

Democracy Between Centralization Of Power And Application Permissibility In Islamic Thought

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ABSTRACT

Among the arguments in which the intellectual debate took place, between Islamic researchers and interested parties, is the so-called "democracy". Democracy as one of the mechanisms of political governance in the modern era, because of the lofty principles and values it contains that elevate the political community. However, the philosophical foundation upon which democracy was based, based on the principle of human originality, collides with the constants of the Islamic religion. Therefore, the research tried to take advantage of this mechanism and employ it in the circle of Islam separately from the philosophical basis, dealing with it with a material and neutral nature so that it did not lead to any violation or transgression of an Islamic constant. This includes following the approach of scholars of jurisprudence and principles, which was presented in the research through three sections distributed depending on defining the topic based on the reality of democracy, and determining the ruling based on the constants of the Islamic religion.

Keywords: Democracy, Power, Philosophy, Mechanism, Permissibility

INTRODUCTION

Praise be to God, Lord of the Worlds, and prayers and peace be upon the one who laid the foundations of religion and made it a beacon to the worlds. Our research presents a multi-dimensional issue in the contemporary world, which is the issue of the nature of governance in the political community, the foundations on which it depends, and its consistency with the principles of international law and human rights.

It is natural for Islam to have an opinion on life, including a comprehensive thought for all aspects of it. This prompted us to discuss one of the mechanisms of governance, which is democracy as a way of managing and making decisions in the state. The topic of the research was the statement of the Islamic position on democracy, noting the Islamic constant, which is that sovereignty and real authority are in the hands of God Almighty.

Research Methodology: Follow the historical analysis of the conditions that generate democracy, and the conceptual analysis of the Islamic

determinant (power) and approach to a judgment stemming from the methodological and objective foundations of Islamic propositions.

The research acquires great importance in the case of the civilizational interactions that prevail in the contemporary world. Determining the position on it is an important diagnostic of the cultural specificity of Islam, which proves intellectual independence from the Western approach.

The research plan consists of three sections:

The first topic: includes an objective definition of the term democracy by tracing this term historically to derive its truth from the reality in which it appeared and grew up. Which represents a determination of the subject of governance and Islamic opinion on the subject.

The second topic: focuses on defining the original center of power in Islam as a prelude to giving an Islamic vision towards democracy, discussing Islamic theories in governance, which are framed by the real authority that is in the hands of God.

The third topic: the distinction between philosophy and mechanism, choosing democracy as a mechanism to enable its application in an Islamic reality, with a statement of the legal ruling on the possibility of implementation.

Finally, the research is concluded with the most important obtained results, which represent the general outlines of the Islamic vision towards democracy.

The first topic

Democracy, Early Years and Philosophy

There is no doubt that democracy was established and developed in Western civilization. Democracy was built in an Islamic opposition environment. In order to be able to give an Islamic position towards democracy, it is necessary to get to know it closely. This is done through familiarity with the historical conditions that generate democracy, and the philosophers who formulated the philosophical foundations for it. This is what we see from the following two requirements:

First: the early days of democracy

The follower of the writings in modern political thought, finds that researchers are committed to the fact that democracy is newly established, beginning with the Renaissance, and after society was divided into two classes, an aristocracy and a popular class, where the first represented an economic power that feudal ownership played a role in manifesting, and the second represented the workforce that The aristocracy relied on it to achieve its influence and power (Researchers, 2000 314). But after the economic development dictated by technological conditions and the emergence of the possible, the bourgeoisie class emerged. This class took a historical transformation through its contribution to ending the era of feudalism, developing the method of production, revolutionizing ideas, opening the era of cosmopolitanism, and storming The dullness of individual life, the taming of the forces of nature and the elevation of peoples to the level of national life (Tarabishi, 1970 11). Bourgeoisie came to open the door to hope for salvation from the bitter reality experienced by the weak classes, and to be the

savior of peoples through its strong economic peace and intellectual radiance (Soboul, 1977 12) (Easa, 1989 50-53)

The French Revolution, with its ideas and principles, represented the intellectual and philosophical basis for liberalism and its offspring "democracy". Therefore, access to the philosophical root of democracy was far from France and its thinkers in the Enlightenment era.

Second

The political philosophy of democracy

No historical renaissance can succeed and continue to have an impact internally and externally, if it is not based on a rational, philosophical study based on reality. It must make its goal to address the problems facing man and society and employ its quest to reach the truth. This is what we notice in the revolution and the intellectual renaissance that established the nucleus of democracy. Which matured with the philosophers of the Enlightenment who paved the way for the French Revolution with democratic liberation ideas.

John Locke (1632-1704*) was the first to establish the philosophical basis for limiting the power of the king, which represented the first beginning of the establishment of councils that developed into parliaments (Kamel et al., 1977 366). His portrayal of the causes of the social contract gave him a prominent place in the political and legal thought of the Renaissance. The idea included the existence of a social contract to be a means of applying natural law as a basis for its development, according to Jan Mack Rousseau (1712-1778), there is 'a set of rights that individuals have not ceded to society, and at the forefront of these rights is the right of property as a sacred right that cannot be violated or undermined, in the first place, the rights of citizens come to revolt against the government and to monitor government actions'(Farahat, 64).

The developed depiction of the social contract was not limited to defining the most important rights of individuals, but also extracted from the king the origin of political sovereignty and proved that its source is the people. Therefore, the Russians

portray the social contract as the gospel of the French Revolution, which had the advantage in the modern era in putting the democratic principle into practice on which the contemporary public law is based in that sovereignty is for the people (Farahat 64).

Inspired by the ideas of the Enlightenment philosophers such as Montesquieu, Diderot and Rousseau, this revolution emphasized three legal philosophical pillars: (Green 2006 57-70):

- 1- The principle of the authority of the will, because the individual is the first political and legal unit.
- 2- The principle that the contract is the law of the contracting parties, confirming the first principle in the case of contracts and as a result of equal wills.
- 3- The principle of moral responsibility, in application of the principle of the authority of the will in the field of error and the deviation of the will from the path of righteousness. If these principles are a natural product of bourgeois ideology, they have great realism and practicality, which led to their application in the political relationship between the ruler and the ruled, as well as their application in economic relations.

From the foregoing, we touched upon the environment in which democracy was born and the most important rational principles that laid its foundations. In particular, the issue of the authority of the will and the authority of the individual, which has become absolute and separate from any supreme authority. This was a prelude to clarifying the Islamic view of this global Western thesis, and this will become clear in the second topic.

The second topic

power in Islam

This topic did not touch on the historical reading of power through the first Islamic centuries and its impact on the formation of the culture of the Islamic mind through its applications that were marred by injustice and distance from the truth of the founding text. However, we will shed light on the theoretical Islamic framework for authority as it is doctrinally established in the Qur'anic texts

that are founding and binding on those who believe in it.

First

The concept of authority in the Islamic heritage

When reviewing language books for the meanings of the derivatives of "power", we find that they have in common the fact that they include the element of power and dominance. Whoever is characterized by one of the meanings of this article will be in the position of the student and dominant over others (Al-Razi, 1983 306). In fact, this element has been taken into the concept of authoritarianism, and this is what appears in the use of this term in Islamic culture, whether in terms of thought or jurisprudence.

As for jurisprudence, we find that the word "sultanate" has been imposed on the imposition of authority. The jurists examine the resources that require a kind of control for the taxpayer over a matter. Where there are provisions regulating this control at the individual and social level. This is often mentioned in Al-Yasa's book on Realizing the Meaning of Finance and Shared Ownership in Al-Awaden. Possession is considered the mother of the causes, the kingdom and the proportion of people's money (by possession has become linked to them and included in its authority and became owned by it) (Al-Aerwani, 1421h 13). And this ownership is a meaning extracted from an addition between the thing possessed and the possessor, and from here the jurists divided the power of man into three levels (Al-Khoei, 1957, 7-9):

- 1- His dominion over himself.
- 2- His dominion over his own benefits.
- 3- His authority over his own works.
- 4- His authority over the external affairs that he possesses.

It is clear that all these divisions are the result of one concept, which is to achieve control, dominance and dominance in disposing of what these meanings are related to, resulting in the aforementioned divisions, which in fact did not

depart from the linguistic meaning in terms of jurisprudence.

In the field of Islamic thought, we find that power was used in the sense of sovereignty and governance, with the influence of the Western artistic presentation of the subject of power, the extent of its influence on individuals and its relationship to society. Researches have been presented in Islamic thought on the nature of power (because management in the political community is nothing but the exercise of power over the community by the person in charge of it, ... the administration is inseparable from the administrative command and prohibition, and the subject of administrative power is man in the political community and nature) (Shams Aldeen, 1991 429-439).

But these commands and prohibitions and this exercise of authority is a matter contrary to the principle and rule in the relationship of man to others, because (man is free and there is no sovereignty for one person, class or any human group over another) (Alsader, 1990 11)

So power in Islamic culture also did not depart from its general concept in language, which is domination and the ability to act. In other words, in the Islamic concept, authority is limited to the authority of a person over what is under his possession and cannot be exercised over another person. If it happens that an authority is exercised by one human being over another, then it is contrary to the Islamic rule of human freedom, and his possession of his will and his destiny, and this is confirmed in the Almighty's verse.

["Are you forcing people to be believers?" (Yunus, verse' Ayah 99)] and in his saying, ["The truth is from your Lord, so whoever wills let him believe, and whoever wills let him disbelieve." (Cave, verse' Ayah 26)]. In these verses, God left the people the freedom to believe and embrace, after their Lord presented them with the truth in a clear and compelling way. In addition to all the verses that talked about servitude to God alone, in it there is real freedom, meaning that your servitude to God liberates you from any human authority, and the absolute authority is only for God.

Second

The source of power in Islam

The search for power in Islam is sometimes an affirmative search, that is, in the position of searching for the true origin and final source of power in political life. On the other hand, it is an empirical research, that is, in the place of establishing evidence for the existence of authority in society and the legitimacy of exercising its authority.

1- Evidence of authority

Islam considers an authentic school of thought independent of its sources from the positive schools that have their own vision in defining this center based on mental conditioning and textual conditioning. This is because the authority and sovereignty are in giving, the right to act and the exercise of authority over what is related to it. If this right is emergency, it must be based on the authority and self-sovereignty that stems from the owner of this authority. That is, he does not derive it from another master, otherwise it will be in an infinite chain. This means that no authority is ever achieved, as is one of the evidences for the invalidity of hierarchy in Islamic thought. As the emergency power and the accident are actually realized, and the invalidity of the sequence (Researchers, 1996 1016) is undisputed. Which means that there must be a supreme authority for its owner whose lack of a higher authority cannot be imagined. This affirmative authority according to Islamic thought must have its source that created the human being, because the authority of the human being, with all its hierarchies, is only one of the requirements of the rationality of human existence. In other words, if man, in his existence and awareness, lacks a higher power (Al-Mohsiny 2006 75), then it is better that in his authority over himself, his actions and his possessions, he lacks that higher power, which is in Islamic thought as in reality to God Almighty.

As for quoting, the Almighty's saying:

- Do you not know that to Allah belongs the dominion the heavens and the earth? (Al-Baqarah, verse' Ayah 107)

- And Allah gave him the kingdom and prophethood and taught him from which he willed (Al-Baqarah, verse' Ayah 251)
- Or have they a share of dominion? [if that were so], they would not give the people [even as much as] the speck on date seed (An-Nisa, verse' Ayah 53)
- He said, "My Lord, forgive me and grant me a kingdom such as will not belong to anyone, indeed, you are the Be owner." (Sad, verse' Ayah 35)

And the noble verses spoke according to the expressions of the commentators; Indeed, God Almighty does what He wills and gives the kingdom to whom He wills. Just as God in His actions was not subjugated to any interest or governed by its ruling, just as we are in our actions, so does He only do the beautiful with the interest, taking into account the reform of the servants with knowledge It is broad, and this indicates that the Almighty's action is an act that occurs from a firm knowledge that is not mistaken, for He, Glory be to Him, does everything He wills and only does an action of interest (Al-Tabtabaei, 1990 302).

Evidence power

There is no doubt that man is social by nature, which means that social life, whether simple or complex, is the framework in which man exercises his human life and meets all his needs. This framework cannot play its role in organizing the lives of individuals and meeting their needs without a hierarchical administrative arrangement, where the top of the pyramid exercises authority and sovereignty in society over all its members. Naturally, this authority cannot achieve its success without the consent of individuals, but as mentioned above, individuals' authority over themselves is not subjective, but rather that the source of that sovereignty is God Almighty (Alsader, 1990 107-109).

This means that this social authority does not have its full justification in its exercise of authority over society unless it has a legitimate justification, which is that it be sanctioned by the legislator and possess its legal adaptation in this practice. Many

theories have been put forward in this field as a basis for evidentiary authority, and it returns in the end to the guardianship of the nation over itself by God or by the guardianship of the jurist.

A- Power of the nation (Wilayat al-Ummah): It is the most popular theory in force in all Islamic schools of thought. It is by choosing the people of the influential people who represent the elite of the nation, or for the imam to entrust whoever he deems acceptable, after fulfilling the conditions and qualities desired in front of people (Almaroudy, 1973 7), and the nation must obey. The same theory is also expressed in the nation's mandate in the Imami Shiite books, and their meaning is (that God made man the custodian of his social destiny, and the political mandate of the Islamic nation was delegated to him during the era of the Imam's absence (peace be upon him), in order to exercise his rule within the divine framework and within the framework of legal regulations (Kyduor, 1998 66), this trend was based on the Qur'anic verses:

- 1- Then, We made you successors in the land after them, so that We may observe how you will do. (Yunus, verse' Ayah 14)
- 2- And [mention, O Mohammed], when your Lord said to the angels, 'Indeed, I will make upon the earth a successive authority'. (Al-Baqarah, verse' Ayah 30).

The noble verses spoke about the succession of man, which means that one thing takes the place of something else, and it can only be completed when the caliph relates to the successor in all of his existential affairs, effects, rulings and measures in which he is a successor (Al-Tabtabaei, 1969 116, 42). So, the caliphate of man on earth and authority over things as a trusted successor, not an authentic one, and the originality is for God alone, and this is one of the meaning of the centrality of the universe only in Allah hands.

B - Guardianship (Wilayat al-Faqih): It is one of the important theories in Shiite thought and it was crystallized in the later ages. This theory believes that the authority and rule in the Islamic society in the era of occultation has been delegated directly to the jurists. This authorization has been done through the imams (peace be upon them) explicitly as in the accepted acceptance of Omar bin Hanzala (for I have made him a ruler, and if he rules by our judgment and he is not accepted, he is appointed as successor by God's judgment and he has to reject it, and the one who rejects us rejects God's judgment, and he is on the point of disbelief in Allah) (Alamily, 2003 66). In addition to the other narrations that have a meaning, as well as the rational evidence that supports the necessity of guardianship and government for the jurists, the most important of which is its actual necessity. Hence, the formation of the government and the presence of the ruler is a social phenomenon that confirms its necessity for the wise (Yangzad, 2003 416-463).

This theory, as well as it has supporters, also has critics, like any theory produced by humans, as they refuted the evidence based on it, and it was said that it is not based on a solid foundation, and that what the jurists learn has nothing to do with public affairs (Alsayf, 2002, 253).

We deduce from the foregoing that the authority in Islam, whether in terms of concept or theories applied on the ground, all see that human authority is subordinate to the central authority that is in the hands of God. This is one of the Islamic constants that cannot be broken or beaten under any title.

So, how can we apply the principles and values of democracy in an Islamic country that believes that the center of power is in the hands of God, and this is what we will answer in the next section.

The mechanism of democracy and the permissibility of application

In order to complete the conception of the democracy thesis, after we have known the principles of the philosophy on which democracy was based and the historical, social and political foundations for its emergence. There are mechanisms that realize and embody principles and philosophies on the ground.

Therefore, in order for us to be able to apply democracy to Islamic theoretical reality, the following question must be raised, about democracy: Does democracy belong to the circle of principles or to means within the circle of mechanisms?

The first requirement

Mechanism and philosophy, conceptual difference

We must first differentiate between the concept of mechanism and the concept of philosophy. The mechanism is that procedural function that contributes to achieving an order that has been set for a purpose. They may know it in classical logic as (the mediator between the subject and the passive in reaching his effect) (Al-Jarjani, 1983 15). The distinctive peculiarity of the mechanism is that it is neutral in what can be reached through it, as it does not constitute a subject for those who adopt it.

As for philosophy, what is meant here is that system of principles and concepts with a structural unity and based on logic and reason in this interconnection. It is an attempt to give a scientific explanation and take a normative position on the problem subject that belongs to the problematic relationship between man and the universe and beyond (Researchers, 2004 1595).

The distinguishing feature of philosophy is that its tongue is a normative explanatory tongue that arranges a judgment on this interpretation that necessitates a behavior and an approach.

In order to include democracy in any of them, the conditions or limitations of each democratic process must be investigated, as represented by the following points (Austin, 1964 262):

Third topic

- a- Societal acceptance of the principle of equality among citizens.
- b- To take into account the considerations of the various groups and the conditions for their involvement in democratic practice.
- c - Not to gather the authorities in one center.
- d- Guaranteeing public rights and freedoms.
- e- Existence of control over the exercise of power.
- f- The principle that the individual or minorities do not have sovereignty over the people.
- g- the authority of the law.
- h- The circulation of power and the existence of a mechanism regulating this circulation.
 - i- The majority rule, limited not to prejudice the previous principles.

When reviewing the applied reality of democracy, we find that dictatorial states describe themselves as democratic, and arrived through elections, as happened with Hitler and Mussolin, as well as the Communist Party considers itself a representative of the people's class through party elections and other experiences (Austin, 1964 256).

Here is the big difference between the conditions and determinants and the practical reality to reflect the reality of democracy is the mechanism and the methodology and not the philosophy. Otherwise, how do we explain this discrepancy in the interpretation of those principles while achieving the origin of the meanings of these principles and the impossibility of manipulating the origin of the electoral process. Rather, this disparity is considered the clearest logical determinant of the truth of things.

And the fact that democracy is a mechanism and a method - whether for this study or for others, is what many researchers chose, but some of them considered it absolutely, and according to Ali Khalifa al-Kuwari: "Contemporary democracy today is more modest than what some believe around it or attribute to it, as it is far from being a comprehensive doctrine. It is less than a socio-

economic system with a fixed ideological content." Contemporary democracy is a method for making important decisions by those who are bound by it, and it is a necessary approach required by the peaceful coexistence between members and groups of society. It is a method based on principles and institutions that enable the political group to peacefully manage differences in opinions and interests, and enables society to control the sources of violence, and confront the causes of strife and civil wars (Reserchers, 2000 114). So in the end, we arrived at what is consistent with the applied reality of democracy in Islamic countries, that democracy is the mechanism and not the philosophy of what was mentioned previously.

Second

Ruling on applying democracy in Islamic legislation

We concluded previously that democracy is a Western product and is a procedural decision-making mechanism. This mechanism has a lot of impartiality, and it is not completely neutral towards the principles that frame the ideas. One of these principles is that sovereignty and authenticity belong to the human being, in the society in which democracy was born.

Which means, that if this mechanism is inherent to this principle and it assumes that the circle available for choice is an absolute circle on the human will, then this would contradict what is established that sovereignty and authority are the originality of God Almighty. If there is a human authority, it is a subsidiary authority within the framework of the divine authority, with a mandate from God Almighty. Which means that the circuit will be a specific circuit within the framework of the Islamic variable, which it absorbs from the mandated provisions (permissible and secondary provisions). As for what is permissible, according to the clarification of some scholars of the origins (it is for the legislator to allow the sane taxpayer to choose the position he wants, meaning that the taxpayer has the freedom to do or leave) (Al-Sadr 1989 107). And another extracted from the permissible (that the legislator has no intention of doing the permissible without leaving it, nor in leaving it without doing it, rather he intended to

make it for the best of the taxpayer to do or leave it) (Al-Khudari, 2005 54). And another expressed the circle of permissibility as the freedom of man in the field of legislation() (Yassin, 2000 178).

In this, the freedom available to the taxpayers to legislate for themselves from appropriate legislation to organize their lives, or to seek the help of successful experiences from the global systems in force, provided that they do not neglect the firm of religion, for in neglecting it is the risk of losing the legal rulings. (In matters in which Islam did not present explicit and clear opinions and positions, the second legitimization isna comes. Democracy, for example, securing individual freedoms, political pluralism, strengthening the role of civil society and its institutions, forming local councils... and other personal and knowledge matters and managing the affairs of society and the country (Shams, 2008. 177).

The Islamic legislator can draw the mechanism of democracy to the Islamic reality and apply it in view of the secondary title and not the circle of permissibility. The secondary ruling has been defined as "what makes something of the rulings in the light of the special titles that occur to it that require changing its first ruling" (Al-Hakim 1428 AH 69). Accordingly, the secondary rule accommodates the variable that includes all the new needs in both time and place. Islamic countries need curricula and mechanisms to upgrade them, as the reality of Muslims cannot be immune from cultural friction with other civilizations. The terrifying process of development and the force of friction will make Islamic thought in a real crisis. And you will transcend the Islamic presence and its fossils in the corner of helplessness and isolation. This is what we mean by a secondary title, that is, the negative view that Islam will have by locking it from the global community, and this contradicts the strength and flexibility of Islamic law (Al-Hilli, 2016 195).

In the end, it can be said that democracy as a mechanism is separate from history, as it is a human civilized product and not a Western ideological product. Which falls within the circle of permissible or secondary rulings, where the

Islamic legislator may or may not follow them, and it is considered one of the variables versus the fixed ones whose decision and authority is in the hands of God.

CONCLUSION

1- Democracy appeared at the time of Renaissance and the bourgeois class in Europe. It evident that The Enlightenment philosophers have a role in establishing and formulating the principles of democracy, especially John Locke and Jean-Jacques Rousseau. Democracy has made the human being the axis around which its principles revolve, meaning that the matter is separate from any absolute supreme party. it was shown that Authority in Islam, whether in its subjective reality or in the stage of proof, is in the hands of God alone, who is the pivot, and it cannot be bypassed for any decision taken by individuals. We believe that human powers emanating from the central authority that is in the hands of God. Islamic theories of governance and applicable in Islamic history give the ruler the right to power and manage people's affairs as a successor and agent of God and has no authenticity, and accordingly he is bound by the real central authority that is in the hands of God. Thus, Democracy is a mechanism that can be used in Islamic countries because the nature of the mechanism is neutral, that is, separate from the reality in which it arose.

9- Democracy as a philosophy that cannot be completely applied in Islamic countries despite the agreement of most of the contents of its articles with the moral values in Islam, as man's life can not be separated from God. It was clear that that permissible section of the legal rulings allows the Islamic legislator to introduce the mechanism of democracy into the Islamic reality, and he may follow it or not follow it. And we must emphasize findings that changes, including democracy, to take a legal status for those who want to apply it in an Islamic country.

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