding community and tries to bring the circle of the council to the entire Islamic Ummah and emphasize the citizens' vote instead of allegiance. In this regard, we briefly examine the views of Ghannoushi and Qaradawi:

#### **3-2-1. Rashid al-Ghannouchi**

Ghannoushi is one of the modernist thinkers who is the leader of the Ennahda movement in Tunisia beyond his intellectual characteristic. The rise of the Tunisian people in 2010 returned Ghannoushi home after a few years of migration to be welcomed by the Tunisian nation as a national hero. He practically has the spiritual leadership of the political system after the collapse of Zine El Abidine Ben Ali. After returning to Tunisia, the Leader of the Tunisian Ennahda Islamist Party told the media: "The parliamentary system is very similar to the Islamic system". Answering the question, "In your opinion, what kind of political system is compatible with Islam? he told: I think the Islamic system is a council system, and one say that the parliamentary system is closer to the council system as the government obtains its power directly from the representatives and prevents the formation of an individualist system" (Central unit of news, 2011).

In Ghanoshi's point of view, democracy as a method has been one of the basic demands of Islam, and in a modern regular framework, it has incorporated the concept of council in Islam political teachings within itself. Hence, he embraces democracy not due to accepting the facts but as

democracy is one of the goals of the message of Islam (Alikhani and Sadiqi, 2011: Vol.18, 440). From Ghanoshi's perspective, we do not need Laïcité (secularity) for tolerance, pluralism and democracy. It is not the case that secularism and democracy are inseparable. Countries like the Soviet Union were despotic, but secular; some countries were fascist but secular; Bourguiba and Ataturk were also two secular dictators. At the same time, there are also secular democratic governments. However, Laïcité and democracy are not necessarily on par with each other. Ghanoshi repeated this belief of the Ennahda that there is no contradiction between Islam and the intellect and no contradiction between Islam and science, modernity and democracy. Rashid al-Ghannouchi said about the new Tunisian political system: "It is more likely that the future Tunisian political system will be the Shura (Council) system. Today, this kind of political system is very close to the democratic system. In the council system, people share power. In the council system, all democratic instruments, including free elections, a free parliament, the rights of the majority and the minority rights are considered (Central unit of news, 2011).

Ghannouchi considers the Shura as the principles of religion and one of the requirements for the transfer of divine power to his servants (people). In his view, the council forms the backbone of Islamic rule and is the sign of the authority of the nation, which indicates that the nation is committed to follow the succession of God (Ghonoushi, 2002: 125). Thus, the need to institutionalize this principle in the Ummah and in the structure of the Islamic government is very strong to close the path of tyranny. The council is an origin. The formation of a framework for it is assigned to ijihad and the western experience in systematizing and institutionalizing the council is worthy of praise (Ghonoushi, 2002: 122-110).

Ghannouchi sees the concepts of the noble authorities, the people of Shura and the resolution and concluding community consistent and compatible. He establishes identity between "Ouluamar" and "Shura" who

are the same Mujtahid and theoretical scholars forming the ideological and even political leadership of the Islamic Ummah.

With this approach, there is no difference between the resolution and concluding members and the members of the House of Representatives in the legal systems. In those systems, the delegates are the founder of all the laws and in the Islamic system, such a place is considered for the resolution and concluding members except for what has been revealed in the clear message or a fixed tradition of the Prophet (pbuh) (Ghonoushi, 2002: 132-133). Ghonoushi believes in the proportions of the council and the parliament:

“These are the representatives of the people in the parliament who legislate. There is no delegation in Islam that considers itself to be the guardians of the nation. Islamic law is an intellectual and philosophical source that the representatives of parliament, intellectuals and scholars inspire from it in their lives. Although Islam does not have a guardianship attitude, but it has *ijtihad*. No institution can monopolize religion and the government is not a spokesman for religion as well. However, Islam is the source of all policies. On the other hand, no Islamic group can declare itself as the spokesman for Islam in Tunisia. These are various groups of society that show the religion in their political and cultural life through their activities and the area of *ijtihad* should be open for the formulation of laws and policies” (Central unit of news, 2011).

Thus, although the main legislation and law-making in Islam are by the will of God and such a will is embodied in the texts of the Book and the Sunnah, but the Ummah also has an active participation in this area. Since eternity and the rule of the Last Prophet require that the divine text makes itself limited to establishing the foundations of the public and organizing the human relations and concede the finding of the details in this framework to the legislative effort (which evolves over time and is a legitimate and valid effort) (Ghonoushi, 2002: 143).

Presenting the views of Maududi about the Council and the conditions and attributes required for the members of the Council, Ghonoushi finally

concludes that complementary and inferential legislative work in Islamic government is the duty or right of the people or the nation, which is either done directly through referring to the public opinions or through the representatives and the same resolution and concluding members or the elected parliament of the nation under the supervision of a group of virtuous and scholar jurists and lawyers (Ghonoushi, 2002: 172-173).

Therefore, the criterion is the vote of the people and the representatives of the people, and the judgment of the Lord manifests itself in their votes. Under the discussion of the Council, Ghonoushi addresses important and detailed topics on the issue of political participation in the fields of legislation, the noble authorities, consensus and its relationship with the council and tyranny, allegiance, the legislative assembly and its types, dimensions and resources, and the views of various religious and theological religions in this regard (Alikhani & Seddigi, 2011: 426).

From the point of view of Ghonoushi, the legitimacy of the Islamic government is related to Shari'a and Shura. By an explicit reference (Nas), it is required that the Muslim ruler is bound to listen and adhere to the deliberations and opinions of the people and people's representatives. According to Ghonoushi, in an Islamic government and system, the source of power is the people and the legitimacy of the government is obtained through elections (Alikhani & Seddigi, 2011: 431).

However, democracy, like the Council, is not only a means to express the rule of the majority but it is a training program and a political education process that provides a solution for the treatment of political diseases such as radicalism, deadlock and exclusivity through dialogue and discussion (Alikhani & Seddigi, 2011: 436).

### **3-2-2. Shura in the View of Yusuf al-Qaradawi**

The Qaradawi thought has been moderate over the past two or three years before the Islamic awakening. It seems that the developments in Syria has turned Qaradawi from a modernist thinker into a kind of a thinker with Salafi

extremism. In the form of ideal phrases, Qaradawi calls his scientific and practical method the middle way (Bohrani, 2011: 219).

The ideal government of Qaradawi is a civil government governed by the name of Islam, which is based on two principles of allegiance and council, choosing its rulers and directors from strong, trustworthy, wise and protector men. With the absence of any of these four conditions for rulers and agents, the choice also becomes void (except for necessity). This government is not just a theocratic (religious) state with the purpose is to conquer people in the name of “divine right”. The original Islamic state is not even a clerical state. From Islamic point of view, all Islamic people are the men of religion (Bohrani, 2011: 240).

Qaradawi considers the Islamic state as a global government and the government of the Ummah of Islam, in which all in a single Islamic government are in unity with the supreme legislature and the Supreme Leader or the Caliph (Bohrani, 240, quoted in Qaradawi, *Islamic Awakening and Identity Crisis*, p. 12).

According to Qaradawi, the Islamic state is a council-based one, that is, it is not autocratic. The Islamic ruler is elected by the council. In his view, Islam accepts democracy in the sense of paying attention to the position of the people. However, the council in Islam is different from democracy in some dimensions and similar in some other aspects. On the issue that someone has to be determined to lead and rule the community, it is similar to Western democracy. But due to the fact that Islam allows people, men and women to advise the ruler, it is ahead of democracy (Bohrani, 2011: 242)

According to the Qaradawi, the ruler or any other name such as Imam, Caliph, and Leader is not the God’s representative on earth and has no divine right. Rather, the ruler is the representative of people and the nation, and people will dismiss him as they have appointed him.

It is the right of the Ummah to make him accountable and criticize him through the resolution and concluding community (Majles). Beyond this, if the ruler is open to disbelief, the Umma has the right to revolt and

revolution. In Islam, all are potentially religious scholars and can become ruler (Bohrani, *ibid*, p. 246) (al-Qaradawi, *From Jurisprudence of Fiqh to Peace*, p. 59).

From Qaradawi's perspective, the elected government in Islam is superior to the democratic system since in Western democracies, the people's representatives can do anything. They can abolish virtues and values and authorize the vices and baseness. They can turn Haraam into halal and vice versa. Western democracy can even cancel itself by the majority voting. In the opinion of Qaradawi, the value of the council system in Islam is revealed here since the council has some limits that cannot be violated. The council has no way in changing the beliefs of faith, the practical pillars, ethical foundations, and definitive rulings. None of the council, the government and the parliament can cancel them as what has been required and proven by God cannot be denied by man (Bohrani, 2011: 251).

According to Qaradawi, we should not consider democracy in the sense of abandoning the sovereignty of God as the principle of the sovereignty of the people, which is seen as the foundation of democracy, is not contradictory to the principle of the rule of God. However, God's sovereignty contradicts the individual sovereignty, which is the basis for dictatorship.

In case of democracy of today, Qaradawi concludes that taking step in the direction of democracy is not contradictory to the principles of Islam, but is desirable as well (Bohrani, 2011: 254).

The principles of power are council, allegiance and authority (elections) that all the three are the standards of democracy (Bohrani, 2011: 267).

#### **4. Superiority of Council over Democracy in the Ideas of Mohammad Tawfiq Al-Shawi**

Following the efforts that seem trying from a passive position to provide a reading of the council, which can prove its compatibility with democracy, the view of Mohammad Tofiqh al-Shawi is an attempt to prove the Council's

superiority over democracy. In his opinion, Shura (council) in Islam is first a theory and a principle of humanity, secondly a social and moral principle, and at the next stage, it is a law for the system of government (Tofiqh al-Shawi, 1992: 21).

Shawi's Shuraism, unlike Rashid Reza, which was elitist, is clearly based on the democratic foundations, which transcends the function of determining the ruler and is used to legitimize the political system. According to Shawi, the general theory of the council has three characteristics: Providing the religious foundation for religious modernization, the consideration of council as a general rule of social action that is beyond the purely political sphere, and the separation between the council and the counseling (Feirahi, 2009).

According to Shawi, counselling or consultation, which is the most comprehensive term from the root of (Shour), refers to free dialogue between individuals and groups about the matters of life that need making decisions that include all personal, social, political, legal, military and scientific affairs, which is voluntary and non-mandatory. However, the council is a collective institution (body) that referral and citation to it is mandatory in making collective decisions. In consultation, there is the free will of the one seeks counselling and the non-binding opinion of the consultee, but this is not the case in the Council. In the council, the decision is collective and binding for the members of the council (Feirahi, 2009: 203) (Shawi, 1995: 80).

According to Shawi, Shura is a religious institution and means in this sense, by which, people or the Ummah make a collective and free decision in an issue of vital aspects of life. This council may be established in the form of a steward (direct presence of the people) or indirectly (the indirect presence of people through the free representatives of the nation) (Shawi, 1992: 116-117) (Feirahi, 2009: 203).

Hence, Shawi extends the scope and range of the council from the classical approach of the advocates of the council to the resolution and



concluding community, who are the known figures or the new requests of the people's elective elites. He believes that the people mass and citizens have a vote in the decisions of the council and brings together the Council with democracy. One can say that he will go beyond and provide a reading of the Council that finds an independent identity beyond the connection and integration of the council and democracy as we saw in Ghanoshi and Qaradawi ideas.

One can suggest that such a general scope for the council beyond democracy is as a political theory and system, which involves juridical, social and scientific dimensions and provides a legal basis for the public order of the society.

In Shawi's opinion, the establishment of the council is a stand that comes from freedom. The freedom of the council is the result of the freedom of individuals. Thus, the essence of the Council is the same as freedom of the individual and the rights that are embodied in this principle of liberty. Therefore, according to Shawi, freedom is the essence of the council. The Council represents the realization of the individuals' right to political participation. One has no freedom in life without a nation or society. But the freedom of the community is a system of commitment and limits that the immortal and fixed religion has recognized it obligatory and collective and council decisions are binding (al-Shawi, 1992: 291) (Mirrahmadi, 2005: 335). According to Shawi, a person who does not have the freedom, his vote is worthless and his participation in the consultation or council is meaningless.

The freedom intended by Shawi is not the freedom of the Ummah, or the community, or religion or absolute liberty and anarchy. The council is liberty, but the freedom of assembly in the community, which requires observance of social norms and rules that are based on the fixed principles of the religion and binding decisions in the collective council (Feirahi, 2009: 206).

According to Shawi, though, the council and democracy are different from each other in terms of theoretical foundations, but common elements can be found between them.

### **5. Providing an Umbrella of the Superior Principles and Values**

Both the council and the democracy evaluate the political order, not in their independence but with regard to the prior principles and values (pre-politics). The council values emanate from the Islamic law, while the democratic values originate from the natural law. However, these two have a common function. The sovereignty of the ummah-nation and the rights of individuals bring these two theories together. Both theories see the determination of general policies and making decisions in the community variable affairs as the right of the society and due to the free will of the people (Feirahi, 2009: 211).

In Shawi's view, the Shura and democracy are different in important cases:

First, the widespread and fragmentary nature of the council, the second is the issue of the majority where the commitment of the majority to the internal methods and rules of the council is different from the rules of democracy. According to Shawi, the preference for the rights of the majority as the rights of the public of the society and ignoring the rights of individuals and minorities is not valued. In the Council, not the majority, but the argumentation of the logical validity of votes is the criterion in a state of dialogue in equal conditions of the members. According to Shawi, the emergence of totalitarian governments as the result of the majority votes in contemporary history is an evidence for such a claim that the majority vote does not necessarily guarantee the public rights. The Shawi's view here is symmetrical with the theory of deliberative democracy. However, the emphasis on council as goes does not mean the abandoning of deliberate

counselling. This type of council, which is virtually called by Shawi as Shura, is to provide counsel, opinion and advice to those who have independently the right to decide and bear the responsibilities arising from it. But they also ask others' opinions. The Council in this sense will not conclude decision and contract, but is only a tool and means that assists the decision maker to correctly identify the right vote (Feirahi, 2009: 204) (Shawi, 1992: 120).

### **Conclusion**

The views of the council among contemporary Arab Sunni thinkers are considered to be a good starting point as this group of thinkers claim to have been some aspects of democracy among the Sunnite and boast the adaptation of their beliefs to democracy in comparison to other Islamic sects. Meanwhile, in the scene of action, the only part of today's world that has won the slightest benefit from democracy is the realm of Sunni Arab world.

A review of the conceptual history of the council and its origins in the early caliphs of Islam shows that although the council is a Qur'anic institution, but in the scene of action, its legitimacy is derived from the individual approach of the second caliph and is rooted in the vicegerency. Contrary to Sunni thinkers' claims, people do not have a role to play. In any case, the Council sometimes provides a solution and sometimes is the matter of subject. Sometimes, the council is a decision taker and sometimes it makes the decision for who receives the consultation.

However, the possibility of moving from the appointed council to the elected council and raising its role from making decision in considering the council as counselling and from taking decision on the concept of the council as a popular institution have motivated some contemporary Arab intellectuals to provide a ground for adapting religion and democracy in modern times by providing a democratic reading of the council. Meanwhile, there are few thinkers who believe that basically, the post-Prophet's issue of rule and politics is a material issue and beyond the realm of the expectation

of religion. In an effort to neglect the legitimate foundation of the rule of law, they have insisted on the tradition and will of the people or even have supported the dominant government. Hence, a spectrum of theories and ideas is obtained, which begin from the council as a consultation and continues to dominance of the council over democracy.

As shown in this paper, the thinkers like Ghannoushi and Qaradawi have done the most efforts to demonstrate Islam and democracy consistency (however, democracy as a method and its structural and formal aspects) based on a new understanding of the council. But, beyond them, Shawi provides the modernization of tradition with a reading of Islam that has found a position beyond democracy and is revealed in a more democratic form than democracy in a link with religion in Ghannoushi and Qaradawi ideas. However, if we are to assess the capacity of the religious democratic theory among contemporary Arab thinkers, the council will play a key role. This traditional institution has the capacity, by using which, we can organize a democratic government based on religion without the concern on being trapped in the secularism. The developments and changes of recent months in Egypt and Tunisia have indicated that articulation of Islam and democracy in religious democracy to organize a new government is not an easy task. Two liberal and authoritarianist discourses have challenged the establishment of this discourse. One can say that neither the authoritarianism discourse has completely fallen nor the new discourse has been established. This article showed that, however, the political system organizing in Arab societies will have a credible relationship with an acceptable understanding of the Council.

<p><b>Consultee: Many</b></p>	<p><b>Consultee: Several Persons (Resolution and Concluding Community)</b></p>	<p><b>Consultee: One Person (Advisor)</b></p>	
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Council	Council Omar vicegerency	Counseling	<b>One Seeks Counseling: A Person</b>
Parliament	The resolution and concluding community	The resolution and concluding community	<b>One Seeks Counseling: Several Persons</b>
Referendum	Participating in referendum	Person participating in referendum	<b>One Seeks Counseling: Many</b>

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